



AGENDA

Council Meeting

Tuesday, 19 September 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.

<p style="text-align: center;">Deputations</p> <p>A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p style="text-align: center;">Presentations</p> <p>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.</p>
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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.

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on **Tuesday, 19 September 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 J Harrington

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

5.2 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 (15 August 2017)

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 15 August 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 September 2017)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	19 September 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 September 2017, exercised its delegation in three statutory matters with the planning application for 4 Habgood Street being deferred to the October round of meetings.

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 September 2017 be received.

TOWN OF
EAST FREMANTLE



MINUTES

Town Planning & Building Committee

Tuesday, 5 September 2017 at 6.33pm

Disclaimer

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MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING & BUILDING COMMITTEE HELD AT THE EAST FREMANTLE YACHT CLUB, (WARD ROOM), PETRA STREET, EAST FREMANTLE ON TUESDAY 5 SEPTEMBER 2017.**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

The 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 O'Neill	
Cr M McPhail	
Cr A White	
Cr D Nardi	

The following staff were in attendance:

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

3.2 Apologies

Nil.

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil.

5. DISCLOSURES OF INTEREST**5.1 Financial**

Nil.

5.2 Proximity

Nil.

5.3 Impartiality

Nil.

6. PUBLIC QUESTION TIME**6.1 Responses to previous questions from members of the public taken on notice**

Nil.

6.2 Public Question Time

Nil.

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

Nil.

7.2 Deputations

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning and Building Committee (1 August 2017)

8.1 OFFICER RECOMMENDATION

Cr White moved, seconded Cr Nardi

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 1 August 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

UNCONFIRMED

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 meet in the month of August.

UNCONFIRMED

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)**11.1 Petra Street No. 143 (Lot 36) – Deferral of request for second crossover and development application for outbuilding (storage shed)**

Applicant	S Crozier
Owner	S J Covich
File ref	P/PET143
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Meeting date	5 September 2017
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location Plan 2. Photographs 3. Plans date stamped received 11 August 2017

Purpose

This report considers a development application for an outbuilding (storage shed) following deferral of a request for a second crossover to access a vehicle parking area at No. 143 (Lot 36) Petra Street, East Fremantle.

Executive Summary

The following issues are relevant to the deferral of the request for a second crossover and a development application for an outbuilding:

Crossover

- Maximum number of crossovers per lot: 1 permitted; 2 proposed;
- Pedestrian priority over vehicular access;
- Pedestrian, cyclist and driver safety;
- Streetscape and residential amenity; and
- Proximity to light pole.

Outbuilding

- Reduced side lot boundary setback;
- Outbuilding wall height exceeded; and
- Total floor space area of outbuildings on the site exceeded.

Taking into consideration the number of crossovers in the street block, proximity of the lot to the intersection, services in the verge, parking in the street setback area and other site circumstances a second crossover is considered unnecessary and will be to the detriment of pedestrian, cyclist and motorist safety, as well as the overall appearance of the streetscape and therefore should not be supported. As such the request was recommended for refusal on the grounds that a second crossover does not comply with the provisions of the Residential Design Guidelines, the aims of the Planning Scheme, the objectives of the Residential Zone and is contrary to the orderly and proper planning of the area.

At the August Town Planning and Building Committee meeting the Committee determined to defer the request for a second crossover and requested the applicant submit a development application for an outbuilding (storage shed); the outbuilding being required to store vintage motor vehicles. A second

crossover was not considered necessary for this purpose as the outbuilding can be accessed from the rear garden as well as from Petra Street over the mountable kerb and cleared front setback area.

The outbuilding (storage shed) in this location is supportable on the basis that it is not to be used for the purposes of garaging vehicles that are used on a regular basis or for the purposes of a workshop for repairing or restoring motor vehicles.

The minor areas of non-compliance with the R-Codes in respect to the proposed outbuilding are not considered to impact the amenity of the adjoining lot, heritage values of the property or the streetscape and as such the application is recommended for approval subject to a number of conditions regarding the use of the outbuilding and construction materials.

Background

The applicant wishes to apply for a second crossover on the basis that an area of the site within the front setback area adjacent to the southern boundary has been cleared for vehicle parking. It was the applicant's intention to apply for a carport in the future. Although this area is not paved there is evidence that it has in the past, or is currently being used for vehicle parking. No approval has been issued for car parking in the front setback area.

A light pole is located on the boundary between 141 and 143 Petra Street and the proposed crossover would be reasonably close to the light pole. It is uncertain as to how close the crossover would be constructed from the light pole as detailed plans of the crossover have not been provided. The crossover for the lot to the south is on the other side of the light pole.

It is noted that a mountable section of kerbing has been laid adjacent to the section of the front garden that has been cleared for parking. It is not clear why this section of kerbing has been laid where there is no crossover. It is not usual practice for this to occur and the Town has no record of any previous request for a crossover. This section of kerbing does not imply or require that a crossover will be approved by Council.

The matter was deferred by the Town Planning and Building Committee at its meeting of 1 August 2017 to allow the applicant to submit a development approval application for an outbuilding (storage shed). The application was submitted without the inclusion of the second crossover or a paved driveway leading to the storage shed.

DETAILS

LPS 3 Zoning: Residential R12.5
Site area: 911m²

Consultation

Advertising

Advertising was not required as the proposed crossover is wholly within the road reserve. Adjoining neighbours are not directly impacted.

The outbuilding was advertised for comment from 14 to 28 August 2017. No comments were received.

Community Design Advisory Panel (CDAC)

Crossover

The request for a crossover was not referred to the CDAC as it will have no impact on the heritage aspects of the Municipal Inventory listed dwelling or the streetscape, that is, the design of the dwelling will remain unchanged. However, if the request was approved by Council and the applicant submitted

an application for a carport, such an application would be referred to the CDAC as a proposal of that nature would have an impact on the dwelling, the streetscape and road safety. Further, the development provisions of the Residential Design Guidelines in respect to carports and parking in the front setback area would apply and such an application would not be in compliance with the Guidelines.

Outbuilding

The application for the outbuilding has been referred to the Community Design Advisory Committee (CDAC) meeting to be held on 4 September 2017. The CDAC comments were not available at the time of writing the report. Any relevant comments will be tabled at the Town Planning and Building Committee meeting on 5 September 2017.

Statutory Environment

Planning and Development Act

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (RDG)

Municipal Inventory – Category ‘C’

Financial Implications

Nil

Strategic Implications

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

“KEY FOCUS AREA 3: Built and natural environment

Aspiration: Our town is developing in harmony with our unique character within the fabric of the region’s built and natural environment.

3.2 Maintain a safe and healthy built and natural environment

- *Building control*
- *Heritage planning*
- *Identify and protect significant heritage buildings*
- *Undertake projects to preserve the Town Hall precinct.”*

Site Inspection

July 2017

Comment

Crossover

The preference for some land owners to pave front setback areas and accommodate more vehicles on site has the potential to result in streetscapes becoming dominated by larger crossovers and driveways at the expense of pedestrian and road safety, landscaping, streetscape amenity, street trees and on-street parking.

As a result the Town’s Residential Design Guidelines (RDG) specifically addresses this issue under the following clause:

3.7.14 – Footpaths and Crossovers

- *maximum of one crossover per lot.*

Also, the RDG 'Performance Criteria' states, in part, that:

- *Pedestrian walk ways will take priority over vehicular access.*

Furthermore, the RDG state, amongst other things, the following in respect to the 'Desired Outcomes' for the Richmond Hill Precinct:

3.7.17.3.2 - Garages, Carports and Outbuildings

- "Garages and carports shall be incorporated into and be compatible with, the design of the dwelling;*
- Garages and carports shall not visually dominate the dwelling as viewed from the street;*
- Where possible garages and carports to multiple dwellings to occur at the rear and side of the lot..."*

There are a number of matters that are relevant to the consideration of this request for a second crossover. The aerial photograph below, displaying a section of Petra Street between Fraser Street and View Terrace, demonstrates the existing number of crossovers. Between View Terrace and Fraser Street within the Town of East Fremantle there are 12 crossovers for 9 nine houses, with three houses having double crossovers. On the eastern side of the street in the City of Melville there are 10 crossovers. This is considered a significant number of crossovers in this street block as there are more crossovers than the number of houses.

Furthermore, this stretch of Petra Street rises to the crest of the hill between Fraser Street and View Terrace, which increases the need for motorists to be wary of vehicles that may not be seen until very close and for pedestrians and cyclists to be vigilant and take additional care at each crossover point and on the footpath. The addition of another crossover so close to the Fraser Street intersection (i.e. ~30 metres) without justification (i.e. there is already adequate parking space on the lot) is not supportable as it reduces safety for pedestrians, cyclists and motorists already using the road and footpath.



Also, the additional ~20m² of crossover paving on the verge and potentially in the setback area, is considered to detract from the streetscape and adds to the hardstand along this stretch of the street. The construction of another crossover so close to the intersection when not warranted, given there is

already parking for vehicles on the site, is not considered to be orderly and proper planning, particularly so at the expense of safety and streetscape amenity.

As the photographs (see Attachment 2) indicate the front setback area is already cleared and access available over the mountable kerb, so if there is a need from time to time to access the area with a trailer, boat or car for storage or convenience purposes access is possible without the need for a second crossover to be permanently constructed. There also appears to be adequate room on the site for more vehicles to be parked at the rear or along the existing driveway.

