



AGENDA

Council Meeting

Tuesday, 12 December 2017 at 6.30pm

Disclaimer

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

Whilst Council 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 Council decision. No person should rely on the decisions made by Council until formal advice of the Council 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 Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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Procedure for Deputations, Presentations and Public Question Time at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

Deputations A formal process where members of the community request permission to address Council or Committee on an issue.	Presentations An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.
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Procedures for Deputations

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email admin@eastfremantle.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

Procedure for Presentations

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email admin@eastfremantle.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Mayor or an appropriate Councillor.

Procedure for Public Question Time

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Town of East Fremantle Local Government (Council Meetings) Local Law 2016*:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to three (3) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by **5pm on the day before the meeting and be signed by the author**. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.



CONTENTS

1.	OFFICIAL OPENING	1
2.	ACKNOWLEDGEMENT OF COUNTRY	1
3.	RECORD OF ATTENDANCE	1
3.1	Attendance	1
3.2	Apologies	1
3.3	Approved Leave of Absence	1
4.	DISCLOSURES OF INTEREST	1
4.1	Financial	1
4.2	Proximity	1
4.3	Impartiality	1
5.	PUBLIC QUESTION TIME	1
5.1	Responses to previous questions from members of the public taken on notice	1
5.2	Public Question Time	3
6.	PRESENTATIONS/DEPUTATIONS	3
6.1	Presentations	3
6.2	Deputations	3
7.	APPLICATIONS FOR LEAVE OF ABSENCE	4
8.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
8.1	Ordinary Meeting of Council (21 November 2017)	4
9.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	4
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	4
11.	REPORTS AND RECOMMENDATIONS OF COMMITTEES	5
11.1	Town Planning & Building Committee Meeting (5 December 2017)	5
11.2	Audit Committee Meeting (6 December 2017)	71
12.	REPORTS	85
12.1	PLANNING REPORTS	85
12.1.1	Adoption of Policy - Policy No 3.1.8 Wood Encouragement Policy – General.	85
12.2	FINANCE REPORTS	95
12.2.1	Monthly Financial Activity Statement 30 November 2017	95
12.2.2	Accounts for Payment – November 2017	113
12.2.3	Annual Report 2016/17	118
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
14.	NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING	120



15.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	120
16.	NEW BUSINESS OF AN URGENT NATURE	120
17.	MATTERS BEHIND CLOSED DOORS	120
17.1	Asset Acquisition	120
18.	CLOSURE	120



NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on **Tuesday, 12 December 2017** at the East Fremantle Yacht Club, (River Room), Petra Street 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 Leave of Absence

Cr Natale

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

5.1.1 C Ziegler, 155 Petra Street

- 1. In respect to recent footpath tender, why didn't J & M Asphalt fulfil that contract and what was Merger Contracting doing on site constructing a substandard footpath in their place? Surely that's a breach of contract for at no point was J & M Asphalt on site to supervise if it had subcontracted to Merger.*

Merger Contracting owns J&M Asphalt. The successful tender was submitted by Merger Contracting trading as J&M Asphalt.

Please be advised that any construction issues have been dealt with by J&M Asphalt management directly on site with the Town's Operations Manager.

To the best of our knowledge, to date, all works under the contract have been constructed in accordance with the construction specifications, and the Town is not aware of any substandard work.

2. *Given that Petra Street footpath is predominantly concrete, I would suggest Council it not adhering to the rule of continuity or consistency and ask that Petra Street asphalt between Fraser and View Terrace be removed and replaced with a concrete footpath?*

There are currently no concrete footpaths on Petra Street within the Town of East Fremantle's boundary for the section from Canning Highway to Preston Point Road.

Geographic segmentation is a common strategy when you service assets in a particular area, or wish to define an area such as local government wards. It is understood that Petra St is segmented in the middle by Canning Highway and again to the north at Preston Point Road and is treated as such. The large portion of Petra St between Canning Highway and Preston Point Road is viewed as one segment and is now all bitumen providing continuity of material.

The section of Petra Street between Fraser and View Terrace has just been fully reconstructed, therefore, will not be removed and replaced with a concrete footpath.

3. *Disputing the validity of the April 2017 perception survey and requesting Council forget the results of the survey before making further decisions of footpath material until such time as a more comprehensive survey is conducted.*

The recent community perception survey (2017) was undertaken by an independent party to provide Council with the views and opinions of the community to assist Council with the development of its Strategic Community Plan. Unfortunately, with most surveys there is generally a very low participation rate by residents.

Whilst the survey provides some insight into the community's views on council's operations, it is not the only input used by Council when considering its annual capital works (footpath) program, or the materials that should be used.

5.1.2 P Abourizk, 153 Petra Street

Given the minimal communication and inadequate notice to residents, lack of material consistency and confusion regarding adopted footpath guidelines, what is Council intending to do to provide transparency and clear guidelines, going forward?

The Town has provided its footpath maintenance and replacement program for a number of years on a similar basis. It is a requirement under the contract that a letter drop be provided to all residents prior to the commencement of the works. In addition, the Annual Budget provides a description of the works to be undertaken, which is publicly available on the Town's website or from the Administration Centre. However, it is noted that the descriptions of the works provided in the Budget could provide more detail, and future budgets will include greater detail.

In regard to the justification for the footpath material, red asphalt was selected as a continuation of the red bitumen material used from Canning Highway to Fraser Street. Council's approach to footpath materials is to provide for a continuation of the previous material (predominate) used for the footpath.

Furthermore, Council's current *Local Planning Policy Residential Design Guidelines* section 3.7.14 .2 Footpaths and Crossover provides;

3.7.14.2 Desired Outcomes

- i. New footpaths and crossovers to **match existing streetscapes**;
- ii. Maintenance of existing footpaths and crossovers;
- iii. Maximum of one crossover per lot or subdivided lot; and,
- iv. Street trees to be conserved or replaced where a new crossover requires their removal.

3.7.14.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria

P1 **Pedestrian walk ways will take priority over vehicular access.** Re-kerbing is to be done wherever footpaths are replaced.

P2 Footpaths and crossovers **to match the existing relevant Precincts.**

Acceptable Development Provisions

A1 **Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority.**

The Town has over a number of years had various guidelines which have been followed to some resident's satisfaction and not to others. It is Council's intention to revisit this issue with a view to developing new/amended guidelines.

5.1.3 T Leysley, 19 Alexandra Road

Would the East Fremantle Council consider supporting the establishment of a Women's Shed as part of the redevelopment of the East Fremantle Oval area to support the health and wellbeing of women and encourage inclusion?

Council is about to undertake a review of the East Fremantle Football Oval on Moss Street. The review will investigate possible activities and collocation of sporting and community groups to maximise the use of the area.

Unfortunately, the Town does not have any facilities available that would be suitable to accommodate your request at the current time. However, as part of the above review it is Council's intention to explore all opportunities for increased community uses, therefore, your request will be taken into consideration during the planning/review process.

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 Ordinary Meeting of Council (21 November 2017)**

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 21 November 2017 be confirmed as a true and correct record of proceedings.

- 9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**
- 10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning & Building Committee Meeting (5 December 2017)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	12 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 5 December 2017, exercised its delegation in all matters before it.

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

Consultation

Town Planning & Building 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 & Building Committee meeting are now presented to Council to be received.

11.1 OFFICER RECOMMENDATION

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 5 December 2017 be received.



MINUTES

Town Planning & Building Committee

Tuesday, 5 December 2017 at 6.33pm

Disclaimer

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CONTENTS

1.	DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS	1
2.	ACKNOWLEDGEMENT OF COUNTRY	1
3.	RECORD OF ATTENDANCE	1
3.1	Attendance	1
3.2	Apologies	1
3.3	Leave of Absence	1
4.	MEMORANDUM OF OUTSTANDING BUSINESS	1
5.	DISCLOSURES OF INTEREST	1
5.1	Financial	1
5.2	Proximity	1
5.3	Impartiality	1
6.	PUBLIC QUESTION TIME	2
6.1	Responses to previous questions from members of the public taken on notice	2
6.2	Public Question Time	2
7.	PRESENTATIONS/DEPUTATIONS	2
7.1	Presentations	2
7.2	Deputations	2
8.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
8.1	Town Planning and Building Committee (7 November 2017)	2
9.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	2
10.	REPORTS OF COMMITTEES	3
10.1	Community Design Advisory Committee	3
11.	REPORTS OF OFFICERS (COMMITTEE DELEGATION)	4
11.3	Locke Crescent, No. 7 (Lot 5002) – Demolition of Existing Building and Construction of New Two Storey Dwelling with Undercroft Garage	4
11.4	No. 91 (Lot 1) Sewell Street, East Fremantle – Change of Use Residential to Short Term Accommodation	14
11.6	No. 77-79 (Lot 700) George Street – Change of Use Residential to Recreation - Private	21
11.1	Allen Street No. 76 (Lot 23) – Screening Structure Adjacent to Lot Boundary	31
11.2	Duke Street No. 56 (Lot 201) – Two Storey Addition to Heritage Dwelling	45
11.5	George Street No. 76B (Lot 602) – Change of Use from Service Industry and Shop to Café	53
12.	REPORTS OF OFFICERS (COUNCIL DECISION)	62
13.	MATTERS BEHIND CLOSED DOORS	62
14.	CLOSURE OF MEETING	62

MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING & BUILDING COMMITTEE HELD AT THE EAST FREMANTLE YACHT CLUB, (BOARD ROOM), PETRA STREET, EAST FREMANTLE ON TUESDAY 5 DECEMBER 2017.

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.33pm and welcomed members of the gallery.

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

The following members were in attendance:

Cr C Collinson	Presiding Member
Mayor J O'Neill	
Cr D Nardi	
Cr T Natale	
Cr A White	
Cr M McPhail	

The following staff were in attendance:

Mr A Malone	Executive Manager Regulatory Services
Ms G Cooper	Minute Secretary

3.2 Apologies

Cr J Harrington

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil.

5. DISCLOSURES OF INTEREST

5.1 Financial

Nil.

5.2 Proximity

Mayor O'Neill – Item 11.1 – Allen Street No. 76 - Screen Structure Adjacent to Lot Boundary

Mayor O'Neill declared a proximity interest as he resides at No. 72 Allen Street and the owner Ms Danielle Churack of 76 Allen Street and Mr & Mrs Jonathan and Belinda Oxlade of 78 Allen Street (adjoining neighbour) are known to him as neighbours and declared that he will consider this matter on its merits in terms of the benefit of the Town and vote accordingly.

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 (7 November 2017)

8.1 OFFICER RECOMMENDATION

Cr Nardi moved, seconded Cr Natale

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 7 November 2017 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: Nil.

The Community Design Advisory Committee did not meeting in the month of November.

UNCONFIRMED

Cr M McPhail moved, seconded Cr White

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)

11.3 Locke Crescent, No. 7 (Lot 5002) – Demolition of Existing Building and Construction of New Two Storey Dwelling with Undercroft Garage

Applicant/Owner	A Malecky
File ref	P/LOC7; P130/16
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive officer
Voting requirements	Simple Majority
Meeting date	4 December 2017
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location Plan2. Photographs3. Plans date stamped received:<ul style="list-style-type: none">• 20 September 2017; and• 23 November 2017-relating to overshadowing and south eastern elevation of the dwelling only

Purpose

This report considers a revised planning application for the demolition of the existing dwelling and construction of a two storey dwelling with undercroft garage at No. 7 (Lot 5002) Locke Crescent, East Fremantle. The application considers amendments to the previously approved plans, including height and setbacks.

Executive Summary

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

- Lot boundary setbacks: reduced setbacks to the northern and southern boundaries;
- Retaining walls: greater than 500mm in height and within 1 metre of the lot boundary on the front, rear and side boundaries (previously approved);
- Site works: excavation and filling between the street and building and filling behind the street setback line and within 1.0 metre of a common boundary greater than 500mm in height (previously approved);
- Building height: height exceeds 6.5 metres to the top of a concealed roof from the Locke Crescent perspective, approximately a 0.5 metre height variation (maximum height 38.026 AHD);
- Visual privacy setback: balconies (front and side), alfresco/terrace areas and swimming pool surrounds less than 7.5 metres from lot boundaries (previously approved);
- Garage width: exceeds 30% of lot frontage (previously approved); and
- Front fence: overall height greater than 1.8 metres, solid section greater than 1.2 metres in height and less than 60% visually permeable (previously approved).

It is considered the above variations (some as previously approved) can be supported subject to conditions of planning approval being imposed to ensure the residential amenity, landscaping and openness of the streetscape is maintained.

Background

Council previously approved of the development in March 2017. The applicant has submitted plans to amend the design of the dwelling, essentially pushing the dwelling back on the lot and increasing the height of the dwelling.

The existing house has been demolished and a new two storey dwelling over three levels is proposed to be constructed on the site. The proposed development will comprise of an undercroft parking level consisting of a double garage and underground entry to the dwelling via stairs and a lift. The ground floor will include a family/kitchen/dining area, guest bedroom, two other bedrooms, laundry and bathrooms. The upper level will contain the master bedroom, bathroom and an additional living area. Both levels have large balconies and alfresco/terrace areas facing the street and the guest bedroom also has a rear facing balcony. The swimming pool is located in the front setback area. The dwelling is positioned more toward the rear of the lot to take advantage of the upwards slope of the land to the rear and the outlook from the Locke Crescent frontage.

The owner/applicant of the subject site also owns the lot immediately to the rear and has designed the dwelling to maximise and retain views from that property.

Consultation

Advertising

The application was advertised by letters to surrounding land owners with the comment period extending from 20 October to 3 November 2017. No submissions were received.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC as Council had not met to consider applications and appoint Committee members for 2017 at the time the application was submitted. In light of this the design and planning matters that may impact on the subject site and the surrounding lots have been given careful consideration in the assessment of the application. As Council had previously determined this application and the proposed modifications are only minor, the CDAC considered it unnecessary to review the proposal.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Town Planning Scheme No. 3

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (as amended)

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

November 2017

Comment

TPS 3 Zoning: Residential R12.5

Site area: 736m²

Statutory Assessment

The proposal has been assessed against the provisions of Town 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	7.5m	14.2m	A
Lot Boundary Setback	1.5m GF (east)	1.0 - 1.65m	D
	2.2m UF (east)	1.2 - 2.0m	D
Open Space	55%	~70%	A
Outdoor Living	No minimum	>144m ²	A
Car Parking	2	2	A
Site Works	Less than 500mm	Greater than 500mm	D



Retaining Walls	Greater than 500mm and closer than 1m from lot boundary	Greater than 500mm and nil setback	D
Overshadowing	25%	11.5%	A
Drainage	On-site	On-site	A
Visual Privacy Setback	<ul style="list-style-type: none"> Balcony – 7.5m Alfresco dining /Guest terrace >0.5m above NGL – 7.5m Swimming pool surrounds >0.5m above NGL – 7.5m 	Less than 7.5m	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	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	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	D
3.7.15-20 Precinct Requirements	D

Building Height Requirement	Required	Proposed	Status
Building Height (wall) (RDG)	5.6m	N/A	N/A
Building Height (concealed roof) (RDG)	6.5m	7.026m	D
Building Height (pitched roof) (RDG)	8.1m	N/A	N/A

There are a number of variations to the R-Codes and the Residential Design Guidelines. Only the variations not previously considered by Council will be discussed in this report. The previous matters relating to all variations as listed above is only discussed in brief.

Lot boundary setbacks

The lot boundary setbacks of the dwelling do not comply in respect to the south eastern boundary. The dwelling has been pushed back on the subject lot and increased in height. Due to design changes the required setback for the eastern boundary is 2.2 metres. The proposed setback is 1.2 metres and 2.0 metres respectively, therefore there is a 1.0 metre variation to the 'Deemed to Comply' provisions of the R-Codes.

The proposed setback to the eastern boundary for the ground floor is 1.0 metre to 1.6 metres. The required setback is 1.5 metres. Therefore there is a 0.5 metre variation to the 'Deemed to Comply' provisions of the R-Codes.

The proposed rear setback is considered sufficient to provide a 'Deemed to Comply' compliant setback, whilst providing private open space, drying space and landscaped areas to the rear given the major

outdoor living areas are at the front of the site. The front setback of the dwelling has been pushed back into the lot and is in excess of 14 metres from the front boundary.

The side lot boundary setbacks are non-compliant as noted in the R-Codes summary assessment table above. Whilst the minimum setback cannot be achieved for the side boundary there are sections of the building where the setback compliance has been achieved or the non-compliance is a minimal amount. The reduced setbacks are considered to have minimal impact on the amenity of the adjoining lots, considering the increased front setback, and the location of the upper floor. Whilst the 'Deemed to Comply' setback provisions are not achieved the 'Design Principles' of the R-Codes are considered satisfied as the building does not unnecessarily contribute to excessive building bulk on the adjoining lot. The proposed dwelling provides for adequate sun and ventilation to open spaces to the adjoining property and overshadowing is within more than the acceptable limits for the R-Code at 11.5% of the lot.

Building height

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.17.4.1.3 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;
 - 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 ;*
 - (iii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and |Element 8 – Privacy being met.*

As the site slopes away (down) from the rear of the lot toward Locke Crescent, the building height is at its highest point located at the front of the lot. The height of the dwelling is proposed to be increased from the previous approval issued by Council. The proposed height is 38.026 AHD a height variation of the above 'Acceptable Development' requirements by 0.2 metres to a maximum of 0.5 metres, located where the site is to be excavated to accommodate the undercroft garage (middle of the lot). When the dwelling height is calculated from the streetscape AHD, there is a perceived height of 8.4 metres to the top of the concealed roof, this includes the undercroft section of the house, due to the rise in ground level from the street. The additional height from the Locke Crescent perspective is considered to represent as a two and a half (2 storey and partial undercroft) from the centre of the lot from Locke Crescent. The development to the southern side of Locke Crescent and immediately adjacent are primarily older building stock and generally represent as single storey and undercroft. Whilst there is an impact and potential for loss of views to the south eastern properties, the overall height at 7.026 metres is located at the centre of the lot, therefore minimises the perceived bulk and scale of the dwelling.

In this circumstance non-compliance with the Acceptable Development provisions with the height limit must be assessed in respect to the 'Performance Criteria' of the Residential Design Guidelines. For the most part, the proposal significantly demonstrates a design, bulk and scale that responds to recent new

developments within the vicinity, whilst not directly with the design of the older stock. The increased front setback is also considered to mitigate bulk and scale impacts.

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 (i.e. the first 7.5m in R12.5), 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 for the guest bedroom balcony on the northern side or the front balconies and terraces.

It is considered the proposed design will comply with the Design Principles of Element 5.4.1 Visual Privacy of the R-Codes if adequate screening is permanently installed on the northern elevation of the guest bedroom balcony to minimise overlooking of the property to the north. A screen has been indicated on the plans but it is not solid screening, so a condition requiring compliance with the R-Codes screening for visual privacy is recommended.

The remainder of the visual privacy setback variations are in relation to the balconies, alfresco/terrace areas and the surrounds of the pool which are all at the front of the dwelling to take advantage of the outlook from Locke Crescent. These areas are behind the front setback line and the overlooking is to the adjoining properties front gardens, the street and the roofs of the adjoining single storey dwellings.

Garage width and crossover

The crossover is indicated on the plans as greater than 5 metres in width (i.e. 5.85 metres) so a condition is recommended which will ensure compliance with Council's crossover provisions as outlined in the Residential Design Guidelines.

A variation in regard to garage width is proposed, however, is supported because the proposal is considered to meet the 'Performance Criteria' of the Residential Design Guidelines for new dwellings. The garage is setback 14 metres from the front boundary and is located at street level, partially excavated into the lot. The garage represents as a half storey. This design lessens the visual impact of the garage on the streetscape. Further, the garage has an open terrace above it which also assists in detracting from the garage and minimising garage width.

Site works – retaining walls

The subject lot has a fall from the rear to the front, its highest and lowest points has a gradient of almost 4 metres. So the proposed development involves some degree of excavation and fill at various points across the site. Excavation is required at the rear and eastern side of the site to level the site for the ground floor and on the northern side to construct the undercroft garage and entry level. The front of the lot on the south eastern side will be filled to provide the terrace, lawn and raised pool area, which will result in a front retaining wall discussed in the following section of this report.

The proposed finished levels and amendments to the overall height of the dwelling also help maximise views from the property.

The proposed fill is in excess of the 'Deemed to Comply' provisions of the R-Codes. Even though the fill required to achieve the various levels is greater than the 0.5 metres permitted under the 'Deemed to Comply' provisions, the levels proposed are considered acceptable as the building height limits (non-

compliant) are not considered to have such an impact as to significantly adversely impact adjoining neighbours. The 'Performance Criteria' of the R-Codes is considered met in that the various levels significantly respond to the natural slope of the site and the levels at the lot boundary and as viewed from the street. The maximum amount of fill proposed above the 500mm permitted is a maximum of 1.75 metres (to the finished level of the ground floor).

The proposed fill towards the front of the lot is due to the location of the front terrace, lawn and pool in this area and to position the dwelling at a finished level to gain the best possible views.

Boundary Walls

Considering the extent of the walls proposed on Plan Sheet No.7, the potential for scale and bulk to be experienced by adjoining neighbours is high at in sections a boundary walls of 2.3 and 2.5 metres are proposed. This is considered excessive. So as to provide privacy an additional height wall is supported, however a condition is included in the Officer's recommendation to limit any boundary wall to a maximum height of 2.1 metres from natural ground level or by way of agreement with the adjoining landowners.

Wall in front setback (front fence provisions)

The proposed retaining wall for the pool in the front garden comprises what is effectively a 'fence' in the front setback area, so assessment against the provisions of the Town's Residential Design Guidelines for front fences is applicable. The front wall is supported in principle, however, the overall height from the street perspective is substantial (3.2 metres at the driveway level - setback 1.1 metres from the boundary). The front section of retaining wall will be a rendered wall to a height of approximately 1.4 to 1.8 metres with a setback of 1.1 metres. The wall will be a combination of rendered wall and frosted glass pool fencing; the combined height range being approximately 1.8 to 3.2 metres.

This wall as currently proposed does not comply with the front fence requirements of the Residential Design Guidelines as it is over height (i.e. greater than 1.8 metres) within the front setback area (including side boundary) and it is not 60% permeable across the length and area of the fence above 1.2 metres in height. So Council is required to exercise discretion with regard to approval of a front wall of this type. It is considered the front wall can be supported on the basis that the pool fencing is either clear glass (not frosted or opaque glazing) or an open style pool fencing panel.

In this location the streetscape significantly contributes to local character and high front fences are very uncommon. Given it is the land owner's decision to locate the pool and outdoor area in the front setback and the R-Codes state that a lesser need for privacy protection is usual in the case of front gardens and areas visible from the street the case for a high front fence for privacy is not considered a compelling reason to support the height of the proposed wall. A condition of approval is recommended in this regard to ensure the front wall complies with the desired outcomes for the Precinct in respect to front fences. A condition which stipulates the pool fencing to be clear glass or open style pool fencing is considered necessary as well as a landscaping plan to ensure the impact of the wall between the wall and the front boundary is minimised through planting along the frontage of the wall.

Conclusion

Given the above comments the application is recommended for approval subject to conditions. Conditions relating to visual privacy setbacks, landscaping, front fencing and crossover width are recommended to ensure compliance with the Residential Design Guidelines and the R-Codes.

- Andre Malecky (owner) spoke in support of the officer's recommendation.



11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP011217

Cr M McPhail moved, seconded Cr Nardi

That Council exercise its discretion in granting planning approval to vary:

- (i) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback of 1.5 metres (ground floor south), 2.1 metres (upper floor south) and 4.9 metres (ground floor north);
- (ii) Clause 5.3.7 – Site Works of the Residential Design Codes of WA to permit fill behind a street setback line greater than 0.5 metres from natural ground level and within 1 metre of the lot boundaries;
- (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 less than 1.0 metre from the rear and side lot boundaries;
- (iv) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback for the various balconies, alfresco/terrace areas/pool surrounds of less than 7.5 metres to the northern and southern side boundary;
- (v) Clause 3.7.11.5 – Front Fences of the Residential Design Guidelines 2016 to allow a front fence which is solid above 1.2 metres in height, has an overall height greater than 1.8 metres and is less than 60% visually permeable above 1.2 metres in height;
- (vi) Clause 3.7.17.3 – Garages, Carports and Outbuildings of the Residential Design Guidelines 2016 to allow the width of the carport to exceed 30% of the lot frontage; and
- (vii) Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines 2016 to permit the building height to exceed 6.5 metres to the top of a concealed roof,

for a two storey dwelling with undercroft garage at No. 7 (Lot 5002) Locke Crescent, East Fremantle, in accordance with the plans date stamped received on 20 September 2017 and 23 November 2017 (only for the purposes of overshadowing and the south eastern elevation), subject to the following conditions:

- (1) Maximum height of the dwelling is not to exceed AHD 38.026.
- (2) The permanent installation of a visually non-permeable screen on the northern elevation of the guest bedroom balcony (ground level) to be in compliance with clause 5.4.1 C1.1 (ii) of the Residential Design Codes of WA.
- (3) Pool fencing on top of the front retaining wall to be clear glass or visually permeable along the entire length and area of the wall in the front setback with at least 60% visual permeability above 1.2 metres in height.
- (4) Details of the retaining wall in the front setback area to be submitted prior to the Building Permit application being submitted and to indicate the construction materials, pool fencing to be installed and to include a landscaping plan for the front setback area.
- (5) Any new crossovers which are constructed under this approval are to be a maximum width of 5.0 metres and the crossover to be constructed in compliance with Council's Residential Design Guidelines 2016.
- (6) All side boundary fencing to be a maximum height of 2.1 metres to the side boundaries from natural ground level. In the event that a mutually acceptable solution can be agreed upon, signed by the relevant parties, the boundary fence may be increased in height to an agreed height. Revised plans signed by both parties noting any variations to the propose boundary fencing are to be submitted to Council prior to a Building Permit being submitted to Council, to the satisfaction of the Chief Executive Officer.



- (7) If requested by Council within the first two years following installation, the 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) Pool filter and pump equipment to be located a minimum distance of 1.0 metre away from all lot boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
- (9) 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.
- (10) 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.
- (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) *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 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED

11.4 No. 91 (Lot 1) Sewell Street, East Fremantle – Change of Use Residential to Short Term Accommodation

Applicant/Owner	JR and KL Fitzgerald
File reference	P/SEW91, P108/17
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments1.	1. Location Map 2. Photographs 3. Plans date stamped received 3 October 2017

Purpose

This report deals with an application for a change of use from single residential to short term accommodation within an existing dwelling at No. 91 Sewell Street, East Fremantle.

Executive Summary

An application for short term accommodation (three bedrooms) within the existing strata titled dwelling is proposed. No food service will be provided and only on street parking is available.

No. 91-93 Sewell Street is a category C rated property in the Municipal Inventory and is described in the Place Record form as having some aesthetic value as a 'Federation Bungalow with Inter-War Functionalist' style modifications. The duplex retains some of the characteristics of the period however, there is considerable loss of detail and a garage has been added to the front of No. 93 Sewell Street.

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

- impact on residential amenity;
- number of people accommodated and number of bedrooms for accommodation purposes;
- adequacy of available car parking;
- management of the property; and
- length of planning approval.

It is considered these matters can be satisfactorily addressed through conditions of planning approval and the application is recommended for conditional temporary approval for 12 months after which time it will be necessary for the applicant to re-apply for approval to continue the use.

Background

Zoning: Residential R20

Site area: 250m² (strata lot)

The applicant has provided a letter in support of the application dated 3 October 2017 which is summarised below:

I have recently purchased 91 Sewell as an investment property with a long term vision of having my children live next door. However, as they are only young I will need to rent it out. I would still like full control and use of the property so instead of leasing it out I want to Airbnb it instead.

For 9 years it has been leased and neglected with the front garden a disgrace and the state of the home deteriorating with stunning zinc light windows being broken, gutters rusting,

ceilings cracking and eaves and windows rotting. I am spending a considerable amount of money renovating the property and restoring the art deco period styling of the home, I will have Australian native landscaping and will also be decorating the house with local art and floral arrangements and will provide my guests with a folder of all the local attractions, businesses and events.

The configuration of the rooms would be main bedroom: queen bed, middle bedroom: two bunk beds and back bedroom: double bed. My target audience for the Airbnb will be families and the house is being renovated with young families in mind. Only a maximum of two families could stay in the property which would equate to a maximum of two cars, which is what you would expect if another family owned/rented it or if it was owned/rented by a couple.

The benefits of an Airbnb are that I can and will be placing various restrictions on activities. House Rules will include strictly no smoking inside or outside, no loud music, no pets, no gatherings, parties or events and I will provide a map of the street displaying where they can park without upsetting my neighbours. As I live next door with a common wall I will be very vigilant with the supervision of the property as I will be most affected by their activities.

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

Nil in respect to this application.

Consultation

Advertising

The proposed application was advertised to surrounding land owners from 13 to 27 November 2017. One submission has been received which expressed a number of concerns about the long term and permanent use of the property for commercial purposes and the potential for this to have a negative impact on residential amenity. The matters raised in the submission are summarised below and addressed in the 'Comment' section of the report.

- *The impact short term accommodation is having on communities worldwide is well reported. We share many of the concerns, however we do not feel the need to detail them in regards to this application. We are confident that the Council is already aware of the concerns and will consider the application with this in mind.*
- *We are concerned about the impact guest behaviour will have upon our lives, this includes but not limited to, loud, nuisance or anti-social behaviour.*
- *We are concerned guest/holiday makers movements and the impact this may have upon us. People who are visiting or who are on holiday often keep different hours/routines. All the houses in this area are located closely and people's behaviour easily impacts on others. In general local residents are aware of this and are considerate of their neighbours. Guest may not be aware of how their behaviour impacts a community who live closely together. Nor they are they invested in maintaining good neighbourly relationships.*
- *Car parking is an issues on the street and recently we have experienced parking problems. No. 91 has no car parking. There are 3 bedrooms in 91, there is potential for 3 separate couples and 3 cars. Parking arrangements needs to be addressed as there is currently no car parking available for guests.*
- *If the application for short term rental is granted we also request it is subject to review if there is a change of circumstances. An objection to the proposal would be raised if the use was granted an open ended arrangement.*
- *We request there is a process for managing complaints.*

- *We consent to the property being used for short term rental purposed if the above issues can be managed.*

Community Design Advisory Committee

The application was not referred to the Advisory Committee as the proposed short term accommodation is considered to have no impact on the streetscape or the heritage elements of the site. The dwelling is being renovated.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

Municipal Heritage Inventory – Category C

Note:

No local planning policy applies, however, the Western Australian Planning Commission (WAPC) has published 'Holiday Homes Guidelines – Short Stay Use of Residential Dwellings' (September 2009) which can be used as a guide in the assessment of short term accommodation applications.

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

November 2017

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3.

Use for short term accommodation

The applicant seeks planning approval for a change of use from residential to short term accommodation for up to two families at any one time. The accommodation will be provided in an existing strata dwelling which is immediately adjacent to the applicant's dwelling and is owned by the applicant. The dwelling comprises three bedrooms, bathroom, dining room, living room and a kitchen and is currently undergoing renovation.

The proposed use for short term accommodation is an 'unlisted (discretionary) use' within a residential zone and accordingly is required to be advertised before determination. This application has fulfilled the advertising requirements of cl 9.4.3 (a) of LPS No.3.

Council does not have any specific policies or local laws that regulate short term accommodation. The WAPC, however, formulated Guidelines in 2009 for the short term use of residential dwellings. This document identifies the issues or matters to be considered on submission of a planning application. It also makes recommendations in respect to how a local government authority may deal with such applications. The Guidelines provide advice in regard to the following planning considerations:

- requirement to lodge an application;
- advertising and invitation to comment;
- location – potential for conflict between land uses;
- amenity;
- building standards;
- form of approval;
- type of dwelling;
- management of property;
- fire and emergency response plans;
- approval period;
- holiday homes register;
- non-compliance and cancellation of approval; and
- voluntary accreditation.

Notwithstanding the application has been assessed with regard to the relevant sections of the Guidelines for this application, LPS No. 3 provisions, residential amenity and the impact the use could have on surrounding neighbours and conditions imposed accordingly, it is considered prudent for Council to be cautious when considering applications for the commercial use of properties in Residential zoned areas. For this reason it is considered necessary to only grant approval for a 12 month period in which time the change of use can be monitored in respect to the manner in which it operates and managed and if any negative impacts for residents in the area eventuate. This is not considered

unreasonable given this property is within a Residential zone and it is a reasonable expectation of residents that the protection of residential amenity should be a priority. Prior to expiry of the 12 months, if the applicant wishes to continue the use it will be necessary for a fresh application for development approval to be submitted for the Council's consideration. At that time the application will be readvertised inviting comment from surrounding residents.

Car parking

Car parking is an important consideration and should be monitored during the initial approval period to determine there is no adverse impact on resident parking, on-street parking or residential amenity. In this case the owner cannot provide parking as there is none available on-site for this residential property. This is considered acceptable in respect to parking provision, given visitors to Perth travelling together are either unlikely to have a vehicle or would have no more than one car which would be equivalent to, or less than that of a family or person occupying the residential property. However, this will also be monitored over the 12 month period to determine if this is sufficient and there are no additional pressures on parking in the street eventuating. The number of people permitted to be accommodated will also be addressed through a condition of planning approval, which will also limit parking demand. This is discussed further below in regard to the number of bedrooms and people able to stay at the property.

Accommodation

The applicant is proposing to accommodate up to two families. This is not considered suitable as this would amount to more people and activity than would normally be the case for a property of this size and more vehicle movements than what would reasonably be expected in a residential dwelling. To safeguard residential amenity it is considered necessary to impose a condition of approval which limits the number of people that can be accommodated to four adults or 2 adults and three children with the maximum number of bedrooms not exceeding three. This number of people (and bedrooms) will be reviewed after a 12 month period and therefore approval is recommended for 12 months only so that the level of activity associated with the accommodation can be monitored. This will be applied as a condition of planning approval.

Management plan

A management plan is required to be submitted prior to the use commencing. This is recommended as a condition of planning approval to safeguard amenity in the twelve month period in which the use will be monitored. The Management Plan is to include the following details:

- the owner's contact details (during and after business hours);
- details of how nuisance issues such as noise and anti-social behaviour would be addressed by the owner;
- a fire and emergency response plan;
- car parking;
- the number of people occupying the premises and the number of bedrooms; and
- maximum period of stay.

Conclusion

It is considered that the application can be approved subject to a number of conditions. The most significant being limiting the term of the approval to 12 months and the requirement for renewal of the approval on a 12 monthly basis to ensure the use of the property is not having a detrimental impact on the surrounding residential properties. Other conditions restricting the scale of the accommodation (i.e. limiting the maximum number of guests to two adults and three children or 4 adults), with only three bedrooms to be used for accommodation purposes are also considered necessary to minimise the potential for issues relating to car parking and noise arising.

In summary it is considered the applicant has provided suitable justification and clarification with regard to the use to ensure the use does not have a detrimental impact on the surrounding residents. However, a 12 month approval period is considered warranted so that the change of use can be monitored for any negative impacts. As this proposal is within a residential area which is already subject to parking, traffic pressures and has dwellings located in close proximity it is considered important that caution be applied to approvals of this nature and that renewals be required every 12 months rather than being granted approval on a permanent basis. This is considered necessary to ensure monitoring of the use occurs and the expectations of residents in respect to their amenity can be met. It also allows Council to get feedback on the operation of the business on a regular basis. A number of other conditions in respect to parking, management and signage are also recommended to be imposed.

- Kate Fitzgerald (owner) spoke in support of officer's recommendation and reiterated that the property will be directly managed by herself.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP021217

Cr Nardi moved, seconded Cr Mayor O'Neill

That Council grant temporary approval (12 months) for a change of use from residential to short term accommodation for No. 91 (Lot 1) Sewell Street, East Fremantle as indicated on plans date stamped 3 October 2017 subject to the following conditions:

- (1) Approval is for a temporary period of 12 months only from the date of this development approval.
- (2) Continuation of the short stay accommodation use after the 12 month approval period has expired will require the submission of a new development approval application for Council's consideration.
- (3) The owner residing in the other strata titled property on the lot. If this does not occur the development approval will be revoked by Council.
- (4) The contact details (during and after business hours) of the owner being provided to Council for an emergency contact person prior to the use commencing. If this does not occur the development approval will be revoked by Council.
- (5) Maximum accommodation is for 4 adults or 2 adults and 3 children based on 3 bedrooms only being provided for guest/occupant accommodation. This is not to be exceeded on any occasion.
- (6) No more than three (3) bedrooms to be used for accommodation purposes.
- (7) The submission of a Management Plan to the satisfaction of the Chief Executive Officer and the Plan to be approved by the Town prior to the short term accommodation use commencing.
- (8) No occupants' vehicles are to be parked on the Council verge, in or across crossovers due to inadequate or unavailable parking on-site or in the street.
- (9) No on-site signage is permitted with respect to the application.
- (10) The approval may be revoked by Council, if any adverse impacts involving noise, anti-social behaviour, breaches of length of stay or the management plan, waste removal, security, parking or privacy control measures for adjoining neighbours are unable to be controlled by the applicant/owner in a timely and effective manner which is to satisfaction of the Chief Executive Officer.
- (11) The approval is valid for a period of 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek a renewal thereafter to enable the continuance of the short term accommodation use. During the review of the renewal process, assessment of car parking, noise, vehicle movements, number of occupants, any reports of anti-social behaviour and general management of the property will be undertaken.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (i) a fresh development (planning) approval application is to be made for Council's consideration prior to the expiry of the twelve month temporary approval period should the applicant wish to continue the use;***
- (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 use is to conform with the approved plans unless otherwise approved by Council; and***
- (iv) 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 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.



11.6 No. 77-79 (Lot 700) George Street – Change of Use Residential to Recreation - Private

Applicant	D McInTosh – The Pilates Centre WA
Owner	Nakara Nominees P/L & W & A Anderson
File ref	P/GEO77, P089/16
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager of Regulatory Services
Meeting date	5 December 2017
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none">1. Location plan2. Photographs3. Applicant's covering letter date stamped 21 November 20174. Plans date stamped received 21 November 2017

Purpose

The purpose of the report is firstly to consider the required renewal of the temporary (12 month) planning approval granted by Council in September 2016 and secondly for the Council to consider permanent approval of the change of use from residential on the first floor to 'The Pilates Centre WA' (Recreation Indoor) at No. 77-79 (Lot 700) George Street, East Fremantle.

Executive Summary

An application has been submitted seeking renewal and permanent approval of the above application which was given temporary approval for 12 months. The original proposal was for a change of use from residential to recreation - private to facilitate the expansion of the existing ground floor business (The Pilates Centre WA) to the upper floor of the premises. A parking shortfall of a considerable number of bays was approved by the Council subject to a number of planning conditions which restricted the operating hours and the number of patrons during the 12 months so the business expansion could be monitored for any issues, particularly in relation to car parking. The Town's records indicate the proposed change of use has not resulted in any additional planning issues or parking complaints over the previous 12 months.

The current application proposes minor changes to the operation of the business which are not considered to impact the surrounding residential or commercial uses. The continued operation of the Pilates classes from the premises under the currently imposed conditions, with a slight change to operating hours, is therefore considered supportable given that the Town is not aware of any issues resulting from the expansion and operation of the premises over the past 12 months.

It is therefore considered reasonable for Council to issue a permanent approval for the change of use from residential to recreation - private for the upper floor of the premises subject to conditions relating to operation days and times, number of patrons, signage, future change of the use and other standard planning conditions.

Background

Zoning: Mixed Use

Site area: 770m²

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

- | | |
|---------------|---|
| 11 July 2006: | Council approved the change of use from consulting rooms to shop. |
| 6 May 2014: | Council approved the change of use from consulting rooms to retail. |

- 1 November 2016: Council granted temporary (12 month) approval for the change of use on the upper floor from residential to recreation - private. The following text in italics is an extract from the 'Comment' section of the original report to Council on this matter.

Comment

(Application dated 30 August 2016)

The existing shops (No. 77-85) are listed in the Schedule of Heritage Places in Town Planning Scheme No. 3 and the Municipal Inventory. The heritage status of this building has not been considered in the assessment of this application, in so far as, no external modifications to the building are proposed.

It appears that at the date of gazettal of the Town Planning Scheme No. 2 (TPS 2 - 9 July 1982) which established the business zoning for the subject site for the first time, there may have been non-conforming uses existing on the lot (the whole of No. 77-85). Under TPS 2 the units were recognised as being 'Shops'.

The building, at the date of gazettal of the Town Planning Scheme No. 3, is zoned 'Mixed Use' and as far as can be ascertained, the unit was operating as a yoga/ Pilates studio in March 2004 prior to the gazettal of TPS No. 3 (December 2004).

Under Council's Town Planning Scheme No. 3, a yoga/ Pilates studio in George Street is considered 'recreation – private' and is an "A" use, which means the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.3. However, as the property was utilized as a yoga/ Pilates studio prior to the gazettal of TPS 2, there are non-conforming use rights on the property.

4.8 NON-CONFORMING USES

4.8.1 Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent –

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1 A person must not:

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another nonconforming use, without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

With regard to the above, a letter was sent to adjoining tenants and owners of surrounding properties inviting comment on the proposal. No comments were received.

The applicant has stated:

We offer what is known in the industry as non-clinical group reformer Pilates classes. Currently our studio consists of one studio room with 10 Allegro 2 reformers teaching a maximum of 10 clients per class at the below times listed. Classes run for 55min. We also have a small middle room downstairs that consists of a sign in desk, stores some equipment and the pigeon holes for clients to store their personal belongings while attending classes. We also have a small waiting room at the back of the premises. The average attendance across the week for our classes is just under 7 clients per class. There is currently a maximum of two staff members on site at any one time and this will remain the case with the proposed two room arrangement.

The Pilates Centre WA- Opening Hours are as follow:

- Mondays 8:30am -10:30am, 4:30pm - 8:30pm*
- Tuesdays: 6am - 11:30am, 5:30pm - 8:30pm*
- Wednesdays: 6am-7am, 9.30am-10:30am, 4:30pm - 8:30pm*
- Thursdays: 6am-11:30am, 5:30pm-8:30pm*
- Fridays: 6am-10:30am*
- Saturdays: 7am-10am, 2pm-4:30pm*
- Sundays: 8am-11am*

The applicant continues:

We have an office offsite so the premises are not being used continuously. Once classes finish in the morning the premises closes and we do not open again till the late afternoon. This will not change with the extension. This application is for the extension of our business to now include a second boutique reformer room containing 8 Allegro 2 Pilates reformers (same equipment as downstairs) directly above the premises at the same address 79 George Street. This is only an extension of the service we currently provide which is teaching reformer Pilates. The upstairs room will allow us to focus on smaller groups to teach the fundamentals of reformer Pilates and to have some more class options for clients at peak class times.

As can be seen from the above opening hours the business operates generally outside conventional business hours, catering for morning and evening classes. The operating hours are considered to have minimal impact on the George Street area and Council has not received any complaints about the business.

Land Use

The subject site is zoned 'Mixed Use'. As stated, the subject site has been utilized in some form as a yoga/ Pilates Studio prior to 2004, however the upper floor, the subject of this application is a residential studio and does not have any commercial uses approved by Council.

It is considered that the proposed use is consistent with the existing ground floor use and general objectives for a 'Mixed Use' zone as described in the Scheme. The Pilates studio will not have extended opening hours, will not attract significant additional visitor numbers likely to impact on adjoining businesses (maximum class capacity is 10), and does not generate significant adverse noise. As the business has not generated previous parking or other adverse impacts having operated in the area for many years the use is considered a favourable use in the area. In this regard the use can be considered a low-impact use that does not undermine the locality, in accordance with the objectives of the Scheme.

However, the area to be utilized is a residential unit (upper floor) and does change the use from residential to commercial. The parking generation for a commercial use exceeds the residential car parking requirements. The general impact on the locality will be greater than the existing residential use. These issues will be discussed later in the report.

Parking

Research of the subject property was undertaken. Specific information relating to the existing use was sparse, however it is clear that a yoga/ Pilates studio has operated on the lower floor for an extended period of time from the property. The upper floor is utilized for residential uses. The existing yoga/Pilates studio requires 9 spaces, plus 2 spaces for staff, however there were no on-site bays provided (total net area 82.7m² of which 39.3m² is actual physical exercise area). The car parking includes the reception area and waiting area, even though these areas have been stated by the applicant as being utilized infrequently. If the exercise area was calculated for a parking requirement only 4 bays would be required. The applicant has stated there are 3 bays to the rear of the property and these operate on a "first come first served basis". The existing business operates from the property with an 11 car bay parking shortfall.

With respect to the current application for extension of the existing business to the upper floor, under Schedule 10 the parking provisions require an additional 6 car parking bays (59.85m² of exercise area). The total required car parking is 17 bays (9 bays if only the exercise area is considered).

The proposed use as a yoga/Pilates studio is considered a relatively small scale and low impact use, with operating hours generally outside of those of the other business uses in the street. The traffic likely to be generated by the current proposal and the probable effect on traffic flow are considered minor, however an additional 6 bays will be required.

In this situation, Council must first decide whether it is to relax the parking requirements or not. Under Clause 5.6.1, Council may approve the application even if it does not meet Scheme requirements, in this case the parking requirement, however can only do so if it meets the following criteria:

- 5.6.2. In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.6.3. The power conferred by this clause may only be exercised if the local government is satisfied that —
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

'Matters to be considered by local government' as per clause 10.2 of the Scheme (Deemed Provisions), which Council must have regard to if such a relaxation is to be granted, required to be considered under Clause 10.2, include the following:

- (a) the aims, objectives and provisions of the Scheme;
- (c) the requirements of orderly and proper planning;

- (o) the preservation of the amenity of the locality;
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles; and
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

All car parking and associated street car parking has already been accounted for. There is no other car parking that can be utilised for this proposed application. The George Street Precinct car parking while available cannot be assumed to be used in conjunction with the development at such times as it might reasonably be required.

The following justification with regard to car parking:

1. The majority of customers will be local residents and business operators who originate within walking distance or will be part of the existing user base.
2. The operational hours are considered to be varied from the operating hours of other uses in the area and therefore will utilize spaces early morning and late evening, outside of peak parking hours, however the operating hours may conflict with some of the peak times for the cafes in the area.

With regard to Clause 10.2 of TPS No. 3 ('Deemed Provisions'), the proposed use is considered to adhere to the George Street 'Mixed Use' objectives, primarily "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". The traffic likely to be generated by the proposal and the probable effect on traffic flow are considered minor considering the staggered use of the different rooms and the hours of operation. The turnaround of clients is considered relatively high while open (maximum of 10 patrons every hour), however as discussed it is envisaged that these customers may be existing users of other services in the George Street Precinct.