Taking into consideration the number of crossovers, the proximity to the Fraser Street intersection and the Western Power pole and the existing parking on the site, a second crossover is considered unnecessary and will be to the detriment of cyclist, pedestrian and motorist safety, as well as the overall appearance of the streetscape and should not be supported.

Conclusion: Town Planning and Building Committee

The request for a second crossover was not considered supportable and the application was recommended for refusal on the basis that the application did not comply with:

1. The *Acceptable Development Criteria* or the *Performance Criteria* of the Local Planning Policy Residential Design Guidelines 2016 with regard to Clause 3.7.14 Footpaths and Crossovers in that a maximum of one crossover per lot is permitted and pedestrian walk ways will take priority over vehicular access.
2. Aims (b) and (f) of the Planning Scheme for a Residential zone, specifically:
 - to enhance the character and amenity of the Town, and to promote a sense of place and community identity within each of the precincts of the Town;
 - to ensure the safe and convenient movement of people throughout the Town, including pedestrians, cyclists, public transport users and motorists.
3. Also, as the proposed development conflicts with Clause 4.2 Objectives of the Zones - Residential Zone which, amongst other things, are to:
 - to recognise the importance of design elements such as the 'front yard' and the 'back yard' to the character, amenity and historical development of the Town and to the community.
4. The proposed development also conflicts with the provisions of the Local Planning Scheme under clause 67 (Deemed Provisions) because it is incompatible with:
 - (g) any local planning policy for the Scheme area (i.e. the Residential Design Guidelines);
 - (k) the built heritage conservation of any place that is of cultural significance;
 - (n) the amenity of the locality including the (ii) the character of the locality; and
 - (s) the proposed means of access to and egress from the site.

As such the application was recommended for refusal on the grounds that it did not comply with the provisions of the Residential Design Guidelines, the aims of the Planning Scheme, the objectives of the Residential Zone and was contrary to the orderly and proper planning of the area.

Resolution of Town Planning and Building Committee Meeting 1 August 2017 - Deferral

The Town Planning and Building Committee at its meeting of 1 August 2017 considered the above recommendation however, the Committee made the following resolution:

"That the item be deferred until the next Town Planning and Building Committee meeting to allow the applicant to submit a development application for a storage shed.

The reason for change being “to allow the applicant to submit a development application incorporating their proposal.”

Note: The applicant’s proposal referred to above and justification for the outbuilding (storage shed) was for the purpose of storing vintage cars.

A fresh development application dated 8 August 2017 and amended plans date stamped received 11 August 2017 have now been submitted and these plans indicate a storage shed of approximately 45m² (~12m in length x 3.4m in width) with roller doors at each end to be constructed along the southern side of the house. The outbuilding will be directly attached to the house and have no openings on the southern elevation. The building will be setback 1.65 metres behind the verandah in line with the dwelling. It will have a bull nose frontage similar to the dwelling’s verandah.

The application was advertised to the landowner to the south due to the non-compliance with: the side lot boundary setback (required: 1.5m; proposed 1.0m); the wall height for outbuildings (required 2.4m; proposed 2.5m) and the total floor space of all outbuildings on the lot exceeding 60m² (proposed 147m²). No submissions were received.

Statutory Assessment

The proposal for the outbuilding 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	7.5m	8.85m	A
Lot Boundary Setback	1.5m	1.0m	D
Outbuildings			
- Aggregate m ²	≤60m ²	147m ²	D
- Wall height	2.4m	2.5m	D
Open Space	55%	59%	A
Outdoor Living	N/A	N/A	A
Car Parking	2	>2	A
Site Works	Less than 500mm	Less than 500mm	A
Overshadowing	≤25%	≤25%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings (roof pitch element)	A
3.7.7 Building Setbacks and Orientation	A

3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.18.3 Garages and Carports	A
3.7.15-20 Precinct Requirements	A

As noted there are minor non-compliance issues with this application, however, there are no objections to the construction of a storage shed in this location, provided the outbuilding is only to be used for the purpose of storage. The non-compliance with the provisions of the R-Codes is not considered to result in reduced amenity for the adjacent property or the streetscape. The outbuilding will be in keeping with the façade of the dwelling and is setback behind the building line of the verandah thereby reducing its visibility. Also, there will be no further paving in the setback area for parking or for a second crossover, so this is also considered to be a better outcome. The non-compliance with total floor space of outbuildings on the property is exceeded but the other two outbuildings are at the rear of the lot, one is only marginally visible from the street and open space on the site is still greater than 55%. The wall height is only marginally greater than that specified under the R-Codes being 100mm more than the permitted height of 2.4 metres and the overall height of the outbuilding is less than that permitted (i.e. 4.2 metres permitted; 3.0m proposed), so building bulk and overshadowing is not considered to be an issue.

In light of the amended plans to remove the proposal for a second crossover and the submission of a fresh development application for a storage shed as requested it is recommended the application for an outbuilding (storage shed) be approved subject to conditions preventing the construction of a second crossover and conditions concerning the use of the outbuilding and construction materials.

- Mr Stephen Covich and Ms Sue Crozier (owners) supported the officer's recommendation and the additional condition relating to the roof pitch.

OFFICER RECOMMENDATION

Mayor O'Neill moved, seconded Cr White

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

- Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a southern lot boundary setback of less than 1.5 metres for the outbuilding;
- Clause 5.4.3 (C3 - iii) - Outbuildings of the Residential Design Codes of WA to allow the outbuilding wall height to exceed 2.4 metres; and
- Clause 5.4.3 (C3 - iv) - Outbuildings of the Residential Design Codes of WA to allow the aggregate area of outbuildings to exceed 60m² of the site area,

for construction of an outbuilding (storage shed) at No. 143 (Lot 36) Petra Street, East Fremantle in accordance with the plans date stamped received 11 August 2017, subject to the following conditions:

- (1) The outbuilding (storage shed) is not to be used for the purposes of garaging vehicles that are used on a regular basis or for the purposes of a workshop for repairing or restoring motor vehicles.
- (2) The outbuilding (storage shed) is not to be used for ancillary accommodation or for short term or bed and breakfast accommodation.
- (3) A second crossover or driveway to the outbuilding (storage shed) is not to be constructed.

- (4) *The details of materials and finishes to be used in construction of the outbuilding (storage shed) to be to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.*
- (5) *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.*
- (6) *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.*
- (7) *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*
- (8) *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.*
- (9) *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.*
- (10) *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.*
- (11) *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).*
- (iv) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (v) *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 Collinson moved, seconded Cr Nardi

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

- (12) The roof pitch to be revised from 18 degrees to 25 degrees. The modifications to be noted on the building permit plans.

(CARRIED 4:1)

11.1 SUBSTANTIVE MOTION/COMMITTEE RESOLUTION TP010917

Mayor O'Neill, seconded Cr White

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

- (i) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a southern lot boundary setback of less than 1.5 metres for the outbuilding;
- (ii) Clause 5.4.3 (C3 - iii) - Outbuildings of the Residential Design Codes of WA to allow the outbuilding wall height to exceed 2.4 metres; and
- (iii) Clause 5.4.3 (C3 - iv) - Outbuildings of the Residential Design Codes of WA to allow the aggregate area of outbuildings to exceed 60m² of the site area;

for construction of an outbuilding (storage shed) at No. 143 (Lot 36) Petra Street, East Fremantle in accordance with the plans date stamped received 11 August 2017, subject to the following conditions:

- (1) The outbuilding (storage shed) is not to be used for the purposes of garaging vehicles that are used on a regular basis or for the purposes of a workshop for repairing or restoring motor vehicles.
- (2) The outbuilding (storage shed) is not to be used for ancillary accommodation or for short term or bed and breakfast accommodation.
- (3) A second crossover or driveway to the outbuilding (storage shed) is not to be constructed.
- (4) The details of materials and finishes to be used in construction of the outbuilding (storage shed) to be to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.
- (5) 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.
- (6) 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.
- (7) 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
- (8) 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.

- (9) 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.
- (10) 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.
- (11) This planning approval to remain valid for a period of 24 months from date of this approval.
- (12) The roof pitch to be revised from 18 degrees to 25 degrees. The modifications to be noted on the building permit plans.

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).*
- (iv) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (v) *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.

11.2 Wolsely Road, No. 15 (Lot 102 Wolsely Road and Lot 3 and 8 Alexandra Road) – Aged Care Facility with Associated Services – Ten Additional Beds, Closure of Vehicle Access Point and Front Fence

Applicant	SPH Architecture and Interiors
Owner	Southern Cross Care WA Inc.
File ref	P/WOL15; P075/16
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Meeting date	5 September 2017
Documents tabled	Nil
Attachments	1. Location Plan 2. Photographs 3. Plans date stamped received 28 July 2017

Purpose

This report considers a request for an increase of ten beds, removal of a vehicle entry point on Staton Road and a front fence at an approved aged care facility at No. 15 (Lot 102 Wolsely Road and Lot 3 and 8 Alexandra Road), East Fremantle (formerly Kaleeya Hospital).

Executive Summary

The following issues are relevant to the determination of this request for ten additional beds, rearrangement of internal space for the associated amenities and services, closure of a vehicle entry point and front fence at a former maternity hospital currently being converted to an aged care facility:

- parking and access;
- street front fencing; and
- streetscape and residential amenity.

The closure of the vehicle access point on Staton Road and the additional beds proposed are not considered to impact the general amenity of the area or result in an increase in the number of parking bays required for the development which is in excess of the bays required under the Planning Scheme. The proposal is therefore supported subject to the original conditions of planning approval imposed by the Metro South West JDAP determination as well as additional conditions which state that any further proposals for an increase in the number of aged care beds beyond 86 and accompanying staff numbers beyond 30 is to be the subject of a fresh development approval application for Council's consideration, compliance with the Town's policy in respect to street front fencing and removal of the Staton Road crossover and reinstatement of the verge.

Background

At the Metro South West JDAP on 23 September 2016 the DAP application for an aged care facility with associated services was determined as follows:

"That the Metro South West JDAP resolves to:

1. *Accept that the DAP Application reference DAP/15/00927 as detailed on the DAP Form 2 dated 29 July 2016 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011; and*
2. *Approve: DAP Application reference DP/15/00927 (Town of East Fremantle Ref P075/16) and accompanying plans and information date stamp received 27 July 2016*

in accordance with the Town of East Fremantle Town Planning Scheme No. 3, subject to new Conditions 1, 2 and 3 as follows:

New Conditions

1. *Maximum number of aged care beds not to exceed 76.*
2. *Ground floor area comprising of entry, offices and ancillary uses are wholly for use by the aged care facility. No independent or external services are to be provided outside those associated with the aged care facility.*
3. *This planning approval to remain valid for a period of 24 months from the date of this approval. All other conditions, requirements and advice notes detailed on the previous approval dated 13 April 2016 shall remain, as follows (renumbered):*
4. *All internal road layouts and traffic flows are to be clearly demarcated on site with signs and road markings as required.*
5. *Signage including all dimensions and areas and illumination are to comply with the Town's Planning Policy - Signage Guideline Policy. Signs are to be unobtrusive and located so as not to hinder, obstruct or cause nuisance to pedestrians or road users.*
6. *If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m² and may not flash pulsate or chase.*
7. *The sign shall not contain fluorescent, reflective or retro reflective colours or materials. The colour of any new sign shall be dissimilar to current tourism, road and directional information signs. Signage shall not encroach outside the current boundaries of the lot.*
8. *The type of any new sign and location must comply with all relevant by-laws and The Town Planning Scheme No.3 implemented by the Town.*
9. *No unauthorised signage is to be displayed.*
10. *Western portion of boundary wall along Staton Road to be terraced to create a raised planter bed and wall and reduced in height to 1.8m.*
11. *No security lighting/ pylon lighting/ high illumination lighting is permitted to be utilised on the subject lot, without prior approval from the Town. Any lighting or illuminated signage shall not cause 'nuisance' in respect to neighbouring residential properties.*
12. *All car parking is to be clearly demarcated for the purposes of visitor / staff hospital utilisation at all times.*
13. *The vehicular access leg is to remain open and accessible as indicated on the amended development plans to ensure ease of access for residential and hospital visitors.*
14. *No large service vehicles are permitted on site. No service vehicle larger than 8.8 metres permitted on-site.*
15. *Prior to the applicant submitting for a Building Permit, the applicant is to demonstrate that any new development meets the built form requirements for Area 3 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.*
16. *A Site and Traffic Management Plan for trades persons and delivery vehicles / site storage to be approved by the Chief Executive Officer in consultation with relevant officers, prior to a Building Permit being submitted.*
17. *The proposed development is 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.*
18. *All new plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on the external walls/ roof of buildings adjacent to any public road or public space.*
19. *A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Chief Executive Officer prior to the commencement of works. Any alterations to the approved plans required as a result of the Strategy / Plan shall be incorporated into*

- the Building Permit plans. The approved Strategy / Plan shall be implemented to the satisfaction of the Chief Executive Officer.*
20. *A detailed landscaping plan is to be submitted and approved by the Chief Executive Officer prior to the commencement of site works. The plan to include location, species and planting details, having regard to water-wise garden practices.*
 21. *The building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours.*
 22. *The works 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 the Town's further approval.*
 23. *The proposed works are not to be commenced until the Town 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 the Town.*
 24. *All stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan is to be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.*
 25. *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 the Town and if approved, the total cost to be borne by the applicant. If the Town refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.*
 26. *Any air conditioner installed on the premises must comply with the Environmental (Noise) Regulations 1997 to the satisfaction of the Chief Executive Officer (Refer footnote (e) below)."*

Conversion of the former hospital to an aged care facility is well underway and the work is expected to be completed in 2018.

Details

LPS 3 Zoning: Local Scheme Reserve – Public Purposes – Hospital with an Additional Use (A2) over part of the site for car parking associated with the Hospital. Underlying zoning Residential R17.5 (i.e. Lot 3 and 8 Alexandra Road)

Site area: 10,001m²

Consultation

Advertising

The application was originally advertised from 5 to 19 August 2016 in accordance with Clause 9.4: Advertising of Applications of LPS No. 3. Public advertising included:

- written notification to owners and occupiers of adjoining properties;
- an advertisement in the Fremantle Herald (dated 6 August 2016);
- notice on the Town of East Fremantle website;
- site notice; and
- plans available for inspection at the Town's Administration Centre during office hours.

Advertising was not considered necessary for this proposal as increased beds and rearrangement of internal floor space will not impact car parking requirements and the amendments essentially comprise the conversion of existing rooms to provide five double bedrooms. Adjoining neighbours are not directly impacted. The removal of the crossover and vehicle access point on Staton Road is considered a

better outcome in respect to appearance of the streetscape and residential amenity for Staton Road residents.

Community Design Advisory Panel (CDAC)

The application was not referred to the CDAC as the changes to the building have no impact on the streetscape other than to improve the Staton Road frontage by removing a vehicle entry point and crossover and increasing the landscaped garden area along this frontage.

Statutory Environment

Planning and Development Act

Planning and Development (Development Assessment Panels) Regulations 2011

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (RDG)

Financial Implications

Nil

Strategic Implications

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

“KEY FOCUS AREA 3: Built and natural environment

Aspiration: Our town is developing in harmony with our unique character within the fabric of the region’s built and natural environment.

3.2 Maintain a safe and healthy built and natural environment

- Building control*
- Heritage planning*
- Identify and protect significant heritage buildings*
- Undertake projects to preserve the Town Hall precinct.”*

Site Inspection

July 2017

Comment

Previous planning approval

Southern Cross Care received the current planning approval on 27 September 2016, which superseded the JDAP approval dated 13 April 2016. This was for the conversion of Kaleeya Hospital for use as an aged care facility. The approval was for up to 76 aged care beds and various offices and ancillary uses designed specifically for the care of aged persons within the facility. Most of the beds were to be provided on the upper level with only six beds to be on the ground floor. The conversion of the former maternity hospital building is considerably progressed and is expected to be completed in January 2018.

Proposed amendments

An amendment to the current approval is now sought. The application is requested to be dealt with under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*. This regulation provides for the applicant to seek the Council’s planning approval for the amendments rather than have the amended plans reconsidered by the JDAP.

**MINUTES OF TOWN PLANNING & BUILDING MEETING
TUESDAY, 5 SEPTEMBER 2017**

The application only impacts the ground floor of the facility; specifically approval is sought for the following changes:

- provision of an additional ten beds in five bedrooms, to replace the areas formerly proposed for sitting /dining room, kitchen, reception and offices;
- conversion of an internal conference room into an area for general activities;
- provision of additional toilets and change rooms;
- closure of the western ground floor pedestrian access and its relocation to the north side of the building;
- provision of larger internal living and dining area with adjacent kitchen;
- provision of small staff facilities, that is a staff room and nurses station; and
- amendments to the landscape plan to remove vehicular access from the western side of the complex and replace this area with landscaping.

Staff

The facility will be staffed by a maximum of 20 carers at any one time. In addition, there would be five administrative staff, caterers and cleaners and one on-site physiotherapist. The total staff at any one time would not exceed 30.

Parking

The previous development application (approval dated 27.9.16) proposed:

- an aged care facility (total 76 aged care beds, reception/ lobby, activity rooms, dining room, lounges, personal services, courtyards, kitchen and laundry and associated ancillary uses); and
- shared offices, stores and staff amenities.

A full car parking assessment was undertaken to include the original proposal of hospital, consultancy and retail uses. Information accompanying the original development application submitted to Council in 2016 indicated 103 parking bays and 6 motorcycle bays could be accommodated on the site.

The September 2016 planning approval acknowledged that the site had sufficient parking. 103 bays were to be provided on-site although only 36 were required for an aged care facility of 76 beds and 20 staff under LPS No. 3 provisions. The amendments now proposed will require a maximum of 30 staff at any one time so the parking requirement would increase to 48 (18 at the rate of one bay for each five beds and 30 provided at the rate of one bay for each member of staff). The requirement is well within the provision of 103 bays. No further car parking is required to be provided and therefore the proposal to increase the number of beds and staff is supported.

Fencing and landscape plan

The building elevations have not been affected by the proposed changes to the facility. Apart from the changes to the lower ground floor plan the only other changes are identified on the landscape plan. Vehicular access to the western side of the property will be removed with the closure of the access road and removal of the crossover to Staton Road and conversion to gardens.