While cash in lieu has been considered as an option, it is considered an unviable option and is one Council should not request in this instance due to the scale and nature of the use and the hours of operation. A condition has been included in the Officer's Recommendation approving the proposed upper floor use for 1 year only on a trial period only. Should the yoga/ Pilates studio close the area is to revert back to a residential use. The applicant will be required to submit a further application to retain the use after the expiry of the 1 year time period. Council can monitor if such a shortfall in the car parking numbers can be facilitated in the area.

A vibrant, efficient and active George Street benefits the Town and the wider community. The existing business has operated in the area for an extended period of time. It is considered that Council can approve the proposed extension to the upper floor to the existing use based on the proposed temporary use. It is recommended Council utilise Clause 5.6.1 of TPS No. 3, where Council may approve the application even if it does not meet the Scheme requirement for car parking, without the requirement for a cash in lieu payment.

Amenity provisions of the Scheme

The following provisions of Clause 10.2 of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (a), (c), (g), (j), (o), (p) and (q) are considered relevant in the assessment of this development application.

The following provisions of Clause 10.2 of the TPS No. 3 (j), (o) and (p) are considered most relevant:

- (j) *the compatibility of a use or development with its setting;*
- (o) *the preservation of the amenity of the locality; and*
- (p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

The proposed extended use of the building for Pilates is compatible with the surrounds/ residential use of the locality, with the exception of the car parking generation as discussed above. The car parking shortfall is 17 bays (9 bays if only the actual exercise area is considered), of which an 11 bay shortfall is existing. Is this shortfall considered such an impact as to warrant refusal on the grounds that the development does not comply with the amenity provisions of Clause 10.2? Based on the impact the existing business has (11 bay shortfall) and the proposed extension this would result in an additional 6 bays being required (based on net area, including the waiting room and reception, however these areas are not utilized for actual exercisable space), the parking demand is not considered sufficient enough to refuse the proposed extension (subject to conditions, to enable Council to review the potential impact). The business has operated in the area successfully for an extended period of time (since 2004), without any complaints raised by the community. The applicant has provided a detailed letter outlining the operations of the business. The opening hours of the business and the staggered operating hours of the two rooms will minimise the impact to the George Street Precinct.

Based on Clause 10.2 (j), (o) and (p) of the Scheme, the proposed Pilates studio (upper floor change of use) is consistent with the existing (ground floor) use and can be approved by Council. The extension is replacing a residential studio, however due to the location and zoning of the land, Council can approve of the use should it be considered appropriate.

Conclusion

The proposed development extension (change of use) is considered to be consistent with the 'Mixed Use' zone of the locality. The car parking shortfall is 17 bays, which considering the other commercial uses of the strata, is a considerable shortfall. The conditions of use and the temporary approval will minimise the impact of the business and enable Council to review any potential impacts the shortfall in car parking may have on the surrounding area. Based on the conditioned approval, it is recommended Council support the proposed change of use.

Consultation

Advertising

The original application was advertised to surrounding land owners for a two week period between 7 and 22 September 2016. No submissions were received.

Given the current application relates to a renewal of a previous approval for the same use operating under very similar conditions and no issues have been raised by surrounding businesses or landowners, during the previous 12 months, it is considered the advertising can be waived in this circumstance.

Community Design Advisory Committee (CDAC)

This application was not considered by the CDAC as there are no proposed changes to the building fabric or streetscape.

Statutory Environment

Planning and Development Act 2005

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

LPS No. 3 – Heritage List

Policy Implications

Municipal Heritage Inventory - Category 'A'
Fremantle Port Buffer Zone Area – 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.*

Site Inspection

November 2017

Comment

(Application dated 21 November 2017)

The original 12 month approval only was to 'test' the operation of the Pilates classes primarily in regard to the parking shortfall but also to review the expansion of the Pilates Centre regarding the number of patrons and operating times. The Town's records indicate there have been no complaints or issues raised by the surrounding businesses or land owners in respect to parking or any other operational matters.



The applicant has submitted a covering letter dated 21 November 2017 in support of the application (see Attachment 3). The premises will remain operating in essentially the same manner as the past year. The Pilates Centre is anticipating the number of patrons to not exceed 8 to 10 in number at any one time, however, a small change to the opening hours is proposed as highlighted in the table below. The changes are indicated in emboldened text:

Operating hours 2016/2017	Operating hours 2017/2018
<i>Mondays 8:30am -10:30am, 4:30pm - 8:30pm</i>	<i>Mondays 8:30am -10:30am, 4:30pm - 8:30pm</i>
<i>Tuesdays: 6am - 11:30am, 5:30pm - 8:30pm</i>	<i>Tuesdays: 6am - 11:30am, 4:30pm - 8:30pm</i>
<i>Wednesdays: 6am-7am, 9.30am-10:30am, 4:30pm - 8:30pm</i>	<i>Wednesdays: 6am-7am, 9.30am-10:30am, 4:30pm - 8:30pm</i>
<i>Thursdays: 6am-11:30am, 5:30pm-8:30pm</i>	<i>Thursdays: 6am-11:30am, 4:30pm-8:30pm</i>
<i>Fridays: 6am-10:30am</i>	<i>Fridays: 6am-10:30am</i>
<i>Saturdays: 7am-10am, 2pm-4:30pm</i>	<i>Saturdays: 7am-11am depends on the weekend</i>
<i>Sundays: 8am-11am</i>	<i>Sundays: 8am-12am</i>

The applicant has also stated that:

The average attendance across the week for our classes including the current use of the extension is just under 7 clients per hour. There is a maximum of two staff members on site at any one time.

The extension has become critical in the operation of our business. It has provided us the extra space and flexibility we needed whilst allowing us to stay in the George Street location. It hasn't been as initially successful as we hoped but it's working very well now and we feel very fortunate to have this space to work with.

As you can see many of our operating hours run outside the operating hours that many of the businesses on George Street run. The reason for this is simply that clients can generally only attend classes before or after work and on the weekends when they have more free time.

The changes on balance amount to 1.5 hours more class time per week with some flexibility on the Saturday. This is not considered to be an issue in respect to the operation of the classes as the number of people on the site at any one time will still be limited by a condition of planning approval, as will the day and time of the classes. The surrounding residential area and businesses on George Street should not be impacted by the proposal to change the hours of operation. Notwithstanding the hours appear to be reduced on a Saturday it is considered necessary to specifically state the operating times in the conditions of approval so there is no ambiguity as to when the classes can operate (if the Centre chooses to run a class(es) on that day). The hours for the Saturday morning are acceptable but a time limit of 2pm-4.30pm for the afternoon will be formalised in the conditions of planning approval so there is no ambiguity in relation to operating times.

The continued operation of the Pilates classes from the premises under the currently imposed conditions with a slight change to operating hours is therefore considered supportable given that the Town is not aware of any issues resulting from the expansion and operation of the premises over the past 12 months. It is therefore considered reasonable for Council to issue a permanent approval for the change of use subject to conditions relating to operation days and times, number of patrons, signage, future change to the use and other standard planning conditions.

- Daniel McIntosh (applicant) spoke in support of the officer's recommendation.



11.6 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP031217

Cr M McPhail moved, seconded Cr Nardi

That Council exercise its discretion in granting planning approval for a change of use from residential to recreation - private (expansion of the Pilates Centre of WA) located on the first floor at No. 77-79 (Lot 700) George Street, East Fremantle, in accordance with the plans date stamped received 30 August 2016, subject to the following conditions:

- (1) The operational hours of the Pilates classes are not permitted to be altered without the prior approval of Council and are to be in accordance with the 2017/18 hours stated below:
 - Mondays 8:30am -10:30am, 4:30pm - 8:30pm
 - Tuesdays: 6am - 11:30am, 4:30pm - 8:30pm
 - Wednesdays: 6am-7am, 9.30am-10:30am, 4:30pm - 8:30pm
 - Thursdays: 6am-11:30am, 4:30pm-8:30pm
 - Fridays: 6am-10:30am
 - Saturdays: 7am-11am, 2pm – 4.30pm
 - Sundays: 8am-12am
- (2) Should the Pilates classes cease to operate from the upper floor of No. 77 – 79 George Street for a period longer than 6 months, the use of the upper floor is to revert to residential. No other commercial activity is permitted to operate from the upper floor without the prior approval of Council.
- (3) A maximum of 20 patrons only is permitted on the property in all three (3) exercise areas.
- (4) No signage is approved under this change of use application. A separate planning application is required for any proposed signage. All signage to comply with the Town's Local Planning Policy Design Guidelines – Signage.
- (5) The commercial building is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) The applicant is required to demonstrate the works comply with the relevant BCA requirements for a commercial building and the applicant is required to submit to Council a Certified Building fit out for the upper floor. With regard to the plans submitted with respect to the building fit out 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.
- (7) The works are to be constructed in conformity with the drawings and written information in relation to the use and in the 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.
- (8) The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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.*

- (c) *the approval does not include approval of any advertising signage. A separate development application is required for any signage proposal.*

(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 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED

11.1 Allen Street No. 76 (Lot 23) – Screening Structure Adjacent to Lot Boundary

Landowner	D Churack
Applicant	M W Urban
File ref	P/ALL76; P095/16
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 December 2017
Documents tabled	Nil
Attachments	1. Location Plan 2. Photographs 3. Plans date stamped received 14 September 2017

Purpose

This report considers a development application for a screening structure adjacent to the southern boundary of the lot at No. 76 (Lot 23) Allen Street, East Fremantle. The development has been carried out and subsequent approval of development is now being sought by the applicant under section 164 of the Planning and Development Act, 2005.

Executive Summary

The screening structure has been constructed adjacent to the southern boundary of the lot and within the 6 metre rear setback. The structure comprises of 12 timber posts ranging in height from 2.3 metres to 2.7 metres with strands of wire strung between the posts. The wire is for the purpose of attaching a creeper plant which will eventually provide a solid vegetation screen between the two properties. The structure is positioned immediately alongside the dividing fence.

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

- Lot boundary setbacks – screening poles and wire – adjacent to lot boundary fence and within the rear setback.

The variation in regard to the lot boundary setbacks can be supported, therefore, the application is recommended for conditional approval.

Background

Zoning: R12.5

Site area: 1,088m²

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

It is noted there is a history of overlooking and privacy issues for the owners of No. 76 and No. 78 Allen Street. It appears to have been an ongoing issue which commenced with the additions and alterations to the dwelling at No. 78 Allen Street approved in 2006. It is noted the alterations and additions have been constructed in accordance with the planning approval. Various screening structures have been erected by the owners of No. 78 and are on that side of the property boundary but can be seen projecting above the fence line from No. 76.

5 December 2016 – Planning approval granted for patio and timber framed screening panels for 78 Allen Street. The screening structure was required to increase privacy levels between the two properties, particularly as the owners of No. 78 had recently installed a pool adjacent to the boundary and the owner of No. 76 objected to the position of the patio on the basis that it overlooked No.76 resulting in privacy concerns for the owner.

August 2017 - it was brought to the Town's attention that the owner of No. 76 Allen Street had started installing the posts for a screening structure without development (planning) approval. The Town advised the owner to stop work and submit a development application for Council's consideration, however, this did not occur and the work was completed. A development application was subsequently submitted on behalf of the owner.

Consultation

Advertising

The proposal was advertised to the adjoining impacted land owner from 4 to 20 October 2017. One submission was received dated 14 September 2017 and the comments are noted below. The applicant has also responded to the submission also outlined below.

SUBMISSION	<p>We oppose the excessive height and nature of the fencing proposed by this application. The height and the nature of the screening will seriously negatively impact our rights to use and enjoyment of our garden and living areas.</p> <p>We note the application for higher fencing to 2.7m on our northern boundary, which is directly in front of our living area, and outdoor decking area. This pole and wire screening is in fact higher than the current screening, by a significant margin and has major impacts on our access to northern light in our living areas.</p> <p>Last year we opposed this request from 76 Allen St for this height fencing when we were putting in a pool, for the same reason we oppose this now, it seriously impacts our access to northern light, and we argued *(and the Council agreed with us last year) that the heights proposed to alleviate the neighbour concerns around privacy were more than adequate. We attach below photos from our side of the fence which clearly shows the height of the wire and poles significantly increase the height of the screening, to no purpose as there is no reason for it.</p> <p>There is no overlooking from any point in either garden from either side now due to the massive increase in screening requested by neighbour last year which we agreed with and provided at our cost.</p> <p>Our right to use and enjoyment of our garden and living spaces in our house and in our decking area will be seriously impacted negatively by loss of northern natural light from this excessive height of any kind of fencing.</p> <p>We attach photos to show the area of concern;</p>
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We opposed this last year and do the same now, we have no issue with client putting up a fence on her side but to claim she needs more privacy is excessive. As you can see from the photos the existing (only a year old) screening fencing completely blocks any overlooking issues from both sides, so there is no need for any further screening.

To the right of the photo is the start of the higher screening which if continued would provide too much blocking of northern light and is excessive.

We oppose the height of this wire fencing and request it be reduced in height to no higher than the existing screening in place agreed upon last year.

2. The second area of concern is the 2.3m posts further up the back garden

We also would like to oppose the heights of the posts at 2.3m noted on the application, we note that the blue post with electrical power and 2 large floodlights on our boundary have been in place without council approval and provide a significant lighting issue for us, which are used to light the neighbours above ground swimming pool which has been in place for approx. 5 years, we would like clarification on the details of the approval (we have never been asked if we are happy with an above ground swimming pool on our boundary?) and would like the light pole and post next to it reduced in height to the same as our fencing I screening which would alleviate the lighting overflow from these large and intrusive floodlights that also flood light into our garden. This provides a significant detrimental effect on our rights to have use of our garden without lighting , also it is an ugly and varying height of wires over the top of our fencing, visually unattractive and also excessive , photos attached:



We oppose the height of these posts.

We would like to see these two posts reduced to a height no higher than the existing screening in place so that we do not have to look at this and also are not affected by the significant lighting intrusion provided by the two flood lights attached to the pole.



3. We would also like to know when the council provided approval for the neighbours above ground swimming pool, as we have never been notified about any application for this.

We note the applicant has already constructed this structure without any consultant or notification to us or the Council, continued to perform work on this structure after being told to cease work , completed the work and has also since placed creepers on the structure in complete disregard to the instructions of the Council.

Last year we spent around 4 months negotiating what we still feel is a significant and probably excessive screening to alleviate concerns of privacy from the neighbour, so we feel quite strongly that our rights to northern light and ,not having to be impacted by lighting intrusion from our neighbour should also be considered ,not just one neighbours 'privacy' concerns.

	<p>4. Residential Design Codes</p> <p>Like ours the land is zoned residential in the local planning scheme and is accordingly subject to the requirements of the residential design codes. Clause 5.4.2, of the Codes, deals with solar access to adjoining properties and states:</p> <p><i>5.4.2 Solar access for adjoining sites</i></p> <p><i>P2.1 Effective solar access for the proposed development and protection of the solar access.</i></p> <p><i>P2. Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</i></p> <ul style="list-style-type: none"> • <i>outdoor living areas;</i> • <i>north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</i> • <i>roof mounted solar collectors</i> <p>The proposal is contrary to the requirements of the clause as it will result in significant overshadowing of our precious outdoor living area. On this basis alone, the proposal should be refused.</p> <p>Summary</p> <p>We oppose the height of the screening. We feel any new screening is unnecessary as there are zero areas of overlooking from the garden or living areas, due to the screening put in place last year.</p> <p>We request reduction of any new screening / fencing to be no higher than the current height of screening/ fencing.</p> <p>The proposal is contrary to the requirements of the Residential Design Codes as detailed above.</p> <p>We request reduction of height of the existing light pole (no prior approval) to no higher than the existing screening. We request confirmation of when approval was provided to the neighbour for their above ground pool in place for approx. 5-6 years.</p>
<p>APPLICANT RESPONSE</p>	<p>The existing swimming pool is at no point on land retained at a height greater than 500mm above natural ground level. Furthermore, any concern regarding the light pole referred to in the submission received by the Town can be considered addressed. It is proposed to remove the light and pole following determination of the application.</p> <p>With respect to the post and wire trellis: the structure is innocuous when compared to the extent to which the opposite side of the common boundary has been screened. The purpose of the structure is to provide a screen and improve privacy levels between the properties in question (as described in detail in the application lodged with the Town). It is no different in intent to what has been erected on 78 Allen Street. Accordingly, what's proposed is considered fair and reasonable.</p> <p>The objective with the structure is now starting to be realised as depicted in the first photograph attached to this email. The greenery extending across the wire trellis is attractive to look at and in no way offensive. It appears as a natural screen, consistent with the character of the backyard and boundary line. In the event the wire and trellis structure is not supported by the Town, the owner will look at alternatives for the purpose of maintaining her privacy, including the planting of trees along the lines shown in the second photograph.</p>



	 
OFFICER RESPONSE	<p>Noted. Comments on submission and response provided below in Comments section of report.</p>

Community Design Advisory Committee

This application was not referred to the Committee as the proposal relates to construction of a screening structure along the side boundary of the site and does not have an impact on the streetscape or the heritage elements of the site.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

LPS No. 3 - Heritage List

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Heritage Inventory – Category B

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

November 2016

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	N/A	N/A	N/A
Lot Boundary Setbacks	Side: 1.0m	Up to lot boundary	D
	Rear: 6.0m	~5.7m	D
Open Space	55%	>55% (no change to existing)	A
Outdoor Living	N/A	As existing	A
Car Parking	2	Existing	A
Site Works	Less than 500mm	<500mm	A
Overshadowing	25%	<25%	A
Drainage	On-site	On-site	A

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	N/A
3.7.5 Demolition	N/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	N/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	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

The applicant has provided the following information in support of the application (letter dated 12 September 2017)

"Background

Prior to the end of 2016 the Town of East Fremantle granted development approval for the erection of screening by the owners of 78 Allen Street on the common boundary with 76 Allen Street. The screening was erected in association with works on the southern side of the boundary i.e. within the rear yard of 78 Allen Street, but in close proximity to the rear yard of 76 Allen Street.



Proposal

The subject application is for the erection of timber posts and wiring on the north side of the dividing fence (to create a trellis). In total, 12 posts are involved. Half the posts (6) are at the same height as the existing screening erected on 78 Allen Street. The remaining posts (6) are no higher than 500mm above existing screening already erected on 78 Allen Street, along the central part of the common boundary.

Wire strands are to extend between the posts. The strands and posts will act as landscaping trellis, over which existing creepers will be 'trained'. The trellis will provide visual protection where privacy and the rear yard of 76 Allen Street is concerned (having regard for the existing structures on 78 Allen Street). The northern addition to the dwelling on 78 Allen Street results in direct overlooking into the rear yard and outside patio area of 76 Allen Street.

Where intent is concerned, the objective is to facilitate higher levels of privacy between the two properties via a sympathetic solution that involves landscaping.

The post and wire trellis represents a sympathetic solution to an on-going intrusion on privacy associated with the two storey northern addition in close proximity to the southern side of 76 Allen Street. Where the height and extent of the trellis is concerned, the following is noted:-

- With the exception of the eastern most post, the post and wire heights are no greater than the existing screening structure on 78 Allen Street for a distance of 12+ metres; and*
- The height of posts and wire where they exceed the height of existing screening erected on 78 Allen Street (i.e. between the outdoor patio area on 76 Allen Street and the adjacent two storey addition on 78 Allen Street) is approximately the same (total height) as the screening structure on 78 Allen Street referred to in the above point (see photo below).*

Bearing the above in mind, and as the post and wire trellis will support a natural screen for the purpose of achieving privacy (rather than the erection of more of the same screening devices), the Town of East Fremantle is respectfully requested to grant approval to the attached plan.

*Rather than erect significant structures, the owner of 76 Allen Street seeks to address the existing situation with a natural (landscaped) solution. The works involved do not serve to perform the roll of screening; they provide the basis for a natural landscaped screen as mentioned. The creeper to be trained across the trellis is the Virginia creeper vine *Parthenocissus quinquefolia*.*

Comment

The arguments noted above in support of the application are not considered unreasonable and are supportable subject to a number of conditions being imposed.

The planning considerations discussed below address the matters raised in the submission.



Lot boundary setbacks

The lot boundary setback requirement of 1.0 metre (side) and 6.0 metres (rear) under the R-Codes has not been met. The proposed setback to the southern boundary is considered to be nil because the posts are placed as closely as possible to the dividing fence and closer than 6 metres to the rear boundary. The posts, however, are not built structures and have minimal bulk so this is not considered to be an issue in respect to residential amenity for No. 78. The structure proposed is very similar in height to a structure the neighbour at 78 Allen Street was required to construct in accordance with a condition of planning approval and to address the privacy concerns of No. 76.

The land slopes away slightly between No. 78 and No. 76 Allen Street and No. 76 is at a slightly lower level and therefore this property could be overlooked from various points on No. 78 and from the upper storey balcony (part of the 2006 approval). Both neighbours have never considered the dividing boundary fence to be of an adequate height in regard to privacy and there has not been agreement in regard to replacing the existing fence with a higher fence. This has resulted in screening structures being installed. This has not been acceptable to either neighbour for various reasons and in particular No. 76 because the unfinished side of the screening structures (which vary in height, type and age of materials) face toward that side of the property and project above the top of the fence. These structures also vary in height along the length of the boundary and look somewhat unsightly from the No. 76 side. Once fully established the creeper plant will eventually conceal these different materials and structures.

The reduced setback to the rear and side boundary is considered to have minimal impact on the neighbour to the south. The height of the poles above the existing fencing more toward the middle section of the lot is not considered to be excessive as it will not exceed the height of the screening already in place at No. 78. Once the creeper plant is established this will further diminish the visibility of the posts and will most likely grow around the posts. For the remainder of the structure as it extends toward the rear of the site there is only one post which will extend above the existing screening structure with the remaining posts below the existing screening adjacent to the patio. Again, once the creeper is established this post will be less obvious. It cannot be reduced in height because the wiring is connected to this post and extends to the rear of the site. This will conceal the difference between the recent screening and the original fence.



Whilst the existing screening appears adequate in regard to privacy from the ground level the proposed screening will provide slightly greater screening in regard to the balcony and will improve the appearance of the fence and screening structures. Using vegetation to provide a screen in this instance is considered to be the best outcome for both neighbours as it provides a pleasant backdrop for both properties and has the same appearance on both sides. Whilst loss of light is not considered to be an issue because the overshadowing provision of the R-Codes will not be exceeded (i.e. greater than 25% of the adjoining site will not be overshadowed). It is, however, considered necessary to ensure that the height of the structure does not increase any further and therefore it is recommended that conditions of planning approval be applied which restrict any further increase in height of the structure for its entire length and that no other materials are to be attached to the structure to increase screening or the height of the fence. Only plants are permitted to be attached to the structure.

Solar access

The additional shadow that will be cast by the additional height of the structure above the fence line is considered minimal and to not impact on the amenity of the adjoining property. As mentioned above slight increase in shadow will not exceed 25% of the adjoining lot area as specified in the R-Codes. As such this is not considered a valid reason to refuse the application.

Pool compliance

This matter was raised in the adjoining neighbour's submission. It should be noted that the pool at No. 76 Allen Street has been installed since 2011 but did not obtain planning approval which was required at that time. Planning approval is no longer required for swimming pools unless a raised deck area or surrounds (greater than 500mm above natural ground level) is part of the pool installation. The applicant has informed the Town in writing (email dated 23 November 2017) that the raised platform around the pool is not greater than 500mm above natural ground level therefore further planning approval is not required (in respect to compliance with privacy/overlooking provisions of the R-Codes). The matter of a light pole on the boundary has also been raised. The applicant has stated that the owner will remove the light pole. This will be a condition of planning approval. If the owner does not remove the light pole a retrospective planning approval application will be required to be submitted for Council's consideration. The pool has undergone an inspection for compliance with Australian Standards for pool safety and fencing and the Town's Building Surveyor has reported the pool is compliant. The Town is not required to take any further action in regard to seeking further planning approvals.

Heritage

The dwelling is classified as Category 'B' in the Local Planning Scheme Heritage List. It is considered the proposal does not have any impact on the heritage value of the property and the variation from the R-Codes has no bearing on the heritage elements of the dwelling.

Conclusion

Given the history of issues regarding overlooking and privacy and the lack of neighbour agreement to increasing the height of the existing fence, the structure that has been built to provide some additional screening and improve the appearance of the fence from the applicant's side is considered reasonable. The structure will be less noticeable once the vegetation is more established and will in the long run be completely covered. The overall height is not considered to be excessive either given it is no higher than the existing screening structures. The objections raised in the submission therefore are not considered to be compelling reasons to refuse the structure, however, it is considered necessary to prevent the structure from increasing in height or having further screening devices added. The conditions in the Officer's recommendation are recommended in this regard.



11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP041217

Cr White moved, seconded Cr Nardi

That Council exercise its discretion in granting subsequent approval of development carried out and to vary:

- (i) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit an eastern lot boundary (rear) setback of less than 6.0 metres and a southern lot boundary (side) setback of less than 1.0 metre,

for a screening structure adjacent to the southern boundary at No. 76 (Lot 23) Allen Street, East Fremantle, in accordance with the plans date stamp received on 14 September 2017, subject to the following conditions:

- (1) No further increase in the height or length of the screening structure for the length and area of the dividing fence on the southern boundary.
- (2) Only plants are to be attached to the screening structure and the wire trellis. No other screening materials are to be attached to the posts or the wire trellis.
- (3) The posts and wire trellis are not to be attached to the dividing fence and must be freestanding and contained wholly within the property boundary of the subject site.
- (4) The works carried out are not to be modified and are to comply with the conditions of this planning approval or with Council's further approval.
- (5) With regard to the plans submitted with respect to the Building Approval Certificate, 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(CARRIED 5:1)

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 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED



11.2 Duke Street No. 56 (Lot 201) – Two Storey Addition to Heritage Dwelling

Applicant	John Chisholm Design
Owner	B Harrison & S Folks
File ref	P/DUK56; P119/17
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location plan 2. Photographs 3. Plans date stamped 18 October 2017

Purpose

This report considers a planning application for a second storey addition to the existing heritage dwelling at No. 56 Duke Street, East Fremantle.

Executive Summary

The additions to the dwelling are all upper storey and to the rear of the original cottage. The rear section of the dwelling has been extended in the past and this addition will remain unchanged. The second storey will be constructed over the extended rear section of the dwelling and follow the existing building lines for the most part.

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

- Lot boundary setback - reduced on the northern boundary; and
- Solar access for adjoining sites – greater than 25% overshadowing.

It is considered the variations will not have a significant impact on the amenity of adjoining sites or the heritage value of the property and can be supported subject to conditions regarding construction materials and finishes, the finish of the wall on the northern boundary and Main Roads WA comments/advice notes.

Background

Zoning: Residential R20

Site area: 488m²

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

- 29 September 1993: Planning approval granted for extensions to the dwelling.
5 February 2001: Subdivision application approved by the WAPC.
21 August 2001: Planning approval granted for a garage.
17 December 2013: Approval granted for addition of a rear room.
1 September 2014: Planning approval granted for relocation of a swimming pool.

Consultation

Advertising

The application was advertised to the surrounding land owners from 10 to 27 November 2017 and to Main Roads WA (MRWA). At the time of reporting to Council comments from MRWA had not been received. Any conditions and/or advice notes received will be included in the development approval documentation.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC as the application is compliant in regard to the Residential Design Guidelines and the R-Codes with the exception of two minor matters which are not considered to impact the streetscape or the heritage dwelling.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

LPS No. 3 Heritage List – 'B' Category

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Heritage Inventory - 'B' 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.*
 - 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

November 2017

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	As existing	A
Lot Boundary Setback	Northern boundary – 1.2m	Nil	D
Open Space	50%	62%	A
Outdoor Living	30m ²	~150m ²	A
Car Parking	1	2	A
Site Works	Less than 500mm	Less than 500mm	A
Visual privacy setback (>0.5m above NGL)	Upper level bedroom opening - 4.5m	Greater than 4.5m	A
Overshadowing	≤25%	27.8%	D
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	A
3.7.3 Development of Existing Buildings	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	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	A
3.7.13 Incidental Development Requirements	A
3.7.14 Footpaths and Crossovers	A
3.7.18.3 Garages and Carports	A
3.7.15-20 Precinct Requirements	A

Building Height (R-Codes)	Required	Proposed	Status
External Wall height (R-Code)	6.0m	5.7m	A
Roof Ridge height (R-Code)	9.0m	7.6m	A

There are very few variations from the R-Codes and the RDG in respect to this application. The design responds to the existing site circumstances on both adjacent lots and attempts to minimise the impact on the adjoining lots in respect to building bulk and overlooking.

Lot boundary setbacks

The upper floor addition is setback from the rear and southern boundary a considerable distance. On the northern boundary a nil setback is proposed. The storeroom on the upper floor will be built up to the boundary and will follow the building line of the ground floor on this elevation. Despite the non-compliance it is considered there are no issues in respect to the building setback for this portion of the lot and the building will not overshadow or overlook the adjacent property. Also, the owners of the neighbouring lot have not objected.

Overshadowing

Overshadowing of the adjoining lot to the south is greater than 25%. It is difficult to achieve compliance in the circumstances as the adjoining lot is less than the average lot size in the Plympton Precinct being only 275m² in area. The lot size was reduced from the standard lot size in the Plympton Precinct by a previous owner who re-subdivided two original lots. However, the additional overshadowing caused by the upper floor addition will occur over the roof of the adjoining dwelling and the driveway of the subject lot. This lot is developed with less than 50% open space. The garden is already overshadowed by large trees in the front setback area and the overshadowing does not impact rear areas of open space. As such it is not considered to impact on the amenity of the adjoining lot and is supportable.

Heritage

The dwelling is categorised as Category 'B' on the Heritage List of the Planning Scheme. Overall the proposal is considered to acknowledge the heritage value of the property and in the main the variations from the R-Codes are considered to have a minor amenity impact on the neighbouring properties or are acceptable in respect to extension and renovation of the heritage property. The dwelling still maintains the same presence and appearance as far as the streetscape is concerned and the addition which will be partly visible behind the original house has been designed to be as least intrusive as possible.

Water Corporation Easement

A number of easements are in place to ensure access to a garage on the site and to maintain access to the sewer. The easements cover the entire lot so it is considered necessary to impose a condition which requires the approval of the Water Corporation prior to any building works being undertaken on the site.

MRWA

The application was referred to MRWA for its comments. At the time of writing the report a response had not been received. If a response is received the conditions and/or advice notes will be included in the development approval documentation.

Conclusion

The application is supported as the upper floor addition is not considered to have a detrimental impact on the amenity of the surrounding properties and the addition is of a scale that is respectful of the heritage dwelling, the existing streetscape and the Plympton Precinct. The application is therefore recommended for approval subject to conditions regarding construction materials and finishes and any MRWA conditions and/or advice notes.

OFFICER RECOMMENDATION

Cr M McPhail moved, seconded Mayor O'Neill

That Council exercise its discretion in granting planning approval to vary:

- (i) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a nil setback on the northern lot boundary for the upper storey; and
- (ii) Clause 5.4.2 – Solar Access for Adjoining Sites of the Residential Design Codes of WA to permit overshadowing on the adjoining site to exceed 25% of the site area,

for a second storey addition at No. 56 (Lot 201) Duke Street, East Fremantle, in accordance with the plans date stamped received 18 October 2017, subject to the following conditions:

- (1) 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.
- (2) The proposed parapet wall on the northern boundary is 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.
- (3) The details of construction materials and finishes to be used to be to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.
- (4) 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.
- (5) 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.
- (6) 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 planning approval unless otherwise amended by Council.
- (7) The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.

- (12) This planning approval to remain valid for a period of 24 months from date of this approval.
- (13) The applicant is to undertake a screen assessment in accordance with Appendix A of the Implementation Guidelines for State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning is to implement all mitigation measures identified in the report to the satisfaction of the Local Government.

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".*

AMENDMENT

Cr White moved, seconded Cr Natale

The Committee moved and seconded the adoption of the officer's recommendation with the following condition added:

- (13) The applicant is to undertake a screen assessment in accordance with Appendix A of the Implementation Guidelines for State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning is to implement all mitigation measures identified in the report to the satisfaction of the Local Government.

(CARRIED UNANIMOUSLY)

11.2 SUBSTANTIVE MOTION/COMMITTEE RESOLUTION TP051217

Cr M McPhail moved, seconded Mayor O'Neill

That Council exercise its discretion in granting planning approval to vary:

- (i) **Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a nil setback on the northern lot boundary for the upper storey; and**
- (ii) **Clause 5.4.2 – Solar Access for Adjoining Sites of the Residential Design Codes of WA to permit overshadowing on the adjoining site to exceed 25% of the site area,**

for a second storey addition at No. 56 (Lot 201) Duke Street, East Fremantle, in accordance with the plans date stamped received 18 October 2017, subject to the following conditions:

- (1) **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.**



- (2) The proposed parapet wall on the northern boundary is 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.
- (3) The details of construction materials and finishes to be used to be to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.
- (4) 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.
- (5) 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.
- (6) 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 planning approval unless otherwise amended by Council.
- (7) The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) This planning approval to remain valid for a period of 24 months from date of this approval.
- (13) The applicant is to undertake a screen assessment in accordance with Appendix A of the Implementation Guidelines for State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning is to implement all mitigation measures identified in the report to the satisfaction of the Local Government.

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 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.



11.5 George Street No. 76B (Lot 602) – Change of Use from Service Industry and Shop to Café

Applicant/Landowner	S Tolcon
Applicant	T Petherbridge
File Ref	P/GEO76B; P115/2017
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location Plan2. Site Photographs3. Plans date stamped received 13 October 2017

Purpose

This report considers a development application for a change of use from service industry and shop to café at No. 76B George Street, East Fremantle.

Executive Summary

The subject site is zoned 'Mixed Use'. The applicant is requesting approval for a change of use from a service industry and shop to a café which is an unlisted use in the Zoning Table of the Planning Scheme. An unlisted use is required to be advertised and the application has undergone advertising and no submissions were received.

The proposal raises the following issues which influence the determination of the application:

- Land use (unlisted use in the Zoning Table); and
- Car parking (one bay shortfall based on approved number of seats).

It is considered the land use is appropriate for the George Street Mixed Use zone. The current on-site parking provision of 4 bays is considered sufficient and the one bay shortfall supportable. It is anticipated the café's patrons will be employees and local people living, visiting and working in the Plympton Precinct and George Street.

The recommendation for approval, however, is subject to no more than 25 seats being provided for both indoor and outdoor areas on the site combined (including any alfresco areas) at any one time. It is also recommended, should the proposed use cease or change to a restaurant use, then a further development application to assess the car parking requirement and any additional signage requirements will be required. The approval is recommended only for the café use.

Background

Zoning: Town Centre

Site area: 706m²

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

15 September 1986 - Council grants approval for a change of use from "Capri Caterers" and "Marie's Fashions" to a Real Estate Office.

20 October 1986 - Council agrees to change the non-conforming use from Meat Brokers to Architect's Office", subject to two sealed parking bays, signage, painting and landscaping.



- 19 October 1992: Council grants approval for the change of use from real estate agent to retail shop for the sale of herbal and associated products from the premises at the corner of Sewell Street and George Street.
- 14 December 1992: Council grants approval for a change of use to an architect's office to retail shop.
- 10 May 1994: Council notifies the owner that the corner shop formerly used as a real estate office is now being utilised as a Doctor's Surgery" and approval is required for the change of use.
- 18 July 1994: Council grants approval for a Bakery and to defer consideration of the Doctor's Surgery.
- 5 September 1994: Applicant for Bakery appeals against conditions of approval.
- 21 December 1994: Council advises an applicant for a Hairdressing Salon that the proposal would exacerbate the parking shortfall, but would reassess the proposal when the issues regarding the unapproved Doctor's Surgery, existing Lodging House, and existing Residence are resolved.
- 22 February 1995: Council grants special approval for a Professional Office.
- 23 August 1996: Council grants special approval for a 'Shiatsu Centre'.
- 23 July 2007: Delegated Approval granted for a Change of Use from 'Shiatsu Centre' to 'Shop'.
- 15 February 2011: Council approval granted for a change of use from 'shop' to 'service industry' and 'shop'. Four parking bays were accepted as sufficient for the proposed uses. The Town's records do not indicate any parking issues or complaints associated with the subject site.

Consultation

Advertising

The proposal was advertised to surrounding land owners 27 October to 13 November 2017. No submissions were received.

Community Design Advisory Committee

This application was not referred to the Committee as the application is for a change of use on the site and there are no physical changes to the building.

Statutory Environment

Planning and Development Act 2005

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

LPS 3 Heritage List

Policy Implications

Municipal Inventory (MI) – Category B

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.

Site Inspection

10 November 2017

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

Local Planning Scheme No. 3 – Commercial Zones (Mixed Use) – Development Standards

General Development Standards	Required	Proposed	Status
Land Use - Zoning Table	Café	Unlisted use in Mixed Use zone	A
Building setbacks	Aligned with front property boundary	No change	A
Building height	Overall: 8m Walls: 5.5m	No change	A
Plot ratio	0.5:1.0	No change	A



Design and landscaping	Landscaping plan	No change	A
Car parking & vehicular access (Schedule 10 and 11 of LPS 3)	Ratio for Cafe: 1 space for every 5 seats (i.e. 25 seats)	4 bays proposed; 5 required	D
Location of car parking	4 bays on-site	5 bays	D
On-street parking	On-street may be acceptable	Not applicable	A

The subject site contains a heritage building which fronts both George Street and Sewell Street. The portion of heritage building that fronts Sewell Street houses a chiropractic consulting room. The portion of the heritage building that fronts George Street has been operating as a bakery (service industry) and a shop. It is possible to be seated in the shop section and the open garden area at the rear of the shop to consume drinks and food purchased at the counter and for items to be purchased and taken away. It is this part of the building that is the subject of this application.

The site is located within the Mixed Use zone. The objectives which apply to this zone are listed below:

- *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.*

The proposal to change the use of a portion of the building from 'shop' and 'industry-service' to 'café' is consistent with the objectives of the 'Mixed Use' zone as demonstrated below:

- *the proposed land use will offer food and beverage items for sale to the community and will not prejudice the amenity of this mixed use area;*
- *the desired future character of the George Street 'Mixed Use' zone is to provide a vibrant area which provides a range of land use activities which complement the surrounding residential area and the proposed use will contribute to this; and*
- *the development has some on-site car parking which is part of this application.*

Land Use – Café

Whilst a definition for a café is not included in Schedule 1 of LPS No. 3 a café use is considered to fit within the definition of restaurant which is as follows:

"restaurant" means premises where the predominant use is the sale and consumption food and drinks on the premises and where seating is provided for patrons and includes a restaurant licensed under the Liquor Control Act 1988."

Also, the Zoning Table of LPS No. 3 does not list café as a use class so the use must be considered an 'unlisted' use and the applicable advertising requirements of LPS No. 3 must be undertaken. Advertising was also required because of the proposed one bay parking shortfall. The Council is then required to consider the outcomes of advertising and exercise its discretion in regard to granting planning approval.



The proposed use of the building for a café is considered appropriate in the George Street mixed use strip.

A café is considered to meet the objectives and intent of the George Street mixed use zone as noted above. Furthermore, the use of the premises for a purpose that will generate more pedestrian traffic in the area and provide an interesting and engaging frontage to the street and pedestrian thoroughfare is considered to be a benefit to the area in general.

Whilst the proposed use is supported it is considered important that if another change of use is proposed that a development approval application is required to be submitted to assess the appropriateness of the use in this location and the car parking requirements that would apply to another use. A development application is also considered necessary should in the opinion of the Chief Executive Officer, the use was to change to a restaurant as the car parking requirements may be increased.

Car Parking

The mixed use development is serviced by on street parking on George and to a limited extent Sewell Street and a four bay parking area at the rear of the building. The existing parking area is not designed to meet the car parking and manoeuvring specifications listed in Schedule 12 of LPS No. 3, however it has been approved by Council previously at its meeting in July 1994 when it approved a bakery as part of the mixed use development on the site. Parking at the rear of the site can be made available to employees.

Clause 5.8.5 Car Parking and Vehicular Access

Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 10 of the Scheme and the specifications in Schedule 11 of the Scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 10 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

As noted above LPS No. 3 does not contain a specific definition for a café use that can then be applied to a parking ratio for the same use. The closest definition is that for a restaurant use which includes a café use in the definition so the ratio outlined below has been applied in the assessment of this application.

*"1 space for every 5 seats or
1 space for every 5 persons the building is designed to accommodate, or
1 space for every 5m² of seating area, whichever is the greater, plus
1 space for every staff member present at any one time."*

The current parking requirements for the approved and the proposed uses are tabled below. This table is based on previous Council approvals.

EXISTING USE	PROPOSED USE				
Use Class	Bays Required	Bays Provided	Use Class	Bays Required	Bays Provided
Consulting Room	4 bays	1 bay on-street	Consulting Room	1 bay on-street	1 bay on-street
Shop/ Service Industry	4 bays	4 bays on-site	Café (25 seats)	5 bays	4 bays



Total	8 bays	5 bays	Total	6 bays	5 bays
Existing Dispensation	3 bays	Shortfall	1 bay		

Car parking requirement

For Council to consider varying the parking requirements it is required to be satisfied that the proposed development complies firstly with the provisions of clause 5.6.2 of the Scheme which states as follows:

In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation,*

and clause 5.6.3(b) which states:

The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 (Deemed Provisions); and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Secondly the relevant matters pertaining to clause 67 (Deemed Provisions – matters to be considered by local government) of LPS No. 3, which are listed below, must also be taken into account:

- (a) the aims, objectives and provisions of the Scheme;*
- (c) the requirements of orderly and proper planning;*
- (o) the preservation of the amenity of the locality;*
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles; and*
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

Council's Environmental Health Officer has advised that under the Building Code of Australia regulations a Class 6 building (i.e. 'Gratias') is only able to accommodate 25 persons based on already existing toilet facilities. As there is only one unisex toilet on the premises only 25 seats can be provided. Therefore five bays are required under the Scheme's parking requirement. So a parking shortfall of one bay exists.

At the present time the existing business 'Gratias' has been operating as a bakery and takeaway with an option to sit and consume food on the premises or for it to be taken away. A change of use to a café in practical terms will not be any different to the current use of the premises. It is considered the proposed café use will operate in the same fashion as the current operation which prepared food on the premises for sale in either takeaway form or for consumption in the shop.

The eating area comprises seats within the shop, in the front setback area and at the rear of the premises. The use of the premises for a café will not function any differently to the current operations and therefore the parking demand is not considered to increase. Furthermore, the type of café use proposed is not considered to be one that will generate a large customer base from outside the immediate area. Patrons will most likely be employees from other businesses, local people from the surrounding residential streets and shoppers visiting the George Street strip, therefore the current provision of bays is considered sufficient. Given the location of the café within a traditional shopping strip, proximity to bus routes and what in effect is the continued use of the site for the same purpose, the current parking provided is considered sufficient for the proposed use. However, as noted above it is considered that if the use was to change to a restaurant with potentially more staff and longer opening hours that a further development approval application will be required to be submitted for Council's consideration.

The environmental health conditions listed in the Officer's Recommendation are recommended by the Town's Environmental Health Officer to be imposed as standard conditions for this use.

Heritage

The site is listed in the Planning Scheme Heritage List (Category B classification in the MI). The change of use from service industry and shop is considered to be a positive outcome as the building will continue to be used and no change to the building façade is proposed. The interior of the premises has been extensively renovated in keeping with the building's heritage, however, any intended additional signage will require further development approval and it is recommended this matter is addressed as a condition of planning approval.

Conclusion

It is considered the change of use to a café will not result in any significant change to the current operations of the existing business in that it will prepare food and offer an option to eat in or takeaway. It is more than likely the customer base will be residents and employees in the immediate area and working in the George Street or Town Centre area therefore the proposed use is considered to not place any greater demand on parking as a result.

It is considered that the use will not negatively impact the orderly and proper planning of the area and will result in continued use of premises and activation of this section of George Street. Notwithstanding, it is considered important that conditions are imposed which prohibits the number of seats for the café use to ensure the parking shortfall is not exacerbated beyond the one bay. This limitation is required in any case because the provision of only one unisex toilet on the site means that only 25 seats can be provided under the Building Code of Australia regulations. A condition of approval restricting the number of seats on the site is therefore recommended to ensure compliance with the regulations.

If a different type of use is proposed it is considered necessary that a fresh planning approval application be submitted so that the suitability of the use and the parking and amenity implications can be assessed. A condition of approval in this regard is therefore recommended to advise the owners and prospective owners of this requirement.

In conclusion, the proposal for a café is considered acceptable and is recommended to be supported subject to the conditions outlined below. It is also recommended that a condition be imposed to require a separate application for any proposed future signage on the site for Council's consideration.



11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP061217

Cr Nardi moved, seconded Cr Natale

That Council exercise its discretion in granting approval to vary:

- (i) Clause 5.8.5 – Car parking of Local Planning Scheme No. 3 to allow an on-site car parking shortfall of one (1) bay,

for a change of use from service industry and shop to café at No. 76B (Lot 602) George Street, East Fremantle, as indicated on the plans date stamped received 13 October 2017 subject to the following conditions:

- (1) No more than 25 seats to be provided for the café use at any one time. This includes seating to be provided indoors and outdoors on the site (including any alfresco areas).
- (2) The change of use approval is for a café only. If any other shop/retail use or other commercial use is proposed then a further development approval application will be required to be submitted for Council's consideration as to the suitability of the use and parking availability/requirements.
- (3) If the use of the site changes to a use that, in the opinion of the Chief Executive Officer, is a restaurant use then the submission of a fresh development approval application for Council's consideration will be required.
- (4) A separate planning application is required for any proposed signage in relation to the café. All signage is to comply with the Town's Local Planning Policy Design Guidelines – Signage.
- (5) The commercial building to be 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 premises must be inspected by Town's Environmental Health Officer prior to opening.
- (7) The works are to be constructed in conformity with the drawings and written information in relation to use 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.
- (8) 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.
- (9) The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (10) 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, should one be required, is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *the approval does not include approval of any advertising signage. A separate development application for Council's consideration is required for any signage proposal.*

(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 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED

12. REPORTS OF OFFICERS (COUNCIL DECISION)

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7:01pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning & Building Committee of the Town of East Fremantle, held on 5 December 2017, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

11.2 Audit Committee Meeting (6 December 2017)

File ref	C/MTF1
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Meeting Date:	12 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Audit Committee Minutes

Purpose

To submit the minutes and decisions of the Audit Committee for receipt by Council.

Executive Summary

The Committee, at its meeting on 6 December 2017, considered the following matters:

- Audited Annual Financial Report 2016/2017
- Financial Management Review – Inadequate Control Update

The Audited Annual Financial Report is considered in a separate report within this Agenda (Refer 12.2.3). There is no further action other than to receive the minutes of that meeting.