A fence is also proposed to be erected along this section of the frontage and in front of the former main entry to the building. The fence as proposed is over height (i.e. greater than 1.8 metres above natural ground level and less than 60% visually permeable above 1.2 metres in height. In this location the increased height of the fence on the street front is not considered warranted and compliance with Council's fencing policy is considered necessary so the facility remains 'open' to the street, landscaping is visible and the streetscape is not impacted by unnecessarily high solid walls.

Conclusion

The primary use of the building as an aged care facility is considered to provide a benefit for the community. The development of the site as an aged care facility is considered to be in keeping with the existing approval and previous land use of the lot. Aged care services are typically a less intensive use than a general hospital and it is anticipated the impact on the local community and their amenity will be reduced and the increase in the number of beds is not considered to have any impact on the community. The use of the property as an aged care facility will provide additional residential options for the community. The amended plans to increase the number of beds and rearrange the internal layout of the facility are considered acceptable subject to the original conditions of the DAP approval and three additional conditions being imposed requiring: the further approval of the Council should more than 86 beds and 30 staff at any one time be proposed; compliance with the Town's street front fencing guidelines and the removal of the crossover and reinstatement of the verge.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP05092017

Cr Nardi moved, seconded Cr McPhail

That Council grant planning approval for the addition of 10 beds (5 double rooms), internal rearrangement of floor space and the removal of a crossover and vehicle entry point on Staton Road for the aged care facility with associated services at No. 15 (Lot 102 Wolsely Road and Lot 3 and 8 Alexandra Road), East Fremantle in accordance with the plans date stamped received 28 July 2017, subject to the following conditions:

- (1) The crossover and vehicle entry point to Staton Road being removed and the verge being reinstated to the satisfaction of the Chief Executive Officer.
- (2) The maximum number of aged care beds not to exceed 86 and the total number of staff at any one time not to exceed 30 without further Council approval.
- (3) All street front fencing and fencing within the front setback area to comply with the Town's Residential Design Guidelines 2016 and sight lines to comply with Australian Standards.
- (4) Ground floor area comprising of entry, offices and ancillary uses are wholly for use by the aged care facility. No independent or external services are to be provided outside those associated with the aged care facility.
- (5) All internal road layouts and traffic flows are to be clearly demarcated on site with signs and road markings as required.
- (6) Signage including all dimensions and areas and illumination are to comply with the Town's Planning Policy - Signage Guideline Policy. Signs are to be unobtrusive and located so as not to hinder, obstruct or cause nuisance to pedestrians or road users.
- (7) If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m² and may not flash, pulsate or chase.
- (8) The sign shall not contain fluorescent, reflective or retro reflective colours or materials. The colour of any new sign shall be dissimilar to current tourism, road and directional information signs. Signage shall not encroach outside the current boundaries of the lot.
- (9) The type of any new sign and location must comply with all relevant by-laws and the Local Planning Scheme No.3 implemented by the Town.
- (10) No unauthorised signage is to be displayed.
- (11) Western portion of boundary wall along Staton Road to be terraced to create a raised planter bed and wall and reduced in height to 1.8m.
- (12) No security lighting/ pylon lighting/ high illumination lighting is permitted to be utilised on the subject lot, without prior approval from the Town. Any lighting or illuminated signage shall not cause 'nuisance' in respect to neighbouring residential properties.
- (13) All car parking is to be clearly demarcated for the purposes of visitor / staff hospital utilisation at all times.

- (14) The vehicular access leg is to remain open and accessible as indicated on the amended development plans to ensure ease of access for residential and hospital visitors.
- (15) No large service vehicles are permitted on site. No service vehicle larger than 8.8 metres permitted on-site.
- (16) Prior to the applicant submitting for a Building Permit, the applicant is to demonstrate that any new development meets the built form requirements for Area 3 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.
- (17) A Site and Traffic Management Plan for trades persons and delivery vehicles / site storage to be approved by the Chief Executive Officer in consultation with relevant officers, prior to a Building Permit being submitted.
- (18) The proposed development is 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.
- (19) All new plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on the external walls/ roof of buildings adjacent to any public road or public space.
- (20) A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Chief Executive Officer prior to the commencement of works. Any alterations to the approved plans required as a result of the Strategy / Plan shall be incorporated into the Building Permit plans. The approved Strategy / Plan shall be implemented to the satisfaction of the Chief Executive Officer.
- (21) A detailed landscaping plan is to be submitted and approved by the Chief Executive Officer prior to the commencement of site works. The plan to include location, species and planting details, having regard to water-wise garden practices.
- (22) The building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours.
- (23) The works 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 the Town's further approval.
- (24) The proposed works are not to be commenced until the Town 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 the Town.
- (25) All storm water to be disposed of on site, an interceptor channel installed if required and a drainage plan is to be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (26) 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 the Town and if approved, the total cost to be borne by the applicant. If the Town refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
- (27) Any air conditioner installed on the premises must comply with the Environmental (Noise) Regulations 1997 to the satisfaction of the Chief Executive Officer (Refer footnote (e) below)."

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) *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).*

(iv) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

(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

11.3 Riverside Road, No. 110 (Lot 7563) – Pylon Sign – Aquarama Marina

Owner	Department of Planning, Lands and Heritage
Applicant	Aquarama Marina
File ref	P/RIV110; P074/17
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location plan 2. Photographs 3. Plans date stamped received 20 July 2017

Purpose

This report considers an application for a pylon sign at the main entrance to the Aquarama Marina at No. 110 Riverside Road (Lot 7563), East Fremantle.

Council is a referral body only. The Department of Biodiversity, Conservation and Attractions (formerly Department of Parks and Wildlife) is the determining authority for this application. The Town is requested by the Department's officers to comment on the works and then the assessment of the application is carried out by the Department's officers.

Executive Summary

The application the subject of this report considers a pylon sign to provide an entry statement for the Marina and advertise businesses located on the site. The sign will replace an existing smaller pylon sign and raises the following key issues with regard to the assessment of the application:

The non-compliance with the dimensions for pylon signs as specified under the Town's Design Guidelines - Signage and the impact on the foreshore area are considered minimal and not to have a detrimental impact on the surrounding area.

The issues relevant to the determination of this application are noted below:

- visual amenity;
- protection of existing vegetation;
- potential vandalism; and
- sight lines.

It is considered the pylon sign, whilst not strictly compliant with the Town's Design - Signage Guidelines in that it is higher and of an area greater than that permitted, however, can be supported subject to conditions regarding sign location, retention of existing vegetation, vandalism and additional signage requirements.

Background

MRS: MRS Reserve – Parks and Recreation
LPS 3: MRS Reserve – Parks and Recreation
Site area: 5,817m²

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

Nil in regard to this application.

ConsultationAdvertising

Advertising was not required as the proposal is wholly within the boundaries of the marina site and adjoining landowners are not directly impacted. Due to time constraints imposed by the Department of Biodiversity, Conservation and Attractions the Council cannot effectively advertise the proposal.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC as the proposed sign will replace an existing sign of a similar design and the new pylon sign is not considered to impact the streetscape or foreshore to any greater extent than the existing sign.

Statutory Environment

Planning and Development Act 2005

Swan and Canning Rivers Management Act 2006

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

Policy Implications

Draft Local Planning Strategy 2016

East Fremantle Foreshore Master Plan

Financial Implications

Nil

Strategic Implications

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

“KEY FOCUS AREA 3: Built and natural environment

Aspiration: Our town is developing in harmony with our unique character within the fabric of the region’s built and natural environment.

3.2 Maintain a safe and healthy built and natural environment

- *Building control*
- *Heritage planning*
- *Identify and protect significant heritage buildings*
- *Undertake projects to preserve the Town Hall precinct.”*

There is no specific comment in regard to this site in the *East Fremantle Foreshore Master Plan*

Site Inspection

August 2017

CommentStatutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town’s Local Planning Policies and Strategies. A summary of the assessment is provided below.

Assessment

Council is a referral body only. The Department of Biodiversity, Conservation and Attractions is the determining authority for this application which comprises the following works:

- a pylon sign 6.05 metres in overall height, 3 metres wide and 3.65 metres high in respect to actual advertising area and 400mm in depth; and
- the sign will display the property address and advertise the following businesses:
 - Aquarama Marina;
 - Eat Greek;
 - Matich Marine ; and
 - Marine Perth.

MRS Reserve – Parks and Recreation

The subject land is reserved for Parks and Recreation under the Metropolitan Region Scheme and LPS No. 3. Clause 3.2 Regional Reserves of LPS No. 3 is relevant, which states:

3.2.1 The land shown as ‘Regional Reserves’ on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the Planning and Development Act 2005. These lands are not reserved under the Scheme.

3.2.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

The following clauses of the Scheme and Council policy also apply:

5.9 Advertising Signs

5.9.2 Advertising signs are to be designed and constructed having due regard to any relevant local government Policy.

5.9.3 In its determination of any application for erection or display of an advertising sign for which planning approval is required, the local government is to take into consideration the likely impact of the proposal on the safety and amenity of the area.

Local Planning Policy – Design Guidelines - Signage

Council has adopted the Local Planning Policy – Design Guidelines - Signage pursuant to clause 2.4 of LPS No. 3. The policy clarifies the range and extent of signage that is allowable.

Clause (3) of the above Guidelines requires that each sign must comply with Clauses 4 and 8. Whilst the signage complies with Clause (4) (General Requirements) the proposal must also comply with the “Acceptable Solution (Permitted)” provisions of the Policy which, in this case, states that the ‘Alternative Performance Criteria’ as outlined below must be considered:

- (i) *total height should not exceed 5 metres;*
- (ii) *total area of each sign face should not exceed 6m²;*
- (iii) *double sided signs should be identical in dimension and both sides should be less than 300mm apart;*
- (iv) *only one pole or pylon sign per site (land parcel); and*
- (v) *may be internally illuminated.*

Under Clause 2.3.2 of the Scheme, Council must have regard to a Policy but is not bound by any provision of a Policy and may vary or disregard a Policy provision where it is considered that it is not inconsistent with the Scheme provisions to do so.

Elements (iii) to (v) of the above criteria are considered to be satisfied as the proposed sign meets these requirements.

The proposed signage, however, does not meet criteria (i) and (ii) in that it is over the height and aggregate signage area allowed under the Guidelines (i.e. permitted height 5m; proposed 6.05m and permitted area 6m²; proposed 10.95m²). The non-compliance with the height and specific advertising area of the sign is not considered to result in a detrimental impact on the amenity of the surrounding area or result in a sign that is any more visually intrusive or dominant than the one already in this location. The sign, whilst larger, contains information relating to the services on the site and identifies the entry to the marina and the restaurant which, when positioned at this point on Riverside Road, is helpful to motorists and will assist in safer traffic flow and movements along this busy road for motorists, pedestrians and cyclists.

Matters to be considered by Local Government

No specific development requirements under the Scheme or Council Policies relate to development of a non-residential nature on lands zoned Reserve, although it is relevant to consider the visual impact of signage, sight lines and any matters that may impact the safety or amenity of the foreshore reserve.

As such the proposal has been assessed against the Deemed Provisions of the Planning Scheme (Clause 67). The proposal is considered to comply with the aims, objectives and orderly and proper planning of the area in relation to the matters to be considered under Clause 67 as outlined below:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme;*
- (g) *any local planning policy for the Scheme area;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (m) *the compatibility of the development with its setting including the relationship of the development 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 development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development; and*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

It is considered the proposed sign has been designed having due regard to the Town's Local Planning Policy and the relevant sections of Clause 5.9 and 67 of the Local Planning Scheme.

Signage

Should any other signage be proposed it is recommended the necessary approvals are obtained to ensure the type and number of signs is appropriate to the location and the amenity of the area and sight lines for vehicles, cyclists and pedestrians are not obstructed. It is therefore also considered necessary to request a condition be imposed that stipulates the sign be located on private property and no part of the sign is to encroach on the road reserve.

Existing vegetation

It is recommended that a condition of planning approval be applied to ensure that the mature date palms in the road reserve are not to be removed or pruned to improve visibility of the signage.

Conclusion

It is considered that discretionary approval under the "Alternative Performance Criteria" of the Design Guidelines – Signage Policy, in respect to the proposed pylon sign, is acceptable and that the application would be consistent with Clauses 5.9 and 67 (Deemed Provisions) of the Scheme.

It is considered that the overall design, size and scale of the proposed sign will not conflict with the amenity of the foreshore and will not detract from Riverside Road. Planning conditions have been imposed to protect existing vegetation and to address any graffiti, vandalism or additional signage proposals.

It is therefore recommended Council convey its support for the pylon sign to the Department of Biodiversity, Conservation and Attractions with a request for conditions relating to protecting vegetation, visual amenity and position and control of signs to be imposed.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030517

Mayor O'Neill moved, seconded Cr Nardi

That Council recommend support for the proposed development approval application for signage at the Aquarama Marina located at No. 110 (Lot 7563) Riverside Road, East Fremantle, to the Department of Biodiversity, Conservation and Attractions in accordance with the plans date stamp received on 20 July 2017 subject to the following conditions:

- (1) No other signage to be displayed at the entry to the site, across the lot frontage or within the road reserve/verge area along Riverside Road.
- (2) No vegetation to be removed or pruned to increase visibility of the sign.
- (3) The appropriate Department of Biodiversity, Conservation and Attractions approvals being sought in relation to any additional signage on the site.
- (4) The sign 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.
- (5) The sign and sign structure is to be placed on private property and shall not overhang or encroach upon the road reserve.
- (6) The signage is 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.
- (7) Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the Town of East Fremantle on advice from the Swan River Trust.
- (8) No fill, building material, rubbish or any other deleterious matter shall be placed in the Trust Development Control Area or allowed to enter the river as a result of the development.
- (9) 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.
- (10) 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.

- (11) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (12) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

Footnote:

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

- (a) *the applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended applicants understand the implications of potential sea level rise on their site. The onus rests with the applicant to undertake a risk assessment and exercise their judgement in determining the level of risk they are prepared to accept. The Trust's Climate Change Risk Assessment Project (2010) models impact of potential sea levels rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. Additional information is available on the website at:*
http://www.swanrivertrust.wa.gov.au/science/climate/content/climate_change_risk_assessments.aspx.
While mapping information is available from the Trust, it is also recommended applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *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.*
- (d) *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).*

(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.

11.4 Habgood Street No. 4 (Lot 5017) – Additions and Alterations to Multi-Level Single Dwelling

Applicant/Owner	A & D Malecky
File Ref	P/HAB4; P077/2017
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Meeting date	5 September 2017
Attachments	<ol style="list-style-type: none"> 1. Location Plan 2. Photographs 3. Neighbour's objections 4. Applicant's response 5. Plans dated 26 July 2017

Purpose

This report considers a development application for additions and alterations to the existing multi-level single dwelling at No. 4 Habgood Street, East Fremantle.

Executive Summary

The application proposes additions and alterations to the existing multi-level single dwelling, including a gatehouse, front fencing, pool and deck and extension of rear living areas and balconies at No. 4 Habgood Street, East Fremantle. The following issues are relevant to the determination of this application:

- Views: loss of part of the existing views for adjoining land owners;
- Street setback and building incursions (existing and proposed structures);
- Front fencing;
- Lot boundary setback (southern and northern boundary) (conditioned to comply with the 'Deemed to Comply' provisions of the R-Codes);
- Building height: top of external wall;
- Site works: excavation behind building setback line;
- Visual privacy setbacks: rear balconies

The development assessment as per the 'Performance Criteria' of the Residential Design Codes and the Residential Design Guidelines is outlined below. The proposed development is recommended for approval subject to conditions.

Background

A previous development application for additions and alterations to the dwelling was withdrawn after numerous amendments to the plans and consultation with the adjoining landowners to the south and meetings with the Town's officers. The application was withdrawn due to administration factors impacting the proposal.

This administration matter involved the development approval application that was initially submitted on 3 March 2017 seeking approval for additions and alterations to a single residential dwelling at 4 Habgood Street, East Fremantle. The land was classified Residential R12.5, and was subject to a Scheme Amendment to reclassify the land to R17.5 (Amendment No. 11 – submitted to the Dept of Planning in 2015). The rezoning was subsequently gazetted (Tuesday, 13 June 2017). The Town sought advice from the Department of Planning regarding the assessment of this application, however no

communication was received from the Department. To expedite the assessment process the applicant withdrew the initial proposal and resubmitted the proposal.

As mentioned the Amendment reclassifies the land from R12.5 to R17.5 which changes the applicable development standards and if applied puts the application in a favourable light for the applicant because compliance with the rear building setback under the 'Deemed to comply' standards will be achievable, however, the front and side setback and building height would still be assessed in regard to the 'Performance criteria' as they are still non-compliant under the R-Codes and the Town's Residential Design Guidelines (a local planning policy).

The amendments to the plans throughout the various advertising periods were made in order to address the neighbours' concerns about scale, bulk, building height, building setbacks and overshadowing of surrounding properties which had an impact on the amenity and visual privacy of those properties. A fresh application has now been submitted and has undergone a separate advertising procedure. The details of which are provided below.

The development application proposes extensive refurbishment and extension of the existing dwelling towards the rear of the property. The existing driveway access to the rear of the site along the northern boundary will be maintained and a garage will be constructed at the rear of the site. This is an extension of the existing undercroft garage which is accessed from the street on the northern side of the lot. The extensions to the house will then be constructed over the garage. The living/family areas, theatre, guest room/courtyard and pool deck are to be constructed towards the rear of the lot and are at various levels based on the existing floor levels of the dwelling. The front façade of the house will also be altered to update the street presence of the dwelling.

Consultation

Advertising

The proposed application is a revised proposal from the original and amended plans submitted earlier in the year which was initially advertised to surrounding land owners from 17 March to 3 April 2017. This application period was extended to 10 April 2017 for the immediately adjoining owners to the south who were the most impacted by the proposal to allow further time in which to assess the proposal and make a submission.

Six (6) submissions were received objecting to the proposal on various grounds, but primarily focussed on building height, building setbacks from lot boundaries, privacy/overlooking and overshadowing issues. The applicant submitted an amended set of plans with the view to addressing the concerns raised in the submissions. An amended set of plans date stamped received 1 May 2017 was subsequently advertised to the same landowners and there were two submissions received in the comment period which extended from 1 to 16 May 2017.

Since the submission of the original application Amendment No. 11 (rezoning land from R12.5 to R17.5) was approved by the Minister for Planning and gazetted on 13 June 2017. The principal changes to the density code which have the greatest impact in respect to development on the site is that a rear setback of 6 metres no longer applies. Instead the rear setback is determined based on the height and length of the building wall and the type of openings and can be as close to the boundary as 1.0 metre before Council discretion is required to approve of a lesser setback. The other change to setbacks is a reduction in the street front setback from 7.5 metres to 6 metres and open space on site is reduced from 55% to 50%.