Consultation

Audit Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.2 OFFICER RECOMMENDATION

That the unconfirmed Minutes of the Audit Committee Meeting held on 6 December 2017 be received.



MINUTES

Audit Committee Meeting

Wednesday, 6 December 2017 at 6.15pm

CONTENTS

1.	OFFICIAL OPENING	1
2.	ELECTION OF PRESIDING MEMBER	1
3.	ACKNOWLEDGEMENT OF COUNTRY	1
4.	RECORD OF ATTENDANCE	1
4.1	Attendance	1
4.2	Apologies	1
4.3	Leave of Absence	1
5.	MEMORANDUM OF OUTSTANDING BUSINESS	1
6.	DISCLOSURES OF INTEREST	2
6.1	Financial	2
6.2	Proximity	2
6.3	Impartiality	2
7.	PUBLIC QUESTION TIME	2
8.	CONFIRMATION OF MINUTES	2
8.1	Meeting of Audit Committee (6 September 2017)	2
9.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	2
10.	REPORTS	3
10.1	Audited Annual Financial Report 2016-2017	3
10.2	Financial Management Review – Inadequate Control Update	8
11.	MATTERS BEHIND CLOSED DOORS	8
12.	CLOSURE OF MEETING	9



MINUTES OF THE ORDINARY MEETING OF THE AUDIT COMMITTEE HELD AT DOVENBY HOUSE, 1 COUNCIL PLACE EAST FREMANTLE ON WEDNESDAY 6 DECEMBER 2017.

1. OFFICIAL OPENING

The Chief Executive Officer opened the meeting at 6.15pm and called for nominations for the position of Presiding Member.

2. ELECTION OF PRESIDING MEMBER

Cr White nominated Cr M McPhail for the position of Presiding Member.

Cr M McPhail accepted the nomination.

Moved Cr White, seconded Cr Watkins

That Cr M McPhail be nominated for the position of Presiding Member of the Audit Committee for a period of two years. (CARRIED UNANIMOUSLY)

Cr M McPhail assumed the Chair.

3. 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."

4. RECORD OF ATTENDANCE

4.1 Attendance

The following members were in attendance:

Cr M McPhail Presiding Member
Cr A McPhail
Cr T Natale
Cr T Watkins
Cr A White

The following staff were in attendance:

Mr G Tuffin Chief Executive Officer
Mr D Taylor Executive Manager Corporate & Community Services

Council's auditors Billy-Joe Thomas and Michael St John of Anderson Munro & Wyllie were in attendance via telephone conference.

There were no members of the gallery in attendance

4.2 Apologies

Mayor J O'Neill

4.3 Leave of Absence

Nil.

5. MEMORANDUM OF OUTSTANDING BUSINESS

None.

6. DISCLOSURES OF INTEREST

6.1 Financial

Nil.

6.2 Proximity

Nil.

6.3 Impartiality

6.3.1 Cr A McPhail

As a consequence of having a past and ongoing business relationship using the audit services of Anderson, Munro and Wyllie for some clients there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

6.3.2. Cr White

As a consequence of engaging the services of Anderson, Munro and Wyllie to manage my superannuation fund, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

7. PUBLIC QUESTION TIME

Nil.

8. CONFIRMATION OF MINUTES

8.1 Meeting of Audit Committee (6 September 2017)

8.1 OFFICER RECOMMENDATION

Moved Cr A McPhail, seconded Cr Watkins

That the minutes of the meeting of the Audit Committee held on Wednesday, 6 September 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

10. REPORTS

10.1 Audited Annual Financial Report 2016-2017

File ref	F/FNS3
Prepared by	David Taylor, Executive Manager Corporate and Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	6 December 2017
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Audited Annual Financial Statements

Purpose

To present the findings of the annual financial audit report of the Town's operations to Elected Members. The audit committee is required to consider and recommend adoption of the annual financial report, examine the auditor and management reports, and review the report prepared by the CEO.

Executive Summary

The audit of the Town of East Fremantle Annual Financial Statements for the year ended 30 June 2017 has been completed by Anderson Munro and Wylie. The Town has received an unqualified audit report.

This report recommends that the Auditor's Report, Audited Financial Statements and Management Report of the Town of East Fremantle for the financial year ending 30 June 2017 be received.

Background

The Town's auditors, Anderson Munro and Wylie have audited the 2016/17 Annual Financial Statements and have provided an Independent Auditor's Report as required under the relevant provisions of the Local Government Act 1995 (the Act).

The Town received an unqualified audit report and a management report that provides a summary of audit findings. There were no significant issues raised in the management report.

In accordance with section 7.12A(2) of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996 council is required to meet with the external auditor at least once per year.

Bill-Joe Thomas from Anderson Munro and Wylie will meet with the Audit Committee on the 6th of December and further Council at the Ordinary Council meeting to be held on the 12th December 2017.

Consultation

Nil

Statutory Environment

Section 7.12A(2) of the Local Government Act 1995 and associated Audit Regulations require a local government to meet with its auditor at least once in every year.

Section 7.9(1) of the Local Government Act 1995 requires the auditor to submit a report to the local government by 31 December each year.

Policy Implications

F8.7 Significant Accounting Policies

Financial Implications

Audited Surplus of \$1,386,955 compared to a 2017/18 budgeted brought forward surplus of \$1,364,725 resulting in an additional \$22,230 of surplus funds available.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Any additional surplus that is greater than the budgeted brought forward surplus may be used for existing or additional projects or allocated to reserve funds for future projects.

Social implications

There are no known significant social implications associated with this item.

Environmental implications

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

Comment

There are five (5) primary financial statements:

- Statement of Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Rate Setting Statement

Statement of Comprehensive Income

The Statement of Comprehensive Income (refer to pages 3 and 4 of the Financial Statements) shows the extent to which operating expenditure has exceeded operating revenue during the financial year.

An analysis of actual outcomes compared with the original budget for the year ended 30 June 2017 includes;

Net Operating Result

Actual end of year operating result ended in a \$39,310 deficit, a favourable variance of \$843,890 compared to the original budgeted deficit of \$883,200. These changes resulted from;

Operating Income (favourable \$538,059), with the main variances being:

- There was \$351,000 worth of additional grant monies received during the year. \$235,000 of this being changes in the timing of when the Financial Assistance Grant Scheme operational grant was received.
- An additional \$70,000 in interest has been received in relation to reserve fund investments and rates penalty interest.

- It is noted that there was a re-classification of \$150,000 grant from Fees and Charges to Operational Grants.

Operating Expenditure (favourable \$369,646), with the main variance being:

- Favourable savings salaries and wages, materials and contracts and utilities of \$475,379.
- Unfavourable variance of \$76,575 in other expenditure, mainly due to higher BCITF payments.

Non-Operating Income and Expenditure, with the main variances being:

- Additional \$20,000 received for non-operational grant in relation to the swan river erosion control project.
- The inclusion of Profit on sale of assets to the value of \$44,057. Details regarding these can be found in Note 21 of the Financial Report.
- The inclusion of Loss on sale of assets the value of \$127,872. Details regarding these can be found in Note 21 of the Financial Report.

Statement of Financial Position

The Statement of Financial Position (refer to page 5 of the Financial Statements) shows the assets and liabilities that comprise equity as at 30 June 2017.

Key financial figures within the audited Financial Report for the year ended 30 June 2017 include;

	2016	2017
Current Assets	5,173,567	4,813,245
Current Liabilities	(932,055)	(1,218,071)
Net Current Assets	4,241,512	3,595,174
Non-Current Assets	71,004,490	70,961,703
Non-Current Liabilities	(8,451)	(58,872)
Total Equity	75,237,551	74,498,005

Council's current assets exceed current liabilities by \$4.241m compared to \$3.595m last in the previous year.

Statement of Changes in Equity

The Statement of Changes in Equity (refer to Page 6 of the Financial Report) shows the extent to which equity has been increased by the net result of the year's activities.

For the year ending 30 June 2017, equity increased by \$739,546 which is a result of the net operating deficit from the Statement of Comprehensive Income of \$39,310 and a net change of \$778,856 of the revaluation reserve which comes as a direct result of the fair valuations of land and buildings.

Statement of Cash Flows

The Statement of Cash Flows (refer to page 7 of the Financial Report) shows the nature and amount of Council's cash inflows and out flows from all activities. Council's cash held at the end of the reporting period was \$4.892m compared to \$4,577 in the previous year.

Rate Setting Statement

The Rate Setting Statement (refer to page 8 of the Financial Report) shows the amount of rates required to be raised to fund the Town's operations during 2016/17, which was \$7.370m.

Capital Works

Actual capital expenditure of \$1.95m less than the original budget was incurred due to the following projects being deferred or partially completed and carried forward into the next financial year;

- Town Hall Renovation
- East Fremantle Junior football clubrooms
- John Tonkin interpretation node
- Foreshore Erosion Control
- East Fremantle Club Court Resurfacing
- Bicentennial Falls Retaining Walls
- IG Handcock Reserve – Stage 2
- Merv Cowan Drainage Realignment

Financial Ratio

In assessing the performance trends of the Town's financial resources, the financial statements include ratios which provide a comparison between the last three financial years of reporting. The following are the five main ratios that are reported and can be found on page 39 of the financial report;

1. Current Ratio (Risk: Low >100%) – The current ratio assess the adequacy of working capital and the Town's ability to satisfy short-term liabilities. Over the past three years the current ratio has improved from 1.07 to 3.59, this is due to the higher than budgeted cash balances which is a direct result of lower expenditure during the year.
2. Asset Sustainability Ratio (Risk: Low >110% High <90%) – This ratio measures the extent to which assets are being renewed/replaced compared to the amount consumed/depreciated. This ratio is influenced greatly by prior fair valuations and depreciation rates. Over the past three years this ratio has decreased from 1.32 to 0.76, this is an indication that the Town's assets are being consumed at a faster rate than they are being renewed. (i.e. they are depreciating quicker than they are being renewed). This ratio is greatly affected by fair valuations and associated depreciation rates. In particular, the deferred projects for 2016/17 financial year affected this ratio as those planned projects were not included in the renewal calculations. The Town is currently undergoing a review of its Asset Management Plan and Long Term Financial Plans which has a strong emphasis on addressing asset sustainability.
3. Debt Service Coverage Ratio (Risk: Low >5 High <2) – This ratio measures the Town's ability to service debt out of surplus funds from operating activities. The Town currently has no debt and therefore this ratio is not applicable.
4. Operating Surplus Ratio (Risk: Low >15% High <0%) – This ratio highlights the extent/scale of any operating surplus or deficit to overall revenue of the Town. This ratio has decreased from 0.09 to (0.01) over the past three years. This ratio is directly related to net operating surplus or deficit over own source revenue.
5. Own Source Revenue Coverage Ratio (Risk: Low >90% High <60%) – this ratio measures the ability to cover operating expenses against the Town's own source revenue (i.e. excludes grants and subsidies). This ratio over the past three years has decreased from 0.94 to 0.85. It is important that this ratio does not decline as this is a critical sustainability measure. The higher this ratio the more self-reliant the Town is; the lower this ratio, the more reliant the Town is on external funding sources.

Generally these ratios give an indication that the Town needs to continue focusing on asset and service level sustainability through robust asset management and long term financial planning.

10.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION A011217

Moved Cr A McPhail, seconded Cr Natale

That the Audit Committee recommends that Council:

- 1. receives the Auditors Report and Audited Financial Statements of the Town of East Fremantle for the year ending 30 June 2017.**
- 2. receives the Management Report pertaining to the year ending 30 June 2017.**
- 3. accepts the annual financial report for the year ending 30 June 2017.**

(CARRIED UNANIMOUSLY)

The Committee thanked the CEO, Executive Manager Corporate & Community Services, Manager Admin & Finance and Auditors for their efforts in preparing the annual financial statements.

The telephone conference with Council's Auditors was terminated at 7.08pm.

10.2 Financial Management Review – Inadequate Control Update

<u>Item</u>	<u>Update</u>
<u>Bank Reconciliations</u> – to be evidenced as reviewed and have a copy of the bank statements.	This has been implemented July 2017.
<u>Trust Fund Reconciliations</u> – to be reconciled to the last calendar day of each month.	This has been implemented July 2017.
<u>Payments / Creditors</u> – GST treatment needs review when posting transactions in order to correctly records GST and correctly submit the BAS.	This is ongoing. Has been reviewed with further clarification/training provided to staff involved.
<u>Long outstanding purchase orders</u> – Recommended to implement procedures to ensure completed orders are cleared from the creditors listing once the creditor has been paid.	Processes have been developed. Month end process has been modified to include review of all outstanding purchase orders in order to identify and clear completed orders.
<u>Credit Card Procedure and Use</u> – recommend policy be reviewed in order to effectively detect any purchases that include elements which are private.	Credit Card policy is earmarked for review in conjunction with all other finance related policies and procedures.
<u>Payroll</u> – it was noted that there are a number of staff with large accrued leave balances.	This is ongoing. A strategy has been commenced to address the staff with large leave balances. The CEO has provided verbal guidance that leave balances are to be maintained no more than 8 weeks of accrued leave (in alignment with the Local Government Industry Award 2010) unless prior authorisation is permitted.
<u>Minutes of Meetings</u> – ensuring that the signed as confirmed copy of Council minutes be made available on-line on the Town's website once signed and confirmed.	This has been rectified and is now on the website.
<u>Financial Reports</u> – financial ratios are below basic standard.	This is an ongoing issue that will needs addressing. The Town is undergoing a review of its Asset Management and Long term Financial Planning with sustainability being the key focus.
<u>Record keeping and storage of documents and data</u> – that a Disaster Recovery and Business Continuity Plan and necessary policies be developed.	These are currently being worked on and should be completed in the early parts of the new year.
<u>Audit Committee</u> – recommend that the Audit Committee implement controls in order to manage each risk identified as having inadequate controls.	Controls were set at the previous meeting whereby an update is provided on the progress of addressing the inadequate controls at each Audit Committee meeting.

The Committee noted this information.

11. MATTERS BEHIND CLOSED DOORS

Nil.

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7.31pm.

*I hereby certify that the Minutes of the ordinary meeting of the **Audit Committee** of the Town of East Fremantle, held on **6 December 2017**, Minute Book reference **1 to 12** were confirmed at the meeting of the Committee on*

.....

Presiding Member

UNCONFIRMED

12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Adoption of Policy - Policy No 3.1.8 Wood Encouragement Policy – General.

File ref	C/POL1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	12 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Wood Encouragement Policy – General2. Wood Encouragement Policy – General – Planet Ark suggested modifications (highlighted in red)

Purpose

The purpose of this report is for Council to consider adopting the Policy No 3.1.8 Wood Encouragement Policy – General.

Executive Summary

Draft Policy 3.1.8 has been developed to clearly articulate how the Town will encourage the use of wood in the construction and fit out of new dwellings and additions and alterations of existing dwellings.

Two submissions were received. A submission from a local resident and a submission from PlanetArk both in support of the proposed policy

Background

The Town in late 2016 had David Rowlinson from PlanetArk present to a Council Forum, briefing Council on the aims to encourage the increased use of responsibly sourced wood as a building material. A key part of this initiative is the development and adoption of a Wood Encouragement Policy.

A Wood Encouragement Policy generally requires responsibly sourced wood to be considered, where feasible, as the primary construction material in building and fit out projects. Two Policies were proposed:

- Wood Encouragement Policy - Council
- Wood Encouragement Policy - General

As a result administration progressed the development of two Wood Encouragement Policies, a policy for Council; relating to Council buildings and a second general policy related to the use of wood in the construction and fit out of new dwellings and additions and alterations of existing dwellings.

At the October 2017 Council meeting, Council endorsed for adoption Draft Policy 3.1.7 Wood Encouragement Policy – Council (developed to clearly articulate how the Town will encourage the use of wood in the construction and fit out of Council buildings and infrastructure) and further

resolved to advertise Wood Encouragement Policy – General for public comment for a period of 21 days.

Consultation

Policy 3.1.8 relating to the use of wood in the construction and fit out of new dwellings, and additions and alterations of existing dwellings was advertised for a period of 21 days. Two submissions were received:

Submission 1:

I support this proposed policy. It is unfortunate to see an increasing number of McMansion type houses with few defining features being constructed in the Town of East Fremantle, as well as an increased number of grouped dwelling developments with little to no vegetation, or organic features, such as the utilisation of wood as a building material. Therefore, any move by the Town towards encouraging the preservation of the existing and future amenity of the LGA is welcomed by myself.

Submission 2:

PlanetArk has proposed some minor amendments to the policy (as attached).

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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.

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.

Strategic Priority 4: 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

Policy 3.1.8 - Wood Encouragement Policy – General

This Policy aims to encourage the increased use of responsibly sourced wood as a building material in the construction and fit out of new dwellings and additions and alterations of existing dwellings, where feasible, in the Town.

A key part of this initiative is to encourage the increased use of responsibly sourced wood is the development and adoption of the Wood Encouragement suite of Policies. These Policies requires responsibly sourced wood to be considered as a building material, where feasible, as the primary construction material in building and fit out projects being undertaken within the Town and to support the encouragement of the use of wood in general dwelling development.

This policy does not in any way mandate the use of wood in new dwellings or additions and alterations, only that wood is at least considered as a preferred choice of material for construction and fit out in any development or redevelopment of a property.

Trees provide environmental, health and amenity benefits in relation to solar and privacy screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness within a Local Government area. The use of wood as a construction material is also considered to have mutual environmental, health, ecological and sustainable benefits which provide urban design benefits for the local community. The development of this policy, where feasible, introduces the following objectives:

- (a) to encourage the designing of residential development in a manner that promotes the use of wood within the built form.
- (b) to reinforce Council's preference for quality wood buildings in the development of briefs for residential development within the Town.
- (c) to encourage the use of wood in the construction and fit out of buildings and infrastructure.
- (d) to recognise all of the benefits that make wood a smart choice for residential buildings and infrastructure;
- (e) to encourage the use of wood in the construction and fit out of any development/ redevelopment of a property within the Local Government area, where it is practical to do so.

This policy addresses Council's desire to be environmentally and ecologically sustainable. It is recommended Council adopt the policy as amended by PlanetArk in attachment 2 of this report.



12.1.1 OFFICER RECOMMENDATION

That Council adopt the Policy No 3.1.8 Wood Encouragement Policy – General as per the amendments suggested in Attachment 2 to this report.

WOOD ENCOURAGEMENT POLICY – GENERAL

Policy Number:	Policy 3.1.8
Type:	Built and Natural Environment
Legislation:	N/A
Delegation:	N/A
Other Related Document:	ToEF Residential Design Guidelines Policy

Objective

- (a) To reinforce Council's preference for quality wood buildings in the development of briefs for residential development within the Town.
- (b) To encourage the design of residential development in a manner that promotes the use of wood within the built form.
- (c) To recognise all of the benefits that make wood a smart choice for residential buildings and infrastructure;
- (d) To encourage the use of wood in the construction and fit out of any development/ redevelopment of a property within the Local Government area, where it is practical to do so.

This Wood Encouragement Policy for the Council has been developed to clearly articulate how the Town of East Fremantle will encourage the use of wood in the construction/ development/ redevelopment of a dwelling within the Town of East Fremantle.

The vision is to develop a policy that is an environmental policy that encourages the sustainable use of wood within East Fremantle and is responsive to environmental issues such as climate change and environmental protection.

Policy Scope

The Policy relates to any wood, where feasible and practical to be utilised as a building material in the construction and fit out of new dwellings and additions and alterations of existing dwellings in the Town.

This Policy applies to any site where new dwellings or additions to an existing dwelling are proposed.

Policy

Trees provide environmental, health and amenity benefits in relation to solar and privacy screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness. The use of wood as a construction material is also considered to have mutual environmental, health, ecological and sustainable benefits which provide economic and urban design benefits for the local community and State as a whole.

Timber is the only major building material that helps tackle climate change. Wood uses much less energy - known as embodied energy - than most other building materials, giving wood products a significantly lower carbon footprint. As a result wood can be used as a low-emission substitute for materials that require larger amounts of fossil fuels to be produced.

The Town of East Fremantle Policy: Residential Design Guidelines Section 3.7.9 Materials and Colours states:

3.7.9.1 Statement

Residences in the Policy Area are predominantly of timber, brick and limestone construction with corrugated iron and Marseille tiled roofs. Face brick, rendered brick and painted brick finishes are evident throughout the Policy Area. Some corrugated iron roofs have been replaced with Colorbond or Zinalume.

For a specific existing material palette for each Precinct refer to the Town of East Fremantle Precinct Survey.

External face brick or stone walls are defining elements or characteristics of a building and should not be coated, rendered or painted. Full authentic restoration of original colour schemes is not required in the Policy Area. Original cladding materials should not be removed. Where repairs or replacement are necessary, this should be undertaken using materials consistent with the existing fabric.

3.7.9.2 Desired Development Outcomes

- i. For existing contributory buildings, retain original materials where possible. Where materials require replacement, the policy of replacing 'like for like' should be applied;*
- ii. External colour schemes to existing buildings should be appropriate to the architectural period and style of the building, based on historical evidence where possible;*
- iii. New materials and colours that are compatible but distinguish the addition and alteration from the existing building are preferred; and,*
- iv. New materials should be easily distinguishable from existing materials without detracting from the character and heritage significance of the Precinct.*

This Policy further elaborates on the preferred use of construction materials within the Town, with a preference for wood products and finishes to be utilised where practical. This Wood Encouragement Policy does not in any way mandate the use of wood, only that wood is at least considered as a preferred choice of material for construction and fit out in any development or redevelopment of a property.

Council recognises the importance of forestry and the timber products industry to the broader West Australian region. Central to Council's desire to be environmentally and ecologically sustainable is to enable wood to be utilised as a preferred material, where deemed appropriate.

Council will encourage the increased utilisation of wood in any development/ redevelopment within the Local Government area by:

- Facilitating the wider use of wood as a construction and fit out material in the Local Government area in any development/ redevelopment
- Giving preference to the use of wood as a construction material, where deemed appropriate
- Where possible, promote the sourcing of locally (West Australian) produced wood products for construction and fit out purposes
- Encouraging designers/ architects/ engineers or similar professions to use new, innovative wood design, products and/ or materials to work with the existing built environment to enhance the urban fabric of the Local Government Area.

In facilitating the use of wood as a preferred construction material for new developments/ redevelopments within the Local Government Area, Council will have regard to:

- The utilisation of wood products that meet the Australian Forest Standard, Program for the Endorsement of Forest Certification and/or Forest Stewardship Council certifications; maintenance required throughout the life of the project
- Maintenance required throughout the life of the project

- Pest and fungus protection
- Using wood only when it is the right material for the selected application

Responsible Directorate:	Planning Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	
Policy Amended/Reviewed:	
Next Review Date:	

WOOD ENCOURAGEMENT POLICY – GENERAL

Policy Number:	Policy 3.1.8
Type:	Built and Natural Environment
Legislation:	N/A
Delegation:	N/A
Other Related Document:	ToEF Residential Design Guidelines Policy

Objective

- (a) To reinforce Council's preference for quality wood buildings in the development of briefs for residential development within the Town.
- (b) To encourage the design of residential development in a manner that promotes the use of wood within the built form.
- (c) To recognise all of the benefits that make **sustainably sourced** wood a smart choice for residential buildings and infrastructure;
- (d) To encourage the use of **sustainably sourced** wood in the construction and fit out of any development/ redevelopment of a property within the Local Government area, where it is practical to do so.