The original application was withdrawn in writing and the new development application was advertised to the same landowners from 3 to 21 August 2017. One submission was received from the landowner immediately to the south at 16 Woodhouse Road.

Only the submission relevant to the current proposal (plans date stamped 26 July 2017) has been included in the report as the other submissions are no longer relevant to the current plans or the issues raised have remained unchanged.

SUBMISSION	APPLICANT RESPONSE
<p>We object to the proposed alterations and additions to 4 Habgood Street. We live at 16 Woodhouse Road adjoining the proposed development. We have lived at our property for almost 30 years and have seen significant changes as the 1960s houses have been demolished or significantly enlarged to meet contemporary lifestyle expectations. We remain disappointed that the amended plans have done so little to reduce the impact on our property and the development remains an imposing addition so obviously out of scale with the surrounding homes. Our objection has two key elements.</p> <p>Firstly, the large number of variations being sought that have <u>direct detrimental impact</u> on the amenity and value of our property. We are aware that our property is the most negatively impacted by loss of amenity, sunlight, views and overshadowing of a close, massive structure running almost the entire length of our backyard. Secondly, the <u>negative impact on the precinct amenity</u> if the Council sets a precedent to grant so many concessions for height, setbacks and scale without any justification for doing so.</p> <p>While it is difficult to provide clear technical analysis as we are not permitted copies of the plans to access in detail, it is evident to us that this proposal seeks a large number of concessions from the East Fremantle Planning Scheme for:</p> <ul style="list-style-type: none"> • Setbacks for undercroft, gatehouse, front feature wall; • External wall heights for street front, corners, rear, south and north; • Fencing for maximum height, visual permeability and height of piers. <p>Attached are revised photos of the impact on our property that show the imposing bulk and scale to the amenity of our backyard, the reduction in light and sun, the significant impact on our views. In sum, we would ask the Council to remain vigilant to the current town planning scheme and protect the amenity of our neighbour as a low density garden suburb and not support over development such as this proposal.</p>	<p>This is not a development but our personal residence in which we plan to stay for the next 20-30 years.</p> <p>They have had borrowed peripheral secondary views for this duration primarily due to the northern orientation in which their home is positioned which is different to that of the North East facing Habgood Street homes.</p> <p>We disagree that the addition is not in keeping with recently constructed surrounding homes. The 60's single level elevated homes are not a reference point. The majority of the submission relates to an existing approved residence.</p> <p>The side and rear setbacks comply with R17.5 upgraded zoning requirements.</p> <p>The existing over height part of the building is not being modified but remodelled with a Contemporary upgrade.</p> <p>The orientation and close proximity No. 16 Woodhouse Road is directly over looking our backyard properties on Locke Cres. Refer to View Corridor Attachment 1.</p> <p>No. 16's 'significant water views' have not been affected/compromised. These are to the north east direction looking over No. 5 and No. 7 Locke Crescent. Peripheral views over our back yard are in question but are certainly not 'significant water views'.</p> <p>We have reduced the length of the level 4 roof by a further 2.33m to increase their view path from their bedroom window which is within the acceptable cone of vision in today's standards.</p> <p>Overshadowing does not impact their backyard as seen on Attachment 2. There is only 16% of the neighbour's block which is overshadowed of which a majority of that is densely covered with their established trees as seen. This is complying and therefore not relevant.</p>

Unsympathetic scale

The existing residence at 4 Habgood St is already the neighborhood landmark for overdevelopment in height, bulk and scale. The current Town Planning Scheme exists to ensure that such imposing design could not be repeated. Indeed, it is an example why we need strong town planning laws. Most of the surrounding homes have been redeveloped in an orderly manner in accordance with the town planning scheme. The Council has endeavoured to navigate owners' desires to maximize their homes while retaining the overall context of the precinct to create "developments that are river oriented, a sympathetic scale and of contemporary architectural style" (East Fremantle Design Guidelines).

Sometimes, our town planning restrictions have come at a high cost, both financial and emotional as we, and many of our neighbours have had to modify their designs or carry out expensive excavations to comply with height and bulk requirements. In fact, the applicant has approved plans for 7 Locke Crescent to undertake expensive excavation in order to meet current height requirements, while also protecting the view amenity of 4 Habgood Street (i.e. his own property). We ask that the same consideration be given to our amenity by not allowing the height variation and achieving the four car undercroft garage by excavation.

The proposed additions at 4 Habgood St are leveraging a "concession" that allows extensions to be continued at "existing levels or footprints" even if this would not be allowed in a new build. "Retention of existing" is a commendable provision in the R-codes intended to encourage retention of existing housing thereby retaining local character, thereby benefiting the applicant and the community. However, we argue the use of the "existing level" provision in this instance is a perversion of the policy intent of that concession. The proposal is for substantial new building work attached to an existing dwelling and there is no justification to allow concessions to continue to expand a house at the "existing level or footprint". Allowing this will serve to compound the previously granted legacy of non-compliance resulting in non-complaint unsympathetic design to further impinge on the neighbourhood and is not the intent of this provision in the R-codes. We submit that the automatic concession to allow additions of homes at "existing levels" is unfair.

This proposal is significantly over height, and the applicant's natural ground level on this proposal is disputed by us. The applicant has already received both our previous submissions on the two previous designs but has made very little attempt to accommodate our concerns. Council should carefully assess the appropriateness of granting legacy concessions and only grant them when they deliver sound design outcomes compatible with the precinct and improve the amenity of neighbours. The council policy is

Both properties gain to benefit additional privacy to their back yards with the new design. Currently we both look into each other's back yards primarily due to the orientation of No. 16 Woodhouse Road and the extremely close setback of their windows facing into our existing kitchen bay window and rear yard.

The proposed alfresco area side setback is 1.6m from boundary which complies with R17.5.

Existing Built form is not relevant to this application

The sketches provided by the neighbour are not accurate and over exaggerate and must be dismissed. Our computer-generated images are factual, based on surveyed heights and true building positions. Refer to Attachment 3.

Approved existing built form at the front, so has no relevance.

We are enhancing the structure to reduce current impact and overall height of existing pitched roofs

The Town Planning and Design Committee supported the design (6th June 2017) - Dwelling shows a good degree of articulation to the streetscape with improved presence. - Dwelling has an open design which introduces a 'Frank Lloyd Wright' design to the area which is supported.

The proposed undercroft 2 car garage will be excavated into the existing natural ground by up to 1m.

No submissions were provided to us during the advertising period for 7 Locke Crescent and it was approved by Council. This is not relevant in this application

There is no concession being requested. The existing floor levels and majority of the building form remain as constructed in 1980. Our intentions are to reduce existing pitched roof heights which will significantly benefit the resident's views above us, cosmetically enhance the existing out of character brown brick 'ugly' residence and to better utilise the amenity for our young growing family for the years to come.

The site has been surveyed by a third party Licensed Surveyor ST SPACIAL (refer to Application Drawings Site Plan).

This is simply not true given the following sequence of events and considerable discussion with Town Planners. Below clearly outlines our willingness to

<p><i>“any new development, the form, bulk and scale will need to be demonstrably compatible with the existing and surrounding residences”.</i> (EF Design Guidelines)</p> <p>Google Earth Photo E shows the view down Habgood Street and reveals 4 Habgood St has an elevated terrace well forward of the normal set back.</p> <p>The proposed “gate house“ to this new fortress style house now reinforces this protrusion into the street looking down through a slotted visually impermeable balustrade from above the terrace on casual passers-by in an unfriendly gesture to the street. This appears to be non-compliance by over 4.2 m.</p> <p>Council policy 3.7.17.4.1.2 says <i>“New developments should reflect the prevailing form, bulk and scale of the immediate locality ...and “New developments shall respect and follow the predominant street pattern in terms of roof pitch, orientation and articulation.”</i></p> <p>By keeping the mass of the building in the centre of the block neighbours can retain their amenity including views to the north west and reduce overlooking to back yards.</p> <p><u>Views</u> Our council policy A1.3 states <i>“Significant water views from neighbouring properties will not be affected” and “in localities where views are an important part of the amenity of the area and neighbours existing views are to be affected, maximum building heights are to be complied with.”</i></p> <p>This proposal does <u>not comply with the external wall height</u> and numerous other R-code and Design Guidelines including lot boundary setbacks boundary walls etc. As we cannot be provided a copy of the plans, we have tried to estimate, from the information that is difficult to access, how this proposal may affect our property. The impact on our current view and aspect from our backyard, first and second storeys are shown in the attached marked up photos A, B, and C.</p> <p>It is our belief that representation of view loss in the drawings represented to Council is not the true impact on our river views to the northwest. Any site inspection will reveal this fact.</p> <p><u>Shading and Impact on Solar Access</u> The proposed eastern elevation is unacceptably close to our boundary and will tower over our back yard and will rob our garden, and outdoor area recreation space of winter sun early in the winter afternoons. It will create an oppressively hemmed in ambience in our backyard and on our outdoor living spaces.</p>	<p>accommodate and compromise.</p> <p>10th March 2017- Our application was originally submitted to Council.</p> <p>The advertising period was scheduled to close by 4th April- Council extended this period for the benefit of 16 Woodhouse to the 10th April</p> <p>21st April- We received the neighbours 1st submissions from advertising.</p> <p>Friday 28th April -We met with Planners to discuss and review our Application and Neighbour submissions. Planners offered advice of where obvious areas needed redesign.</p> <p>1st May 2017 – We resubmitted amended plans (Rev 1) with various amendments to directly benefit the owners concerns from No 16 Woodhouse- The Design was modified to:</p> <ol style="list-style-type: none"> 1. Reduce bulk and scale to their boundary. 2. Increase their view path to their peripheral view across our back yard, whilst their ‘Significant water view’ is not affected at all by our development. 3. Reduced wall lengths to level 4. 4. Reduced rear setbacks as advised by the Planners. 5. We accurately showed the true position of our proposed building in relation to the neighbours incorrectly assume impact on their property via the photos supplied by them A, B, C and D. <p>17th May- The Neighbour at 16 Woodhouse provided a secondary submission after the second round of advertising. Their comments were much the same as the original submission with little regard to our good will and compromising changes.</p> <p>19th May- We resubmitted amended plans (Rev 2) along with updated independent assessment in order for a report to be presented to the 6th June meeting of the Town Planning and Building Committee 25th May - Email from Town’s officer informing us that the Planners would be unable to support the ‘overall outcome and impact of the built form’ under a R12.5 zoning assessment and advising us that the 90 day Council Application period would expire prior to 20th June Council meeting.</p> <p>31st May- Meeting with Town’s officers - To understand Planners’ reasons for non-support:</p> <p>1st June- Meeting with Town’s officer to show proposed major design compromises and changes for his further consideration to gain support for:</p>
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The proposed bulk to our north west will block, or significantly diminish sun capture for our solar hot water panels significantly reducing its efficiency resulting in an expensive relocation. Ironically, 15 years ago when we renovated, Council did not allow us to place the solar hot water system on our roof as is the norm. Instead we were required to place it on a lower level roof to the north west, thereby having no impact on neighbour views. This was despite our second storey being 1 metre below the allowable ridge height. Thus, if we cannot put the solar system on our roof, and it will no longer perform adequately in the current location because of winter shade caused by this proposal, where should we put it to ensure our contribution to renewable energy?