This Wood Encouragement Policy for the Council has been developed to clearly articulate how the Town of East Fremantle will encourage the use of **sustainably sourced** wood in the construction/ development/ redevelopment of a dwelling within the Town of East Fremantle.

The vision is to develop a policy that is an environmental policy that encourages the sustainable use of wood within East Fremantle and is responsive to environmental issues such as climate change and environmental protection.

Policy Scope

The Policy relates to any **sustainably sourced** wood, where feasible and practical, to be utilised as a building material in the construction and fit out of new dwellings and additions and alterations of existing dwellings in the Town.

This Policy applies to any site where new dwellings or additions to an existing dwelling are proposed.

Policy

Trees provide environmental, health and amenity benefits in relation to solar and privacy screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness. The use of **sustainably sourced** wood as a construction material is also considered to have mutual environmental, health, ecological and sustainable benefits which provide economic and urban design benefits for the local community and State as a whole.

Sustainably sourced wood is the only major building material that helps tackle climate change. **It is renewable and stores carbon for its life in use. In addition,** wood uses much less energy - known as embodied energy - than most other building materials, giving wood products a significantly lower carbon footprint. As a result wood can be used as a low-emission substitute for materials that require larger amounts of fossil fuels to be produced.

The Town of East Fremantle Policy: Residential Design Guidelines Section 3.7.9 Materials and Colours states:

3.7.9.1 Statement

Residences in the Policy Area are predominantly of timber, brick and limestone construction with corrugated iron and Marseille tiled roofs. Face brick, rendered brick and painted brick finishes are evident throughout the Policy Area. Some corrugated iron roofs have been replaced with Colorbond or Zinalume.

For a specific existing material palette for each Precinct refer to the Town of East Fremantle Precinct Survey.

External face brick or stone walls are defining elements or characteristics of a building and should not be coated, rendered or painted. Full authentic restoration of original colour schemes is not required in the Policy Area. Original cladding materials should not be removed. Where repairs or replacement are necessary, this should be undertaken using materials consistent with the existing fabric.

3.7.9.2 Desired Development Outcomes

- i. For existing contributory buildings, retain original materials where possible. Where materials require replacement, the policy of replacing 'like for like' should be applied;*
- ii. External colour schemes to existing buildings should be appropriate to the architectural period and style of the building, based on historical evidence where possible;*
- iii. New materials and colours that are compatible but distinguish the addition and alteration from the existing building are preferred; and,*
- iv. New materials should be easily distinguishable from existing materials without detracting from the character and heritage significance of the Precinct.*

This Policy further elaborates on the preferred use of construction materials within the Town, with a preference for wood products and finishes to be utilised where practical. This Wood Encouragement Policy does not in any way mandate the use of wood, only that wood **should** at least be considered as a preferred choice of material for construction and fit out in any development or redevelopment of a property.

Council recognises the importance of forestry and the timber products industry to the broader West Australian region. Central to Council's desire to be environmentally and ecologically sustainable is to enable wood to be utilised as a preferred material, where deemed appropriate.

Council will encourage the increased utilisation of wood in any development/ redevelopment within the Local Government area by:

- Facilitating the wider use of wood as a construction and fit out material in the Local Government area in any development/ redevelopment
- Giving preference to the use of wood as a construction material, where deemed appropriate
- Where possible, promote the sourcing of locally (West Australian) produced wood products for construction and fit out purposes
- Encouraging designers/ architects/ engineers or similar professions to use new, innovative wood design, products and/ or materials to work with the existing built environment to enhance the urban fabric of the Local Government Area.

In facilitating the use of wood as a preferred construction material for new developments/ redevelopments within the Local Government Area, Council will have regard to:

- The utilisation of wood products that meet the Australian Forest Standard, Program for the Endorsement of Forest Certification and/or Forest Stewardship Council certifications; maintenance required throughout the life of the project
- Maintenance required throughout the life of the project
- Pest and fungus protection
- Using wood only when it is the right material for the selected application

Responsible Directorate:	Planning Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	
Policy Amended/Reviewed:	
Next Review Date:	

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 30 November 2017

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Date of Meeting	12 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

To provide timely financial information to elected members including regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

Staff recommend that Council receives the Financial Activity Statement for the period ending 30 November 2017.

Background

The report comprises the monthly financial results with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 30 November 2017 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report

The attached Financial Activity Statements are prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; together with supporting material to provide Council with easy to understand financial information covering activities undertaken during the financial year.

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

The November 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

The matter being put to Council is not likely to have a direct impact on the strategies of Council.

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 following is a summary of information on the attached financial reports:

Revised Budget Forecast

The current budget forecast for the 30 June 2018 indicates a breakeven of \$0 which is not represented by any change to date.

Operating YTD Actuals (compared to the YTD Budget)

The November 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 102%; is \$188,000 more than the YTD budget. (Favourable)

Operating Expenditure 88%; is \$554,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$847,000 more than the YTD budget (Favourable).

Operating Revenue is 2% Favourable to the year to date budget.

The significant areas of favourable variations for operating revenue include:

- General Purpose Funding:
There are favourable year to date budget timing variances for:
 - Interim Rates \$49,000 which will be monitored.
 - Rates Administration Fees \$40,000 and Rates Instalment Interest Charges \$29,000 which will be offset during the year.
- Recreation & Culture:
The Swan Yacht Club Rental has a favourable year to date budget timing variance amounting to \$43,000 which will be offset in November.

The significant areas of unfavourable variations for operating revenue include:

- Recreation & Culture:
The Riverside Road Mooring Pens has an unfavourable year to date budget timing variance amounting to \$45,000 which is attributable to nine mooring pens being vacant as at the date of this report. Ongoing advertising regarding the availability of mooring pens will continue.
- Transport:
The Launching Ramp Parking Fees has an unfavourable year to date budget timing variance amounting to \$24,000 which is mainly due to seasonal factors.

Operating Expenditure is 12% Favourable to the year to date budget.

The significant areas of favourable variations for operating expenditure include:

- Governance:
Communications, Advocacy and Public Relations has a favourable year to date budget timing variance amounting to \$37,000 as the projects are in their early stages.

Employee Costs has a favourable year to date budget timing variance amounting to \$55,000 which will be offset during the year.

- Education & Welfare:
HACC Salaries has a favourable year to date budget timing variance amounting to \$41,000 which will be monitored.
- Community Amenities:
There are favourable year to date budget timing variances for; Domestic Refuse Collection \$45,000, Domestic and Commercial Recycling \$30,000 and SMRC Waste Composting Facility \$46,000 which is mainly due to invoices received/paid in the following month.
- Recreation & Culture:
East Fremantle Oval has a favourable year to date budget timing variance amounting to \$30,000. A separate report on the above will be submitted by Council's Executive Manager Corporate and Community Services to a future Council meeting.

The City of Fremantle Library has a favourable year to date budget timing variance amounting to \$100,000 due to the invoice having not been received as at the date of this report.

- Transport:
There are favourable year to date budget timing variances for; Road and Street Maintenance \$20,000 and Kerbing Maintenance \$34,000 which will be offset during the year.

The significant areas of unfavourable variations for operating expenditure include:

- Transport:
Verge Maintenance has an unfavourable year to date budget timing variance amounting to \$40,000 which is mainly due to greater emphasis having placed on this project as at this time of the year.



All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress.

The majority of Infrastructure projects will commence in November.

Other details can be found in the attached notes to the financial activity statement.

Capital Programs YTD Progress Summaries

Annual Timeline 33% of year elapsed

Land & Buildings 20% expended

Infrastructure Assets 8% expended

Plant & Equipment 54% expended

Furniture & Equipment 0% expended

Capital expenditure is \$3,768,000 less than the YTD budget (Favourable) which represents 85% of the capital programs to be completed.

All amounts quoted in this report are exclusive of GST.

12.2.1 OFFICER RECOMMENDATION

That Council receives the Financial Activity Statement for the period ending 30 November 2017.



TOWN OF EAST FREMANTLE

MONTHLY FINANCIAL ACTIVITY STATEMENT

FOR THE PERIOD 1 JULY 2017 TO 30 NOVEMBER 2017

TABLE OF CONTENTS

Financial Activity Statement	100
Notes to the Financial Activity Statement :	
Summary	101
Operating Revenue & Expenditure	102-105
Capital Expenditure	105-106
Schedule of Investments	106-107
Schedule of Capital Works	108-110
Schedule of Rates Outstanding	111
Parking Infringements Written Off	111
Net Current Assets	112

TOWN OF EAST FREMANTLE



FINANCIAL ACTIVITY STATEMENT

For the Period 1 July to 30 November 2017

OPERATING	NOTE	ORIGINAL BUDGET	YTD BUDGET	YTD ACTUALS	YTD Variance	Variance
			\$	\$	%	\$
REVENUE/SOURCES						
General Purpose Funding		7,929,114	7,664,891	7,763,364	101%	98,473
Governance		13,200	10,160	27,965	275%	17,805
Law, Order, Public Safety		30,560	16,785	19,552	116%	2,767
Health		12,340	10,855	13,328	123%	2,473
Education and Welfare		904,040	486,760	504,517	104%	17,757
Housing		88,800	37,000	34,800	94%	(2,200)
Community Amenities		193,600	138,430	132,035	95%	(6,395)
Recreation and Culture		511,550	261,977	285,289	109%	23,312
Transport		431,785	143,240	208,355	145%	65,115
Economic Services		194,800	81,150	52,381	65%	(28,769)
Other Property and Services		30,300	12,620	9,898	78%	(2,722)
TOTAL OPERATING REVENUE		10,340,089	8,863,868	9,051,485	102%	187,617
EXPENDITURE/APPLICATIONS						
General Purpose Funding		(83,324)	(34,710)	(34,137)	98%	573
Governance		(1,090,031)	(442,077)	(377,492)	85%	64,585
Law, Order, Public Safety		(134,097)	(63,607)	(36,319)	57%	27,288
Health		(209,881)	(90,328)	(58,947)	65%	31,381
Education and Welfare		(1,336,370)	(581,268)	(473,508)	81%	107,760
Housing		(58,228)	(26,070)	(12,502)	48%	13,568
Community Amenities		(2,508,795)	(966,269)	(778,141)	81%	188,128
Recreation and Culture		(3,589,657)	(1,198,938)	(1,067,877)	89%	131,061
Transport		(2,697,702)	(1,120,116)	(1,126,394)	101%	(6,278)
Economic Services		(146,403)	(53,110)	(41,256)	78%	11,854
Other Property and Services		(159,239)	(111,786)	(127,650)	114%	(15,864)
TOTAL OPERATING EXPENDITURE		(12,013,727)	(4,688,279)	(4,134,224)	88%	554,055
Adjustments for non-cash items						
Depreciation on Assets		2,438,301	1,015,940	1,130,412	111%	114,472
(Profit)/Loss on Asset Disposals		(12,900)	(5,375)	(14,444)	269%	(9,069)
TOTAL NON-CASH ITEMS		2,425,401	1,010,565	1,115,967	110%	105,402
TOTAL OPERATING CASH POSITION		751,763	5,186,154	6,033,229	116%	847,075
CAPITAL REVENUE/EXPENSES						
Purchase Land & Buildings		(2,188,707)	(2,188,707)	(912,207)	42%	1,276,500
Purchase Infrastructure Assets		(1,820,792)	(1,820,792)	(385,644)	21%	1,435,148
Purchase Plant & Equipment		(181,850)	(181,850)	(172,332)	95%	9,519
Purchase Furniture & Equipment		(260,500)	(260,500)	(27,206)	10%	233,294
CAPITAL EXPENDITURE SUBTOTAL		(4,451,849)	(4,451,849)	(1,497,389)	34%	2,954,460
Proceeds from Disposal of Assets		54,181	54,181	52,455	97%	(1,726)
Repayment of Debentures		-	-	-	-	-
Proceeds from New Debentures		500,000	500,000	-	0%	-
Self-Supporting Loan Principal Income		-	-	-	-	-
Transfers to Restricted Assets		(259,082)	-	-	-	-
Transfers from Restricted Assets		2,040,262	-	-	-	-
Add: Net Current Assets 1 July 2017		1,364,725	1,364,725	1,364,725	100%	-
Net Current Assets YTD		0	2,653,211	5,953,020	224%	3,299,809

Monthly Report November 2017**Notes to the Financial Activity Statement****SUMMARY***Budget Forecast*

The Financial Activity Statement for the period ended 30 November 2017 indicates a balanced budget to 30 June 2018. The following analysis compares year to date variations against the forecast.

Operating YTD Actuals

Operating Revenue 102%; is \$188,000 more than the YTD budget (Favourable).

Operating Expenditure 88%; is \$554,000 less than the YTD budget (Favourable).

After non-cash adjustments, the total operating cash position is \$847,000 more than the YTD budget (Favourable).

Capital Programs YTD Progress

Land & Buildings 42% expended

Infrastructure Assets 21% expended

Plant and Equipment 95% expended

Furniture and Equipment 10% expended

Capital Expenditure is \$2,954,000 less than the YTD budget (Favourable), which is the value of uncompleted works.

Materiality in Financial Reporting

Material program income and expenditure variance thresholds of either the greatest of 10% or \$10,000 are explained as follows and variances are reported to the nearest \$'000:

OPERATING REVENUE & EXPENDITURE**REVENUE – FAVOURABLE \$188,000**

There is a favourable YTD operating revenue variance, which is due to a combination of the following items:

GENERAL PURPOSE FUNDING – FAVOURABLE \$98,000**Rates**

There are favourable year to date budget timing variances for: Interim Rates \$47,000, Rates Instalment Administration fees \$35,000 and Rates Instalment Interest Charges \$30,000 which will be monitored.

General Rates Levied has an unfavourable year to date budget timing variance amounting to \$19,000, which is mainly attributable to a rates valuation for a commercial property having been reduced.

There is a favourable year to date budget timing variances for Rates Late Payment Interest Penalty amounting to \$10,000 which will be offset during the year.

GOVERNANCE – FAVOURABLE \$18,000**General Administration**

Sundry Income has a favourable year to date budget timing variance amounting to \$16,000, which is mainly attributable to the transfer of Long Service Leave entitlements, which as per the Local Government Long Service Leave Regulations, are received from other local governments, for former and current employees.

EDUCATION & WELFARE – FAVOURABLE \$18,000**Care of Families & Children**

The Home and Community Care Program has a favourable year to date budget timing variance amounting to \$18,000, which is mainly attributable to a HACC grant supplement which was received. The account should be offset during the year.

RECREATION & CULTURE – FAVOURABLE \$23,000**Swimming Areas/Beaches**

The Riverside Road Mooring Pen Fees has an unfavourable year to date budget timing variance amounting to \$33,000 which is attributable to eight mooring pens being vacant as at the date of this report. Ongoing advertising regarding the availability of mooring pens will continue.

Other Recreation & Sport

The East Fremantle Oval DSR Grant has a favourable year to date budget timing variance amounting to \$75,000 which will be offset in December.

Other Culture

The East Fremantle Festival has a favourable year to date budget timing variance amounting to \$20,000 which is attributable to the Lotterywest grant having been received earlier than anticipated.

TRANSPORT – FAVOURABLE \$65,000**Maintenance Streets, Roads & Bridges**

The Roads to Recovery Grant has a favourable year to date budget timing variance amounting to \$69,000 which will be offset in January.

Parking Facilities

Launching Ramp Parking fees has an unfavourable year to date budget timing variance amounting to \$28,000, which is mainly attributable to seasonal factors.

Fines Enforcement Recoverable has a favourable year to date budget timing variance amounting to \$13,000 which will be monitored.

ECONOMIC SERVICES – UNFAVOURABLE \$29,000

BCITF receipts has an unfavourable year to date budget timing variance amounting to \$12,000 which will be monitored.

EXPENDITURE – FAVOURABLE \$554,000

There is a favourable YTD operating expenditure variance which is due to a combination of the following items:

GOVERNANCE – FAVOURABLE \$65,000**Members of Council**

Election Expenses has a favourable year to date budget timing variance amounting to \$30,000 which is mainly attributable to no invoice having been received from the WA Electoral Commission as at the date of this report.

Communications, Advocacy and Public Relations has a favourable year to date budget timing variance amounting to \$56,000 as the projects are in their early stages.

General Administration

Employee Costs has a favourable year to date budget timing variance amounting to \$65,000 which will be offset during the year.

Legal/Administration Consultants fees has an unfavourable year to date budget timing variance amounting to \$12,000 which is mainly attributable to the payment of various legal lease set-up fees for sporting clubs, mooring pens and a commercial property. This account will be offset during the year.

LAW, ORDER, AND PUBLIC SAFETY – FAVOURABLE \$27,000

The ESL on Council property has a favourable year to date budget timing variance amounting to \$12,000 which will be monitored.

HEALTH – FAVOURABLE \$31,000

There are no significant items of variance within this program.

EDUCATION & WELFARE – FAVOURABLE \$108,000**Care of Families & Children**

There are favourable year to date budget timing variances for: HACC Salaries \$52,000 and HACC Service Unit Assessment \$21,000 which will be monitored.

HOUSING – FAVOURABLE \$14,000

Building Maintenance for the Allen Street Units has a favourable year to date budget timing variance amounting to \$16,000 which will be offset during the year.

COMMUNITY AMENITIES – FAVOURABLE \$188,000**Sanitation – Household Refuse**

There are favourable year to date budget timing variances for: Domestic and Commercial Recycling \$15,000, Domestic Refuse Collection \$31,000, City of Cockburn Tip Disposal Fees \$16,000 and SMRC Waste Composting Facility \$72,000 which is mainly attributable to invoices received/paid in the following month.

Town Planning & Regional Development

Town Planning Salaries has a favourable year to date budget timing variance amounting to \$16,000 which will be offset during the year.

RECREATION & CULTURE – FAVOURABLE \$131,000**Other Recreation & Sport**

There are favourable year to date budget timing variances for: Raceway Park \$12,000, Merv Cowan Park \$15,000, Glasson Park \$12,000 and John Tonkin Park \$15,000, which are due to seasonal factors which will be offset during the year.

Preston Pt Reserve – East Fremantle Lacrosse ground has an unfavourable year to date budget timing variance amount to \$23,000 which is mainly attributable to verti-mowing, top dressing and fertilising the ground which will be offset during the year.

East Fremantle Oval has a favourable year to date budget timing variance amounting to \$32,000 which will be monitored.

Other Culture

The East Fremantle Festival has a favourable year to date budget timing variance amounting to \$20,000 which will be offset during the year.

ECONOMIC SERVICES – FAVOURABLE \$12,000**Building Control**

BCITF payments has a favourable year to date budget timing variance amounting to \$15,000 which will be monitored.

OTHER PROPERTY & SERVICES – UNFAVOURABLE \$16,000

Public Works Overheads expenditure is \$23,000 over year to date budget in total pooled costs, whilst the Recovery of Public Works Overheads is on year to date budget, based on labour hours.

Plant Operation Costs are \$28,000 under year to date budget, whilst the Recovery of Plant Operation costs is \$55,000 under year to date budget, based on plant hour usage volumes.

CAPITAL EXPENDITURE

There are favourable year to date Capital Expenditure timing variances of \$2,954,000 given that the works program is 34% completed.

Land & Buildings

Town Hall Remedial Works - Payments have been made to the following:

- Peter Hunt Architects for Stage 3 Design Development - Stage 4 - Construction Documents and Stage 5 - Tender Documents – Stage 6 - Commencement of on-site work.
- Steens Gray & Kelly Pty Ltd - Mechanical Design and Contract Documentation - Claim 6, 7 and 8.
- Fire Designs Solutions - Engineering Report.
- BPA Engineering - Structural Consultancy
- Best Consultants - Electrical Design and Contract Documentation - Phase 3
- ICS Australia have been paid for year to date services as per Certificates 01, 02, 03 and 04.

The Council contribution towards the Glyde-In Community Centre Art Shed project has been paid.

Plant & Equipment

The Operations Supervisor's vehicle has been replaced.

The Mini Excavator with trailer has been replaced.

The Ride-on Mower has been replaced.

The Mitsubishi Canter truck has been replaced.

Furniture & Equipment

A deposit has been paid for the Town Hall furniture.

One digital camera has been purchased.

Infrastructure

The John Tonkin Interpretation Node Project (carpark) is progressing.

The John Tonkin Power Upgrade is progressing.

The Swimming Areas – Foreshore Erosion Control program should be completed in December.

The East Fremantle Oval "Ring Main" Irrigation Upgrade has been completed.

The East Fremantle Oval "Bore Pump" Irrigation Upgrade has been completed.

The Bi-Centennial Falls Retaining Walls project has commenced with the proposed slope and retaining wall inspection having been undertaken by the consultant.

Footpath Renewal – Petra Street (slabs) – Fraser Street to View Terrace – Western side has commenced.

Footpath Renewal – Windsor Road – Canning Highway to Fraser Street – Eastern side has commenced.

The New Town Entry Statement project has commenced with the East Fremantle Community Centre signage and Council logo having been installed.

SCHEDULE OF INVESTMENTS

Surplus funds are held in interest bearing term deposits. The General Purpose interest year-to-date budget for the Municipal and Reserve funds is \$34,000 compared to the actual interest received which amounts to \$39,000. The timing of interest received on investments is dependent on the placement and maturity dates of term deposits. Rate revenue received will be placed on investment as surplus funds and spread forward over various months to satisfy ongoing cash flow requirements. Interest earnings are reflected as investments mature.

The graph displays the mix of investments and how funds compare with the limits of the Town's Investment policy placement (Maximum 100% with AA rated and maximum 80% with A rated institutions).

Prior to placing investments, preference is given to competitive quotations from financial institutions that are deemed not to invest in or finance the fossil fuel industry where;

- a) the investment is compliant with Council's investment policy with regards to risk management guidelines, and
- b) the investment rate of return is favourable to Council relative to other investment quotations that may be on offer within a competitive environment.

For this period, we have been re- investing and spreading funds on terms between one and two months. We have noticed when currently sourcing competitive quotes is that non-fossil fuel institutions tend to be more competitive on longer placements but are not as competitive on the shorter terms. Subject to cash flow requirements, we will be seeking a range of longer investment terms as investments mature.

TOWN OF EAST FREMANTLE

INVESTMENTS

DETAILS OF INVESTMENTS HELD AS AT 30 NOVEMBER 2017

FINANCIAL INSTITUTION	STANDARD & POOR'S (LT) RATING	REF. NO	RATE %	PERIOD	INVESTMENT DATE	MATURITY DATE	MUNICIPAL FUND	TRUST FUND	RESERVE FUND VARIOUS	HIGHEST (LT) % RATE QUOTED-NON FOSSIL FUEL BANKS	MATURED INVEST.	INTEREST 17/18	COMMENTS
ANZ	AA-	977712247									\$501,235.61	\$1,235.61	General Account
BANKWEST	AA-	4607122									\$200,517.81	\$517.81	General Account
BANKWEST	AA-	4612256									\$753,277.19	\$3,277.19	General Account
BANKWEST	AA-	4634819									\$501,695.21	\$1,695.21	General Account
BANKWEST	AA-	4636049									\$501,571.92	\$2,506.17	General Account
BANKWEST	AA-	4635676	2.20	30	21-Nov-17	21-Dec-17	\$401,545.21			BOQ - 1.75% - S&P (BBB+)		\$1,545.21	General Account
BANKWEST	AA-	4640312	2.30	69	05-Oct-17	13-Dec-17	\$300,000.00			BOQ - 2.15% - S&P (BBB+)			General Account
NAB	AA-	73659474	2.50	84	12-Oct-17	04-Jan-18	\$500,000.00			BOQ - 2.35% - S&P (BBB+)			General Account
NAB	AA-	817620116	2.44	84	16-Oct-17	08-Jan-18	\$400,000.00			BOQ - 2.40% - S&P (BBB+)			General Account
SUNCORP	A	4190384	2.37	58	15-Nov-17	12-Jan-18	\$500,000.00			BOQ - 2.10% - S&P (BBB+)			General Account
WESTPAC	AA-	36086035937	2.56	76	26-Sep-17	11-Dec-17	\$950,000.00			BOQ - 2.10% - S&P (BBB+)			General Account
WESTPAC	AA-	36067614124	2.58	76	27-Sep-17	12-Dec-17	\$700,000.00			BOQ - 2.20% - S&P (BBB+)			General Account
WESTPAC	AA-	36067614247	2.58	66	29-Sep-17	04-Dec-17	\$150,000.00			BOQ - 2.10% - S&P (BBB+)			General Account
BANKWEST	AA-	35071192038									\$700,563.84	\$563.84	General Account
NAB	AA-	4607116									\$1,290,280.82	\$5,280.82	Various Reserves
WESTPAC	AA-	792654885	2.55	181	01-Sep-17	01-Mar-18				BOQ - 2.55% - S&P (BBB+)			Various Reserves
COMMONWEALTH BANK	AA-	36032581668	2.65	92	09-Oct-17	09-Jan-17				BOQ - 2.40% - S&P (BBB+)		\$18,306.32	Various Reserves
VARIOUS	AA-	166592	1.92	29	23-Nov-17	22-Dec-17		\$766,406.62		RURAL BANK - 1.85% - S&P (BBB+)		\$5,909.51	Trust Account
							\$3,501,545.21	\$766,406.62	\$3,275,212.39		\$4,449,142.40	\$44,557.91	Interest set off/Trans.in

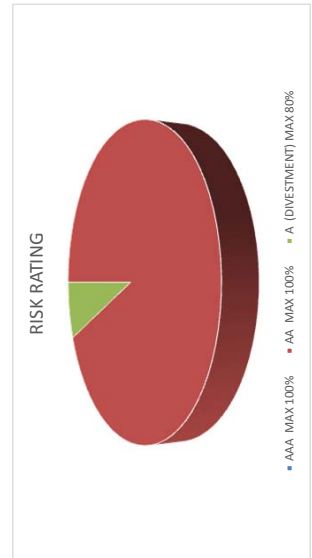
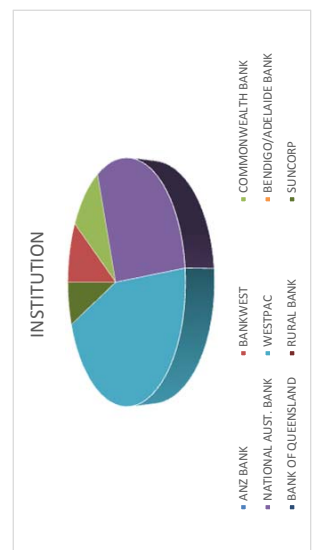
General A/c Maturity Dates:

(1)	04-Dec-17	\$150,000.00
(1)	11-Dec-17	\$550,000.00
(1)	12-Dec-17	\$700,000.00
(1)	13-Dec-17	\$300,000.00
(1)	21-Dec-17	\$401,545.21
(1)	04-Jan-18	\$500,000.00
(1)	08-Jan-18	\$400,000.00
(1)	12-Jan-18	\$500,000.00
		\$3,501,545.21

Interest Balances:

Account No: 103186 General	\$15,061.26
1689 Reserves	\$23,587.14
223 Trust	\$5,909.51
	\$44,557.91

INSTITUTION	\$	%	(LT) RISK
ANZ BANK	\$0	0.00%	AA-
BANKWEST	\$701,545	9.30%	AA-
COMMONWEALTH BANK	\$766,407	10.16%	AA-
NATIONAL AUSTR. BANK	\$2,190,281	29.04%	AA-
WESTPAC	\$3,384,932	44.87%	AA-
BENDIGO/ADELAIDE BANK			BBB+
BANK OF QUEENSLAND			BBB+
RURAL BANK			BBB+
SUNCORP	\$500,000	6.63%	A
	\$7,543,164	100.00%	



COA	Description	2017/18 Budget	2017/18 Actual	Progress %
	Land & Buildings			
E04604	Buildings - Town Hall Remedial Works	\$2,094,462	887,207	42%
E08613	Glyde-In Community Learning Centre	\$25,000	25,000	100%
E10606	Sumpton Green Childcare - Verandah Repairs	\$9,245	-	0%
E11706	East Fremantle Bowling Club - Solar Panels	\$15,000	-	0%
E11623	Buildings - EF Junior Football Clubroom - CapEx	\$45,000	-	0%
	Land & Buildings Total	\$2,188,707	912,207	42%
	Plant & Equipment			
E11707	Replacement of Ride-On Mower TORO Z7000	\$36,000	26,200	73%
E12802	Mini Excavator 1.8T with Trailer	\$36,950	36,856	100%
E12803	Replacement of 2008 Mitsubishi Canter with 2017 Isuzu NPR 75-190	\$70,000	74,040	106%
E12804	Replacement of Dual Cab Utility - Operations Supervisor	\$38,900	35,236	91%
	Plant & Equipment Total	\$181,850	172,332	95%
	Furniture & Equipment			
E04606	Town Hall Furniture	\$170,000	25,000	15%
E04613	Admin - Records Compactus Unit CapEx	\$20,000	-	0%
E04616	Digital Cameras (2)	\$5,000	2,206	44%
E04617	Surebind System (Binder)	\$4,500	-	0%
E04620	Town Hall AV Equipment	\$45,000	-	0%
E04621	Work Station Computer Replacements	\$16,000	-	0%
	Furniture & Equipment Total	\$260,500	27,206	10%

COA	Description	2017/18 Budget	2017/18 Actual	Progress %
	Infrastructure Assets			
E10605	Inf - Jetty Treatment and Major Maintenance Program - Infrastructure CapEx	\$21,576	-	0%
E11602	Inf - John Tonkin Interpretation Node Project (Carpark). CapEx	\$10,788	5,133	48%
E11704	Inf - John Tonkin Power Upgrade	\$161,819	37,137	23%
E11687	Inf - Swimming Areas - Foreshore Erosion Control - CapEx	\$474,067	284,432	60%
	Swan River Foreshore Infrastructure Sub-Total	\$668,250	326,701	49%
E11700	Inf - East Fremantle Croquet Courts Upgrade	\$16,182	-	
E11701	Inf - Henry Jeffrey Cricket Nets	\$34,669	-	0%
E11702	Inf - EF Oval - Irrigation Upgrade - Ring Main	\$43,152	46,566	108%
E11703	Inf - EF Oval - Irrigation Upgrade - Bore Pump	\$43,151	2,929	7%
E11696	Inf - Bicentennial Falls Retaining Walls - CapEx	\$11,435	1,750	15%
E11697	Inf - I.G Handcock Reserve Stage 2 - CapEx	\$5,349	-	0%
E11705	Inf - Merv Cowan Pedestrian Bridge	\$6,934	-	0%
E12761	Inf - Drainage - Realignment of Drainage - Merv Cowan Park - CapEx	\$17,335	-	0%
	Clubs/Parks Infrastructure Sub-Total	\$178,207	\$51,246	29%
E12789	Infr - Footpath Renewal - Allen Street - Marmion to Fletcher Street - Eastern Side (322m)	\$37,558	-	0%
E12790	Infr - Footpath Renewal - Canning H'way - Town Centre to Old Post Office	\$79,740	-	0%
E12791	Infr - Footpath Renewal - Fortescue Street - Marmion Street to Fletcher Street - Western Side	\$46,226	-	0%
E12792	Infr - Footpath Renewal - Marmion Street - Hubble Street to Sewell Street - Northern Side	\$13,289	-	0%
E12793	Infr - Footpath Renewal - Oakover Street - Millenden Street to Canning H'way - Western Side	\$4,623	-	0%
E12794	Infr - Footpath Renewal - Penshurst Street - Pier Street to View Terrace - Eastern Side	\$13,289	-	0%
E12795	Infr - Footpath Renewal - Petra Street (slabs) - Fraser Street to View Terrace - Western Side	\$34,669	6,068	18%
E12796	Infr - Footpath Renewal - St. Peters Road - Sewell Street to King Street - Southern Side	\$28,891	-	0%
E12797	Infr - Footpath Renewal - Walter Street - Canning H'way to Fraser Street - Western Side	\$46,226	-	0%
E12798	Infr - Footpath Renewal - Windsor Road - Canning H'Way to Fraser Street - Eastern Side	\$40,445	585	1%
	Footpath Infrastructure Sub-Total	\$344,956	\$6,653	2%
E12776	Inf - Roads - Reconstruct Pavement - Aldgate Place	\$9,245	-	0%
E12777	Inf - Roads - Road Resurfacing - Andrews Road	\$29,794	-	0%
E12778	Inf - Roads - Road Resurfacing - Clayton Street	\$24,269	-	0%
E12747	Inf - Roads - Parking Machines	\$75,000	-	0%
E12779	Inf - Roads - Road Resurfacing - Fletcher Street	\$62,405	-	0%
E12780	Inf - Roads - Road Resurfacing - George Street	\$19,461	-	0%
E12781	Inf - Roads - Road Resurfacing - King Street	\$60,094	-	0%
E12782	Inf - Roads - Road Resurfacing - Moss Street	\$14,303	-	0%
E12783	Inf - Roads - Road Resurfacing - Munro Street	\$19,617	-	0%
E12784	Inf - Roads - Road Resurfacing - Riverside Road Carpark 7	\$19,345	-	0%
E12785	Inf - Roads - Road Resurfacing - Silas Street	\$17,335	-	0%
E12786	Inf - Roads - Road Resurfacing - View Terrace	\$17,335	-	0%
E12787	Inf - Roads - Road Resurfacing - Wolsely Road	\$17,335	-	0%
E12788	Inf - Roads - Road Resurfacing - Woodhouse Road	\$83,206	-	0%
E11603	Inf - East Fremantle Tennis Club - Court Resurfacing	\$49,624	-	0%
E12799	Inf - Town Depot Car Park Resurface	\$12,195	-	0%
E12800	Inf - Road Resurfacing - Eastern Street	\$12,143	-	0%
E12805	Inf - New Town Entry Statement	\$86,673	1,044	1%
	Road Infrastructure Sub-Total	\$629,379	\$1,044	0%

000217	TRANSFER TO LEGAL FUNDS RESERVE	\$3,470	-	0%
000221	TRANSFER TO PLANT RESERVE	\$6,312	-	0%
000224	TRANSFER TO STRATEGIC PLAN AND INFRASTRUCTURE RESERVE	\$163,753	-	0%
000225	TRANSFER TO STAFF LEAVE RESERVE	\$9,929	-	0%
000226	TRANSFER TO OFFICE RESERVE	\$1,850	-	0%
000228	TRANSFER TO CIVIC BUILDING RESERVE	\$15,360	-	0%
000229	TRANSFER TO HACC RESERVE	\$5,286	-	0%
000251	TRANSFER TO ARTS & SCULPTURE RESERVE	\$48,579	-	0%
000341	TRANSFER FROM STRATEGIC PLAN AND INFRASTRUCTURE RESERVE	-\$460,000	-	0%
000343	TRANSFER FROM OFFICE RESERVE	-\$149,842	-	0%
000344	TRANSFER FROM UNSPENT GRANTS RESERVE	-\$186,251	186,251	100%
000350	TRANSFER FROM CIVIC BUILDING RESERVE	-\$1,244,169	-	0%
		-\$2,040,262	186,251	9%
Infrastructure Assets Total		\$1,820,792	\$385,644	21%
Total All Capital Works		\$4,451,849	\$1,497,389	34%

RATES BALANCES
30 NOVEMBER 2017

30-November-2017					Levied	GST	Receipts	Balance
Rates - Current					7,558,994.60	0.00	5,357,474.52	2,201,520.08
Rates - Arrears					221,007.27	0.00	96,107.08	124,900.19
Interest					43,289.54		15,214.46	28,075.08
Legal Costs - Current					5,313.05	0.00	160.00	5,153.05
Excess Receipts					0.00	0.00	18,384.24	-18,384.24
Back Rates 13/14					9.14		9.14	0.00
Back Rates 16/17					3,007.41		2,068.11	939.30
Additional Recycling Bin					2,250.00	0.00	2,250.00	0.00
Additional Refuse Bin					8,630.83		8,130.83	500.00
Additional Refuse - Arrears					650.38	0.00	404.38	246.00
ESL Penalty Current					2,284.62	0.00	983.35	1,301.27
ESL Penalty Arrears					2,864.26	0.00	1,080.08	1,784.18
Instalment Admin Fee Current					41,299.50		41,299.50	0.00
Instalment Interest Current					40,077.07	0.00	40,077.07	0.00
Refuse & Recycling Service					87,500.00		85,500.00	2,000.00
Refuse & Recycling Service					491.00	0.00	491.00	0.00
Swimming Pool					8,210.84		7,919.69	291.15
Swimming Pool - Arrears					119.89		91.09	28.80
Emergency Services Levy - Current					1,245,084.26	0.00	903,897.12	341,187.14
Emergency Services Levy - Arrears					22,887.47	0.00	9,234.16	13,653.31
3288 Properties					9,293,971.13	0.00	6,590,775.82	2,703,195.31
Less Deferred Rates - GL Account 10001070								-52,576.76
Less Deferred ESL - GL Account 10001070								-4,861.06
BALANCE OF COLLECTIBLE RATES AS AT 30 NOVEMBER 2017								2,645,757.49
TOTAL GRV VALUATIONS AS AT 30 NOVEMBER 2017							107293395	
TOTAL % OF COLLECTIBLE OUTSTANDING RATES AS AT 30 NOVEMBER 2017							28.47	

GL Balances	
RATES CONTROL ACCOUNT	10001060 2,311,008.08
ESL CONTROL ACCOUNT	10001110 353,133.65
EXCESS RATES	10001240 -18,384.24
DEFERRED RATES	10001070 57,437.82
GL TOTAL	2,703,195.31
LESS RATES TRIAL BALANCE	2,703,195.31
VARIANCE	0.00

MONTHLY ADVICE OF DEBTS WRITTEN OFF

PARKING INFRINGEMENTS WRITTEN OFF FOR THE MONTH OF NOVEMBER 2017

- Current Infringements deemed uncollectable	\$1,183.50
- Interstate/overseas Infringements deemed uncollectable	\$500.00
	\$1,683.50

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

For the Period 1 July to 30 November 2017

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position	YTD Actual \$	2017/18 Budget \$
Cash - Unrestricted	3,793,745	538,968
Cash - Restricted Reserves	3,275,317	1,470,550
Receivables	2,878,574	-
	9,947,637	2,009,518
LESS: CURRENT LIABILITIES		
Payables and Provisions	(1,119,524)	(936,141)
NET CURRENT ASSET POSITION	8,828,113	1,073,377
Less: Cash - Restricted	(3,275,317)	(1,470,550)
Add: CashBacked Leave Reserve	400,224	397,173
ESTIMATED SURPLUS/(DEFICIENCY) C/FWD	5,953,020	0

Restricted Cash Breakup

Plant Replacement Reserve	254,420	258,792
Staff Leave Reserve	400,224	407,102
Office Reserve	149,129	0
Legal Costs Reserve	139,879	142,282
HACC Reserve	213,075	216,737
Strategic Plan Reserve	554,362	253,888
Civic Buildings Reserve	1,238,250	0
Unspent Grants	181,708	0
Arts & Sculpture Reserve	144,270	191,749
	3,275,317	1,470,550

12.2.2 Accounts for Payment – November 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date	12 December 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – November 2017

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 November 2017.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 November to 30 November 2017, 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 F8.1 Ordering of Goods and Services.

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 November to 30 November 2017 be received, as per the following summary table:

NOVEMBER 2017		
Voucher No	Account	Amount
5118 – 5120	Municipal (Cheques)	\$531.70
EFT24918 – EFT25088	Electronic Transfer Funds	\$1,873,514.83
Payroll	Electronic Transfer Funds	\$239,268.95
Superannuation	Electronic Transfer Funds	\$40,028.01
Credit Card	Corporate Credit Card	\$2,917.20
	Total Payments	\$2,156,260.69

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive Officer for November 2017 and submitted for the information of the Council Meeting to be held on 12 December 2017					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
5118	01/11/2017	TOWN OF EAST FREMANTLE -PAY CASH	RESPIRE CENTRE PETTY CASH RECOUP 24/10/17	260.50	260.50
5119	15/11/2017	TOWN OF EAST FREMANTLE - PLEASE PAY CASH	ADMIN PETTY CASH RECOUP 31/10/17	51.20	51.20
5120	15/11/2017	TOWN OF EAST FREMANTLE - PLEASE PAY CASH	HACC PETTY CASH RECOUP 31/10/17	220.00	220.00
			CHEQUE TOTAL	\$ 531.70	\$ 531.70
EFT	Payment Date	Supplier	Description	Inv Amount	EFT
EFT24918	01/11/2017	AUSTRALIA POST	POSTAGE COSTS SEPTEMBER 17	919.80	919.80
EFT24919	01/11/2017	AUSTRALIAN TAXATION OFFICE	GST PAYABLE OCTOBER 17	15,986.00	15,986.00
EFT24920	01/11/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	54.90	54.90
EFT24921	01/11/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	738.70	738.70
EFT24922	01/11/2017	BUNNINGS BLDG SUPPLIES LTD	2 x FENCE GATES PLUS ACCESSORIES	524.53	524.53
EFT24923	01/11/2017	EAST FREMANTLE YACHT CLUB (INC)	MEETING/FUNCTION OCTOBER 17	463.80	463.80
EFT24924	01/11/2017	FREMANTLE HERALD	ADVERT SPECIAL MEETING OF COUNCIL 24/10/17	92.04	92.04
EFT24925	01/11/2017	GLYDE IN COMMUNITY GROUP (INC)	SECOND QUARTER 2017/18 ANNUAL GRANT	23,100.00	23,100.00
EFT24926	01/11/2017	MELVILLE TOYOTA	MECHANICAL SERVICE FOR HIACE VAN REGO 1GCQ 227.	676.55	676.55
EFT24927	01/11/2017	O'CONNOR LAWNMOWER & CHAINSAW CENTRE	AIR FILTER REPLACE STIHL POWERHEAD PRUNER (HACC)	21.80	21.80
EFT24928	01/11/2017	TELSTRA CORPORATION LIMITED	DIRECTORY LISTINGS	514.03	514.03
EFT24929	01/11/2017	SYNERGY	POWER SUPPLY LACROSSE CLUB 18/08/17 - 16/10/17	8,175.15	8,175.15
EFT24930	01/11/2017	TOTAL PACKAGING (WA) PTY LTD	15 x CARTONS OF BIO-DEGRADABLE CANINE BAGS	3,775.20	3,775.20
EFT24931	01/11/2017	ALSCO PTY LTD	SANITARY SERVICES FOR ZEPHYRS	7.59	7.59
EFT24932	01/11/2017	KOOL LINE ELECTRICAL & REFRIGERATION	REPAIR DAMAGED ELECTRICAL CONDUIT TO FIELD LIGHTS AT PRESTON POINT RESERVE	765.00	765.00
EFT24933	01/11/2017	SMRC	MSW GATE FEES FOR OCTOBER 17 - 01/10/17 - 15/10/17	23,133.24	23,133.24
EFT24934	01/11/2017	WOOLWORTHS SUPERMARKETS	WEEKLY SHOPPING FOR RESPIRE CENTRE 30/10/17	587.48	587.48
EFT24935	01/11/2017	HOCKING PLANNING & ARCHITECTURE PTY LTD	PROFESSIONAL FEES PREPARATION OF HERITAGE ASSESSMENT OF 128A GEORGE STREET	1,875.90	1,875.90
EFT24936	01/11/2017	LANDSCAPE YARD O'CONNOR	SUPPLY OF SAND 10M3	513.00	513.00
EFT24937	01/11/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 - OLD POLICE STATION - COPY CHARGES 13/09/17 - 12/10/17	832.64	832.64
EFT24938	01/11/2017	TAMAN DIAMOND TOOLS AND MACHINERY	2 X DIAMOND CUTTING BLADES FOR STIHL QUICKCUT	649.00	649.00
EFT24939	01/11/2017	SUNNY SIGN COMPANY PTY LTD	SIGNS, POSTS ETC	2,338.27	2,338.27
EFT24940	01/11/2017	LIMESTONE BUILDING BLOCK CO PTY LTD	48 X 500X350X240 LIMESTONE BLOCKS	412.80	412.80
EFT24941	01/11/2017	FOCUS NETWORKS	SCHEDULED SUPPORT 3 HOURS PER WEEK + HELPDESK AND MONTHLY SERVER UPDATES 03/10/17 - 12/10/17	1,328.58	1,328.58
EFT24942	01/11/2017	FUJI XEROX	FUJI XEROX DC5C6675T - DOVENBY HOUSE - COPY CHARGES 01/09/17 - 30/09/17	425.74	425.74
EFT24943	01/11/2017	MARKETFORCE	ADVERT - FREMANTLE GAZETTE - DEPUTY MAYOR	179.39	179.39
EFT24944	01/11/2017	STEENS GRAY & KELLY PTY LTD	MECHANICAL DESIGN AND CONTRACT DOCUMENTATION/CONTRACT ADMINISTRATION - TOWN HALL RENOVATIONS - CLAIM 8 - 60% COMPLETION	935.00	935.00
EFT24945	01/11/2017	KEYS BROS	STORAGE OF FURNITURE FROM TOWN HALL 30/07/17 - 26/08/17	260.00	260.00
EFT24946	01/11/2017	MMM WA PTY LTD	CLAIM 1 - CONSTRUCTION OF JOHN TONKIN HEADLANDS AND FORESHORE RENOURISHMENT	100,908.33	100,908.33
EFT24947	03/11/2017	MAYOR JIM O'NEILL	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	3,633.00	3,633.00
EFT24948	03/11/2017	CR. JENNY HARRINGTON	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24949	03/11/2017	CR. CLIFF COLLINSON	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24950	03/11/2017	CR. DEAN NARDI	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24951	03/11/2017	CR. MICHAEL MCPHAIL	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,867.00	1,867.00
EFT24952	03/11/2017	CR. TONY WATKINS	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24953	03/11/2017	CR. ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24954	03/11/2017	CR. ANDREW WHITE	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24955	03/11/2017	CR. TONY NATALE	SITTING FEES & ICT ALLOWANCE FOR NOVEMBER 17	1,542.00	1,542.00
EFT24956	03/11/2017	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED - SEPT17	2,737.70	2,737.70
EFT24957	03/11/2017	MCLEODS	LEGAL ADVICE - EF BOWLING CLUB LEASE	2,004.91	2,004.91
EFT24958	03/11/2017	BEACON EQUIPMENT (FORMALLY MOWFIX)	6 X ROLLS OF BRUSHCUTTER CORD	912.40	912.40
EFT24959	03/11/2017	MAYOR JIM O'NEILL	POST ELECTION BALANCE OF SITTING FEES 22/10/17 - 31/10/17	1,171.94	1,171.94
EFT24960	03/11/2017	O'CONNOR LAWNMOWER & CHAINSAW CENTRE	SPARK PLUGS X 6 (GMR6H). (HACC HOME MAINTENANCE)	46.80	46.80
EFT24961	03/11/2017	TOTAL EDEN PTY LTD	IRRIGATION PARTS AND SPRINKLERS	3,070.24	3,070.24
EFT24962	03/11/2017	SYNERGY	POWER SUPPLY JOHN TONKIN PARK INC ZEPHYR 18/08/17 - 16/10/17	3,039.60	3,039.60
EFT24963	03/11/2017	ZIPFORM PTY LTD	DOG & CAT RENEWAL NOTICE MAILING	1,809.43	1,809.43
EFT24964	03/11/2017	CR. JENNY HARRINGTON	POST ELECTION BALANCE OF SITTING FEES 22/10/17 - 31/10/17	497.42	497.42
EFT24965	03/11/2017	DAVID GRAY & CO. PTY LTD	PURCHASE OF 20 GREEN BINS AND 20 RECYCLE BINS 240L. NO LIDS, WHEELS OR AXLES REQUIRED	1,716.00	1,716.00
EFT24966	03/11/2017	THE PAPER COMPANY OF AUSTRALIA	A4 COPY PAPER	410.19	410.19
EFT24967	03/11/2017	LANDGATE	GRV INTERIM VALUATIONS DATED 23/09/17 - 20/10/17	128.57	128.57
EFT24968	03/11/2017	CR. MICHAEL MCPHAIL	POST ELECTION BALANCE OF SITTING FEES 22/10/17 - 31/10/17	602.26	602.26
EFT24969	03/11/2017	CR. ANDREW MCPHAIL	POST ELECTION BALANCE OF SITTING FEES 22/10/17 - 31/10/17	497.42	497.42
EFT24970	03/11/2017	SPECIALISED SECURITY SHREDDING	3 x 240 LITRE DESTRUCTION BIN SERVICE - SEPTEMBER 17	20.24	20.24
EFT24971	03/11/2017	CR. TONY NATALE	SITTING FEES & ICT ALLOWANCE 22/10/17 - 31/10/17	497.42	497.42
EFT24972	03/11/2017	CALTEX AUSTRALIA PETROLEUM P/L	FUEL USE OCTOBER 17	5,248.45	5,248.45
EFT24973	15/11/2017	CRAIG BAILEY	REFUND OF BOND FOOTPATH DEPOSIT	1,500.00	1,500.00
EFT24974	15/11/2017	MICHAEL MCPHAIL	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00