Boundary Walls

The existing 4.5 metre wall on our south west boundary is enough of a concession and impost for our property. We recently consented to the replacement of the antisocial glazed balustrade boundary fence which allowed substantial overlooking to our garden and deck. We agreed to the extension of a 1.5 metre solid brick wall for the boundary fence. This has made our front yard very shady and “boxed in”. However, we gave consent to further this non-compliant boundary structure as the trade off because it affords us more privacy than the previous glazed balustrade, a legacy non-compliant boundary structure 4 metres high overlooking our outdoor courtyard. The further addition of a higher pier to this boundary wall is unacceptable and we object as it shows no regard for the amenity of an already compromised front yard. What is its purpose other than further visual intrusion into the streetscape and our amenity.

Conclusion

In summary, we object to the size, height and scale of this proposal as being totally unsympathetic in scale and out of step with this precinct. Clearly, it will have an extremely severe impact on the value of our property and our amenity. This includes boundary setbacks, significant winter shading and a dramatic impact on our views and rear outdoor living ambience.

We accept that the Council, may from time to time grant planning concessions in order to deliver better design outcomes that enhance the precinct amenity. However, this proposal is not a circumstance where such a “win-win” outcome will be achieved. There are no “trade- offs” with this proposal. It takes an imposing and non-compliant house and doubles it.

We implore the Council to enforce the Town Planning Scheme principles of the Richmond Hill Design Guide and limit overdevelopment to sites that have minimal impact on neighbour amenity and views. Most people manage to improve their property and comply with the scheme.

1. To reduce roof lengths by 2.33m to benefit 16 Woodhouse.
2. Reduce alfresco eave by a further 850mm to benefit 16 Woodhouse.
3. Remove screening and architectural beam and columns to benefit 16 Woodhouse.

6th June- Designs were supported by the Town Planning and Building Design Committee.

Early July- Zoning changes from R12.5 to R17.5 were gazetted and official.

13th July- We withdrew our Planning application due to the R-Coding change.

26th July- Submitted new Application to be assessed under new Zoning R17.5 and included changes as shown to Town’s officer on the 1st June.

21st August- End of advertising period.

Previously approved by the Town and has no relevance to the proposal.

This is much exaggerated shading.

What it doesn’t show is the considerable open space in the north west corner of our site. Most other homes have built across the majority of the width of their site whilst we have proposed building down one side due to our requirements for vehicular access at the rear of our property to allow turning circles.

This was not the view of the Design Advisory Committee. ‘Dwelling shows a good degree of articulation to the streetscape with improved presence.

Their amenity and ‘Significant water views’ are not affected as the significant water views are in the North-East direction up river towards Point Walter with the city skyline behind. Their peripheral view to the north-west direction overlooking our back yard is in question. Refer to R17.5 zoning rear setback which now complies.

Overshadowing is not impacting their backyard and is less than 16% which complies.

Refer to A101 Attachment 2 site plan for computer generated model.

The extension of the brick screen fence is not relevant to this Application and was previously supported and formally approved by No. 16 prior to their Council

<p>Council should not grant concessions, or reward non-compliant existing design unless there is a design benefit to the precinct from doing so.</p>	<p>submission. Refer to Attachment 4</p> <p>It was No. 16's responsibility to render or paint this brickwork at their cost which has not been completed to date now 9 months after completion. This was signed by them on Attachment 4.</p> <p>The proposed Pier has no overshadowing or visual impact to the neighbour as they have established trees which they informed me they planted years ago to create privacy from #4 and also protect them from the harsh Western summer sun.</p> <p><u>Conclusion</u> We appreciate your understanding in this matter and we hope this application is given due consideration to allow our young family to live in the home and enjoy the area for many years to come. As a local business owner and with our offices located at the Town of East Fremantle Town Centre we are clearly established residents and rate payers of the TOEF. We plan to be in the area for many years to come and wish to work closely with Council in all of our future endeavours.</p> <p>We have willingly made numerous changes to our application to gain the necessary support from the Planner and now hopefully the Council.</p> <p>We invite you to call us directly and we welcome you into our home to clarify any queries in relation to this application.</p> <p>We have worked closely with the Planners since March 2017. We have compromised and reduced continually along the way to increase view paths to our neighbours, however, we feel it is unfair that they are trying to take ownership of borrowed views over our backyard.</p>
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Community Design Advisory Committee (CDAC)

This application was considered by the CDAC at its meeting of 1 May 2017 and the Committee made the following comments:

- *Dwelling shows a good degree of articulation to the streetscape with improved presence.*
- *Panel recommend continued discussion with the neighbours to ensure view corridors are maximised.*
- *Dwelling has an open design which introduces a 'Frank Lloyd Wright' design to the area which is supported.*

The applicant has responded as follows:

"We note the Community Design Advisory Committee terms of reference require an assessment of the overall built form merit. In this regard we are pleased with the findings of the Committee that are supportive of the design. It is significant that the Committee has not identified any concerns, noting the Committee advises view corridors should be maximised."

The fresh application has not been referred to the CDAC because the aspects of the proposal that impact the streetscape have not changed. It is therefore considered the matters raised by the CDAC in May have been addressed.

The applicant has not provided comment relating to the Committee's positive comments.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Financial Implications

Nil.

Strategic Implications

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

"KEY FOCUS AREA 3: Built and natural environment

Aspiration: Our town is developing in harmony with our unique character within the fabric of the region's built and natural environment.

3.2 Maintain a safe and healthy built and natural environment

- *Building control*
- *Heritage planning*
- *Identify and protect significant heritage buildings*
- *Undertake projects to preserve the Town Hall precinct."*

Site Inspection

July 2017

Comment

LPS No. 3 Zoning: Residential R17.5

Site area: 736m²

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 (building line of dwelling)	6.0m	9.12m – 6.2m	A
Undercroft (terrace and wall)	6.0m	1.9m	D

MINUTES OF TOWN PLANNING & BUILDING MEETING
TUESDAY, 5 SEPTEMBER 2017

Gatehouse/stairs	6.0m	1.8m	D
Lot Boundary Setback	Various	Various (conditioned)	A
Open Space	50%	56%	A
Outdoor Living	36m ²	>36m ²	A
Car Parking	2	>2	A
Site Works	Excavation or fill behind a street setback line limited by compliance with building height limits and building setback requirements	Existing level at the rear of existing dwelling on site is not being altered.	A
Visual privacy setback	Pool deck (stairs): 7.5m	2.8m	D
	Rear balcony: 7.5m	6.44m	D
	Side setback (balcony): 7.5m	1.6m	D
Overshadowing	25%	16% (108 ²)	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

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

Building Height Requirement (RDG)	Required	Proposed	Status
Building Height (external wall height)	6.5m	Street Front (west) - 7.029m North side - 7.2m - 9.7m South side - 6.8m - 7.9m Rear (east) - 8.7m Centre - 9.772m	D

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

Street setback and building incursions

The existing dwelling currently has a terrace located to the front of the property setback 1.9 metres from the front boundary. It is proposed to make modifications to the terrace to include fencing (currently clear glazing) a gatehouse and new stone cladding. Whilst the Town acknowledges the existing structures, these structures would not be permitted were an application to be presented to Council today. However notwithstanding this, it is considered the existing structures require updating in line with the overall proposal. The proposed gatehouse setback at 1.8 metres from the front boundary

does not comply with the 'Deemed to Comply' provisions of the R-Codes. The Performance Provisions of the R-Codes requires:

P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

P2.2 Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *positively contributes to the prevailing development context and streetscape.*

The existing street form has been established by the construction of the terrace. The proposed addition of the gatehouse is not considered to increase significantly the overall scale and bulk of the development as experienced from the streetscape, subject to the use of materials and the visual permeability of the fencing and gatehouse. A condition has been included in the Officer's Recommendation to ensure the fencing to the terrace and the screening to the gatehouse remain significantly visually permeable to minimise scale and bulk, maintain views and provide for the passive surveillance of the street.