EFT24975	15/11/2017	CLIFF COLLINSON	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24976	15/11/2017	JULIE AMOR	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24977	15/11/2017	JENNIFER MAY HARRINGTON	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24978	15/11/2017	TIJANA VUJIC	REFUND OF BOND DEPOSIT SUMPTON GREEN HIRE	304.00	304.00
EFT24979	15/11/2017	ANDREW McPHAIL	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24980	15/11/2017	MATILDA O'NEILL	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24981	15/11/2017	TONY NATALE	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24982	15/11/2017	KERRY DONOVAN	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24983	15/11/2017	ROBERT PETANCESKI	REFUND OF ELECTION 2017 NOMINATION DEPOSIT	80.00	80.00
EFT24984	15/11/2017	LAUREN RIDLEY	REFUND OF FOOTPATH DEPOSIT	1,500.00	1,500.00
EFT24985	15/11/2017	MCD CONSTRUCTION	REFUND OF FOOTPATH DEPOSIT	1,500.00	1,500.00
EFT24986	15/11/2017	GRANT M BURT & GAYE M PAGE-BURT	REFUND OF FOOTPATH DEPOSIT	1,500.00	1,500.00
EFT24987	15/11/2017	RICHARD MARTIN	REFUND OF FOOTPATH DEPOSIT	1,500.00	1,500.00
EFT24988	15/11/2017	JOHN OREGIONI	REFUND OF BOND DEPOSIT GOURLEY PARK HIRE	500.00	500.00
EFT24989	15/11/2017	PHILLIP M ROSSILLO	REFUND OF BOND DEPOSIT CAT TRAP	300.00	300.00
EFT24990	15/11/2017	AUSTRALIA POST	POSTAGE COSTS OCTOBER 17	1,003.54	1,003.54
EFT24991	15/11/2017	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED OCTOBER 17	5,172.54	5,172.54
EFT24992	15/11/2017	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE AND TOOLS	328.54	328.54
EFT24993	15/11/2017	OFFICEMAX AUSTRALIA LTD	OFFICE STATIONERIES ORDERED 4 SEPTEMBER 2017 - BACKORDER RECEIVED 03/11/17	15.49	15.49
EFT24994	15/11/2017	EAST FREMANTLE YACHT CLUB	ROOM HIRE / CATERING - MEETINGS OCTOBER 21017 - CONCEPT FORUM 10/10/17	1,130.20	1,130.20
EFT24995	15/11/2017	FREMANTLE HERALD	BUSH FIRES NOTICE 2017/2018	483.25	483.25
EFT24996	15/11/2017	GLYDE IN COMMUNITY GROUP (INC)	CONTRIBUTION TO ART SHED PROJECT - GRANT 2017/2018	27,500.00	27,500.00
EFT24997	15/11/2017	IT VISION	SYNERGYSOFT AUTOMATION TOOLSET - EMAIL FROM REPORT MANAGER - PAYSLIPS - \$1,210.00 PLUS ANNUAL LICENCE FEES \$322.30	1,424.86	1,424.86
EFT24998	15/11/2017	OPTUS ADMINISTRATION PTY LTD	MOBILE PHONE USE 22/09/17 - 21/10/17	314.08	314.08
EFT24999	15/11/2017	CANNON HYGIENE AUSTRALIA PTY LTD	MONTHLY SANITARY SERVICE TOILETS LAUNCHING RAMP	211.89	211.89
EFT25000	15/11/2017	SYNERGY	POWER SUPPLY 128 GEORGE STREET 17/08/17 - 13/10/17	358.65	358.65
EFT25001	15/11/2017	ZIPFORM PTY LTD	PRINT & POST FINAL NOTICES - RATES	1,200.14	1,200.14
EFT25002	15/11/2017	MAJOR MOTORS	PURCHASE OF 2017 ISUZU NH NPR 75-190 LWB CAB/CHASSIS INCL. AUTO TRANSMISSION, REVERSE CAMERA, STEEL TRAY, TOOLBOXES, H FRAME, WATER TANK, PUMP, 3.5t TOW BAR, CANVAS SEAT COVERS, TRAFFIC CONE PEG UNDER TRAY AND ALL OTHER ITEMS LISTED ON QUOTE SUPPLIED.	56,444.00	56,444.00
EFT25003	15/11/2017	FASTA COURIERS	COURIER COSTS 16/10/17 - 31/10/17	85.56	85.56
EFT25004	15/11/2017	STEANN PTY LTD	CLEAR BUND OF ROAD WASTE MATERIALS	6,402.00	6,402.00
EFT25005	15/11/2017	TREE PLANTING & WATERING	STREET TREE WATERING FOR OCTOBER 2017	6,729.84	6,729.84
EFT25006	15/11/2017	ALSCO PTY LTD	SANITARY SERVICES DOVENBY AND OLD POLICE STATION	36.16	36.16
EFT25007	15/11/2017	SWAN LOCK SERVICES PTY LTD	2x ABLOY SD 424 6-4 KEYS \$28.9 EA + SHIPPING \$38.5	96.30	96.30
EFT25008	15/11/2017	SMRC	MRF GATE FEES FOR OCTOBER 17 - MIXED RECYCLABLES	2,269.50	2,269.50
EFT25009	15/11/2017	POSTER GIRLS	DISTRIBUTION OF 100 POSTERS FOR EF FESTIVAL 2017	132.00	132.00
EFT25010	15/11/2017	PETRALEAN	DOVENBY HOUSE CLEANING SEPTEMBER 17	5,107.75	5,107.75
EFT25011	15/11/2017	KERB DOCTOR	REPAIRS TO KERB ON GEORGE STREET AND DUKE STREET	2,019.60	2,019.60
EFT25012	15/11/2017	WOOLWORTHS SUPERMARKETS	WEEKLY SHOPPING FOR RESPITE CENTRE 06/11/17	215.78	215.78
EFT25013	15/11/2017	ENVIROLAB SERVICES WA PTY LTD (MPL LABORATORIES)	2 x SAMPLE TESTS POSSIBLE ASBESTOS CONTAMINATED SOIL	187.00	187.00
EFT25014	15/11/2017	RAC BUSINESSWISE	RAC ROADSIDE ASSISTANCE RENEWAL 17/18	2,290.35	2,290.35
EFT25015	15/11/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KINOLTA MINOLTA PHOTOCIER CONTRACT 2017-2018 (4374610) 01/10/17 - 31/10/17	30.48	30.48
EFT25016	15/11/2017	CARINYA OF BICTON	MEALS FOR HACC RESPITE CENTRE 17/10/17 - 31/10/17	814.00	814.00
EFT25017	15/11/2017	FOODWORKS EAST FREMANTLE	WORKS CONSUMABLES 27/10/2017 #691337	239.25	239.25
EFT25018	15/11/2017	OFFICEWORKS SUPERSTORES PTY LTD	PHONE - FOR OPERATIONS DEPT	272.98	272.98
EFT25019	15/11/2017	GLOBE AUSTRALIA PTY LTD	APPLY BIAGRA WATER RETAINER TO WAUHOP PARK	10,496.20	10,496.20
EFT25020	15/11/2017	FOCUS NETWORKS	FOC MANAGED FIREWALL SERVICES, SONIC WALL CGSS FOR TZ300 RENEWAL FROM 20/10/2017-19/10/2018 TEFFRMBFWL1	3,298.90	3,298.90
EFT25021	15/11/2017	LEIGHTON PANEL & PAINT BICTON	INSURANCE EXCESS FOR REPAIRS TO RANGER VEHICLE 1EWW584 - CLAIM NO. 633577005	300.00	300.00
EFT25022	15/11/2017	DAIMLER TRUCKS PERTH	MECHANICAL REPAIRS TO BUS 1DTB 605. REMOVE AND REPLACE EMISSION CONTROL VALVE.	433.85	433.85
EFT25023	15/11/2017	THE INFORMATION MANAGEMENT GROUP	OFFSTITE TAPE STORAGE ARCHIVE 01/10/17 - 31/10/17	153.48	153.48
EFT25024	15/11/2017	BREADBOX MARKETING PTY LTD	SOCIAL MEDIA MANAGEMENT - OCTOBER 2017	1,375.00	1,375.00
EFT25025	15/11/2017	VOCUS COMMUNICATIONS	UNLIMITED INTERNET SERVICE ENHANCED FIBRE 20MBPS - 135 CANNING HWY 01/12/17-31/12/17	2,397.97	2,397.97
EFT25026	15/11/2017	MARKETFORCE	ADVERTISING - WASTE AMENDMENT LOCAL LAW	494.14	494.14
EFT25027	15/11/2017	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINES INCL LICENCE AND COMMUNICATION COSTS - OCTOBER 17	165.00	165.00
EFT25028	15/11/2017	SIMPLEPAY SOLUTIONS PTY LIMITED	SIMPLE PAY CREDIT CHARGE TRANSACTIONS FOR LEEUWIN BOAT RAMP OCTOBER 17	208.12	208.12
EFT25029	15/11/2017	TREE'S A CROWD TREE CARE	TREE PRUNING AT VARIOUS SITES AROUND THE TOWN	6,743.00	6,743.00
EFT25030	15/11/2017	ICS AUSTRALIA	TOWN HALL REFURBISHMENT CONTRACT - CERTIFICATE 04 JOB NO. 1632	484,809.26	484,809.26
EFT25031	15/11/2017	MMM WA PTY LTD	CLAIM 2 - CONSTRUCTION OF JOHN TONKIN HEADLANDS AND FORESHORE RENOURISHMENT	204,535.87	204,535.87
EFT25032	15/11/2017	BARBARA ANNE HORN	RATES REFUND	347.96	347.96
EFT25033	15/11/2017	ARTHUR DESMOND O'HARA	RATES REFUND	347.97	347.97
EFT25034	15/11/2017	B HOWES	RATES REFUND	311.88	311.88
EFT25035	20/11/2017	SMRC	MSW GATE FEES 16/10/2017-31/10/2017	30,009.53	30,009.53
EFT25036	20/11/2017	BUILDING COMMISSION	BUILDING SERVICES LEVY COLLECTED OCTOBER 17	4,215.05	4,215.05
EFT25037	20/11/2017	WOOLWORTHS SUPERMARKETS	FOOD ITEMS FOR DAY CENTRE PROGRAM	155.60	155.60
EFT25038	20/11/2017	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES - OCTOBER 2017	312.80	312.80
EFT25039	20/11/2017	FOCUS NETWORKS	ONLINE BACKUP & DISASTER RECOVERY SERVICE - NOVEMBER 17	1,327.37	1,327.37
EFT25040	20/11/2017	FUJI XEROX	DC5C6675-T SUPPORT SERVICES 1/10/2017-31/10/2017	344.52	344.52
EFT25041	20/11/2017	CORPORATE LIVING	SUPPLY AND INSTALLATION OF TOWN HALL FURNITURE - DEPOSIT PAYMENT DUE WITH ORDER	27,500.00	27,500.00
EFT25042	20/11/2017	REPCO	CAR CLEANING PRODUCTS	264.88	264.88

EFT25043	20/11/2017	ZIRCODATA	OFFSITE STORAGE, TRANSPORTATION, LODGEMENT AND PURCHASE OF BARCODES AND BOXES FOR 12 MONTHS 26/09/2017- 25/10/2017	42.14	42.14
EFT25044	20/11/2017	PETER HUNT ARCHITECT	TOWN HALL REFURBISHMENT - STAGE 6	6,600.00	6,600.00
EFT25045	30/11/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	54.90	54.90
EFT25046	30/11/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	662.28	662.28
EFT25047	30/11/2017	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE	355.39	355.39
EFT25048	30/11/2017	OFFICEMAX AUSTRALIA LTD	OFFICE STATIONERIES ORDERED NOVEMBER	582.83	582.83
EFT25049	30/11/2017	COMMUNITY NEWSPAPERS	PERCENTAGE FOR PUBLIC ART POLICY ADVERT 28/11/2017	211.53	211.53
EFT25050	30/11/2017	CITY OF FREMANTLE	CONTRIBUTION TO THE CITY OF FREMANTLE'S LIBRARY OPERATIONAL COSTS FOR 2017/18 - 1ST INSTALMENT	110,000.00	110,000.00
EFT25051	30/11/2017	LANDGATE	LAND ENQUIRY QUANTITY 11 ONLINE TRANSACTION AUGUST 2017, TENURE QUANTITY 1	125.60	125.60
EFT25052	30/11/2017	EAST FREMANTLE YACHT CLUB (INC)	MEETINGS/FUNCTIONS OCT/NOV 2017	3,243.60	3,243.60
EFT25053	30/11/2017	IMPRINT PLASTIC	NAME BADGES - STAFF	715.00	715.00
EFT25054	30/11/2017	MELVILLE TOYOTA	SERVICE TOYOTA CAMRY ATARA 15,000KMS 1GET820	229.59	229.59
EFT25055	30/11/2017	RICHMOND PRIMARY SCHOOL	DONATION FOR EFFORT AWARD - DECEMBER 2017	100.00	100.00
EFT25056	30/11/2017	SWAN YACHT CLUB	62 CLIENTS MEALS AT \$28PER HEAD PLUS \$250 ROOM HIRE FOR HACC CLIENT CHRISTMAS PARTY	1,736.00	1,736.00
EFT25057	30/11/2017	TELSTRA CORPORATION LIMITED	DIRECTORY LISTINGS	966.01	966.01
EFT25058	30/11/2017	TITAN FORD	30,000KMS SERVICE OF RANGERS DEPARTMENT FORD RANGER VEHICLE 1EWN584	545.00	545.00
EFT25059	30/11/2017	SYNERGY	POWER SUPPLY TOWN HALL 17/10/2017-21/11/2017	557.30	557.30
EFT25060	30/11/2017	ZIPFORM PTY LTD	PRINTING & POSTAGE OF 2ND INSTALMENT NOTICES	2,049.30	2,049.30
EFT25061	30/11/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ANNUAL CONFERENCE	1,560.00	1,560.00
EFT25062	30/11/2017	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	2017/18 ESL QUARTER 2 EMERGENCY SERVICES LEVY	373,177.67	373,177.67
EFT25063	30/11/2017	WOOLWORTHS SUPERMARKETS	XMAS ACTIVITY ITEMS CENTRE-BASED DAY CARE. (HACC)	419.95	419.95
EFT25064	30/11/2017	CYNTHIA WILLIAMSON - HEART INSPIRED EVENTS	EAST FREMANTLE FESTIVAL MANAGEMENT FEE 2017	8,000.00	8,000.00
EFT25065	30/11/2017	THE PAPER COMPANY OF AUSTRALIA	A4 COPY PAPER	220.55	220.55
EFT25066	30/11/2017	CLEANAWAY	DOMESTIC REFUSE - SPTEMBER 2017	81,173.96	81,173.96
EFT25067	30/11/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 - OLD POLICE STATION - COPY CHARGES 13/10/2017-12/11/2017	463.02	463.02
EFT25069	30/11/2017	POTHOLE MASTERS PTY LTD	BOLTON STREET SPEED HUMP REPAIRS	968.00	968.00
EFT25070	30/11/2017	TYREPOWER BOORAGOON	NEW TYRES FOR RANGERS VEHICLES 1EWW584	1,125.00	1,125.00
EFT25071	30/11/2017	DVG MELVILLE VOLKSWAGEN	15,000KMS SERVICE VW PASSAT	782.00	782.00
EFT25072	30/11/2017	WORLD DIESEL	MECHANICAL SERVICE FOR BUS 1DTB 605.	1,753.82	1,753.82
EFT25073	30/11/2017	LANDGATE	GRV INT VALS METRO	143.16	143.16
EFT25074	30/11/2017	HORIZON WEST LANDSCAPE & IRRIGATION PL	REPLACE CONCRETE IRRIGATION RING MAIN AT EAST FREMANTLE OVAL	63,734.59	63,734.59
EFT25075	30/11/2017	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES PARKING MACHINE - HOST CMS INCL LICENCE & COMMUNICATION COSTS, MAINTENANCE, PARTS NOV2017	165.00	165.00
EFT25076	30/11/2017	BPA ENGINEERING	PROVIDE STRUCTURAL CONSULTANCY SERVICES FOR TOWN HALL REFURBISHMENT	1,254.00	1,254.00
EFT25077	30/11/2017	KEYS BROS	STORAGE OF FURNITURE FROM TOWN HALL 29/10/2017-25/11/2017	260.00	260.00
EFT25078	30/11/2017	AUSSIE NATURAL SPRING WATER	SUPPLY OF WATER BOTTLES FOR FILTER - OLD POLICE STATION	13.40	13.40
EFT25079	30/11/2017	STATE WIDE TURF SERVICES	TURF RENOVATIONS AT HENRY JEFFREY OVAL	58,348.40	58,348.40
EFT25080	30/11/2017	SIGNARAMA MYAREE	STICKERS FOR BADGING ON VEHICLE	3,135.09	3,135.09
EFT25081	30/11/2017	CAMERA ELECTRONIC	CAMERA BODY, LENS, CASE AND CARD WRITER, CANON EOS 6 D DIGITAL SLR	2,427.00	2,427.00
EFT25082	30/11/2017	EMBROID ME MYAREE	SAMPLE BRANDED POLO SHIRTS X 4 - INCLUDES ARTWORK SET UP	259.60	259.60
EFT25083	30/11/2017	KATHERINE JANE LOWE	RATES REFUND	569.90	569.90
EFT25084	30/11/2017	AI & CE HANCOCK	RATES REFUND	667.14	667.14
EFT25085	30/11/2017	BHOOPINDER SINGH MANIK	RATES REFUND	471.05	471.05
EFT25086	30/11/2017	S & S OTSUKI	RATES REFUND	196.53	196.53
EFT25087	30/11/2017	CATHERINE CARONARO	DOG REGISTRATION REFUND	150.00	150.00
EFT25088	30/11/2017	PETER MOY	REFUND OF PARKING TICKET	12.00	12.00
			EFT TOTAL	\$ 1,873,514.83	\$ 1,873,514.83
Direct Debit	Payment Date	Supplier	Description	Inv Amount	Direct Debit
DD10913.1	23/11/2017	CLICK SUPER	SUPER CREDITORS NOVEMBER 2017	19,822.28	19,822.28
DD10914.1	23/11/2017	CLICK SUPER	SUPER CREDITORS NOVEMBER 2017	19,497.73	19,497.73
DD10920.1	28/11/2017		SHERIFF OFFICE PERTH FER FILE REGISTRATION	708.00	708.00
			DIRECT DEBIT TOTAL	\$ 40,028.01	\$ 40,028.01
	Date	Credit Card	Supplier	Amount	
	23/11/2017	GARY TUFFIN	SECURE PARKING	4.10	4.10
			SEEK	363.00	363.00
			SONIC HEALTHPLUS	302.50	302.50
			SEEK	302.50	302.50
			ECONOMIC DEVELOPMENT AUSTRALIA	70.00	70.00
			FONGS CHINESE REST	269.10	269.10
			J P PROMOTIONS PTY LTD	907.50	907.50
			SONIC HEALTHPLUS	396.00	396.00
			SEEK	302.50	302.50
			CREDIT CARD TOTAL	\$ 2,917.20	\$ 2,917.20
			Description	Amount	EFT
			PAYROLL PE 07/11/2017	120,537.59	120,537.59
			PAYROLL PE 21/11/2017	118,731.36	118,731.36
			PAYROLL TOTAL	\$ 239,268.95	\$ 239,268.95
			GRANT TOTAL	\$ 2,156,260.69	\$ 2,156,260.69

12.2.3 Annual Report 2016/17

Applicant	Town of East Fremantle
File ref	C/ELM1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	12 December 2017
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Annual Report 2016/17 including Audited Annual Financial Report (Attached separately)

Purpose

To present the 2016/17 Annual Report for Council acceptance and set a date for the Annual Electors' Meeting.

Executive Summary

The 2016/17 Annual Report reflects the achievements of the Town of the previous financial year. Acceptance of this Report allows the setting of the date of the Annual Electors' Meeting.

Background

The 2016/2017 Town of East Fremantle Annual Report details the activities of the organisation over the past financial year and supports the Audited Financial Statements. The 2016/17 Financial Statements were considered by the Audit Committee on 6 December 2017 and are recommended for acceptance by Council.

The Annual Report also provides general information about the Town's activities and highlights during the year under review and reports on the progress of activity and priorities as determined in the 2017-2027 Strategic Community Plan.

Statutory Environment

Under s5.54 of the *Local Government Act 1995*, the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.

Under s5.27(2), an electors' general meeting is to be held on a day selected by the local government but no more than 56 days after the local government accepts the annual report for the previous financial year.

Policy Implications

There are no policy implications.

Financial Implications

There are no financial implications.

Strategic Implications

Strategic Priority 5: Leadership and Governance

"A proactive, approachable Council which values community consultation, transparency and accountability."

Site Inspection

N/A

Comment

The proposed date for the Electors' Meeting would fall on the 48th day following adoption by Council at its December meeting. If this date was unsuitable for the majority of elected members, an alternative date during January 2018 would need to be agreed to.

12.2.3 OFFICER RECOMMENDATION

That Council:-

- (1) accept the 2016/17 Annual Report.**
- (2) accept the Audited Annual Financial Report 2016/17.**
- (3) hold the Annual Electors' Meeting on Tuesday 30 January 2018.**



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- 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**
 - 17.1 Asset Acquisition**
 - 18. CLOSURE**