The proposal complies with the requirements of P2.1 above and P2.2. The additional development to the front setback area introduces additional materials, textures, colours and articulation to add character to the dwelling. The overall height of the development at the front of the building is being reduced, further reducing the overall bulk of the building to the streetscape.

The prevailing setback of the dwelling will be 6.2 metres and will therefore comply with the overall street setback requirements for the purposes of the dwelling.

Lot boundary setback

Conditions have been included in the Officer's Recommendation, which once applied will result in the development complying with the 'Deemed to Comply' provisions of the R-Codes for all lot boundary setbacks to the dwelling. The conditions relate to wall/ screen requirements.

The boundary pier, located to support the awning over the entrance is conditioned to be setback 1.2 metres from the south eastern wall so that it is located in line with the scullery wall, minimising any bulk impacts to the adjoining neighbour.

Site works

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

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

In the central portions of the site the proposed excavation is in excess of the 'Deemed to Comply' provisions. The ground level is proposed to be excavated 716mm from natural ground level for the new garage. The non-compliance with external wall height permitted under the Residential Design

Guidelines (i.e. 6.5m) therefore requires assessment of this variation under the 'Design Principles' of the R-Codes. The R-Codes state as follows in respect to the 'Design Principles'.

"P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street."

The proposed excavation of 716mm does respond to the overall gradient of the site. The additional garage area is located in this area of the site and will have no impact to the streetscape. There will be height issues relating to the overall building height due to a continuation of existing finished floor levels, however this will be discussed in the next section of this report. The proposal does not propose any significant fill and therefore the proposal does respect the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.

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:

In localities where views are an important part of the amenity of the area and neighbours' existing views are to be affected, or the subject site is a 'battleaxe' lot, then 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);
 - 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 the established character of the area or other site specific circumstances;*
 - (ii) *the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;*
 - (iii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The overall external wall height of the dwelling is not compliant (i.e. permitted 6.5m to the top of an external wall). Non-compliance with the external wall height limit ranges from 7.029 metres at the street front (note: the height of the dwelling is being reduced from the street front perspective from an overall height of 10.75 metres at the highest point of the roof above ground level), 9.772 metres at the centre and northern section of the site (located on the existing dwelling). The existing dwelling is non-compliant and whilst recognised as forming part of the scale and bulk of the overall development it has not been further assessed for the purposes of height for these additions and alterations. It is noted that the existing roof will be reduced by 1.0 metre and 1.5 metres respectively.

The new sections of the additions and alterations range in height from:

- approximately 9.3 metres to the new section of roof over the family / dining room (centre of the lot) to 7.5 metres at the boundary.
- approximately 8.5 metres to the balcony (centre of the lot) to 7.5 metres on the boundary

The proposed dwelling has been amended from the previous proposal on three occasions to assist in maintaining the view corridors of the neighbours. Walls have been scaled back, building heights reduced at the front of the dwelling and view corridors attempted to be opened up, however views are still impacted and will be discussed later in this report.

The Acceptable Development Provisions state a wall should have a maximum height of 6.5 metres for a concealed roof. Whilst the new sections of roof are not concealed by parapet walls, the development does have skillion roofs of a 3 degree pitch, therefore essentially making it a flat roof for the purposes of this assessment. A concealed roof is required to have a maximum height of 6.5 metres as per the Town's RDG. The wall/ roof height requires Council to consider the application under the Performance Criteria of the Guidelines.

The Residential Design Codes state:

The performance criteria are general statements of the means of achieving the objective. They are not meant to be limiting in nature.

The 'Deemed to Comply' provisions illustrate one way of satisfactorily meeting the corresponding performance criterion, and are provided as examples of acceptable design outcomes. The 'Deemed to Comply' provisions are intended to provide a straightforward pathway to assessment and approval; compliance with a 'Deemed to Comply' provision automatically means compliance with the corresponding performance criterion, and thus fulfilment of the objective.

The Town's Guidelines and R-Codes have been developed to be read in conjunction with each other and have been designed to provide a clear choice for applicants to select either a performance criteria approach for assessment, as an acceptable development provision approach or a combination of the two.

As such, the proposed development will be assessed under the Performance Criteria provisions of the Guidelines. The proposed dwelling is required to be assessed as per the PC requirements of the RDG for the building height, which allows for:

P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.

The Richmond Hill Precinct has a range of building heights, scale and built forms, notably the existing building is considered a high building in the area. On Woodhouse Road there are several buildings to the south, which have partially filled lots and development that exceed the Town's height requirements. There is no established design or traditional development, however the majority of the dwellings are two storey with some developments utilising the ground levels to facilitate undercrofts or garage areas. Roof designs vary from flat to pitched roofs.

The applicant has undertaken design modifications, and included design measures to minimise the impact of the building on the streetscape and to the viewing vistas of adjoining neighbours to the south and across the street, however due to the orientation of the adjoining lot, views currently enjoyed by the neighbours will be reduced (see attached view corridor plan). The applicant has attempted to minimise impacts to view corridors by minimising the roof pitch, increasing setbacks and reducing the height and location of the roof form and deleted privacy screens.

The topography of the subject lot slopes approximately 3.0 metres from south to north. It is considered the topography of the site and the existing non-compliant dwelling makes the design of a development that complies with the Acceptable Development Provisions difficult unless it is further designed as a

split level, which the house is already designed as. The applicant has factored in the topography of the site into the design of the dwelling, and with the exception of building height and impact to view corridors the remaining assessments under the Performance Criteria provisions are considered to be relatively minor (as conditioned).

The proposed development maintains and reduces height of the building as experienced from the streetscape. The reduced height of the dwelling reduces the bulk and scale of the dwelling from the street, improving views of adjoining buildings. Whilst the bulk of the building (3 storeys) from the rear of the lot is considered high, the potential impacts to the streetscape is considered minor, however the neighbours at 16 Woodhouse Road will be impacted. Whilst it is impossible not to impact the adjoining property the scale of the impact will be assessed further in this section of the report and following sections.

Ultimately this development application and the objection received from the adjoining neighbour can be narrowed down to the overall building height. The proposed bulk and scale of a building is determined by many factors, including height, setback, wall lengths and articulation of the building. For the purposes of this assessment the development has been conditioned to be compliant with all setback requirements as required by the 'Deemed to Comply' provision of the R-Codes. The development is also compliant with the 'Deemed to Comply' provisions for overshadowing. As such the wall length and setbacks are as existing or compliant, therefore the scale and bulk being out of character with the area is reliant on the height of the proposal.

When assessing the development as a whole, the dwelling (as existing) is being reduced in height to the streetscape and therefore the scale, height and bulk of the structure is being reduced. The main bulk of the additions are located to the centre and north east of the lot, therefore causing any impact to be primarily experienced by 16 Woodhouse Road.

It is considered the proposed modifications (outlined in the applicant's submission) to the building does attempt to address Council's previous concerns and the neighbour's objections. The overall height still requires Council to consider the application under the Performance Criteria provisions of the RDG. The applicant is utilising existing finished floor levels of the property. The existing dwelling is being retained and altered. Lowering the entire rear additions cannot be undertaken, as the applicant is utilising the existing undercroft garage, and upper levels. Lowering the dwelling further would compromise the gradient of the undercroft garage, and render it difficult to use the proposed garage. The use of existing levels is regularly utilised in additions and modifying levels in turn may create a long term functionality issue for the dwelling.

It is proposed that the addition is located on the eastern boundary (setback compliant), to a maximum height of 7.5 metres (at the boundary), increasing to 9.3 metres and 8.5 metres respectively at the centre of the lot. It is noted that a pitched roof in an area that is sensitive to views is permitted to have a maximum height of 8.1 metres. Drawing 'Critical View' A1.03 clearly illustrates that there will be a loss of views, particularly from the neighbouring lot.

The lower balcony at first floor level will lose views through the subject lot, however the bulk of the upper levels of the proposal will be located 6.0 metres from the rear boundary, therefore partial views will be maintained from the neighbour's first floor balcony. Approximately 6 metres of the 16 metre rear façade will be partially impacted with regards to view corridors (dining area and balcony), however significant view corridors will remain through the properties at 3, 5, and 7 Locke Crescent.

The top balcony at 16 Woodhouse Road is at a height of R.L 40.29. The top of roof to the first highest point (located near the existing building: building height 8.3 metres R.L 43.60) is R.L 42.99 (top of skillion

roof), therefore views will be impeded, however this view corridor is at an oblique angle to the balconies located at 16 Woodhouse Road. The next area of concern is the roof over the living area and balcony. The roof at this location is R.L 41.89, therefore approximately 1.6 metres over the finished floor level of the balcony at 16 Woodhouse Road. At 1.6 metres, views over the roof to Mosman Park will be maintained by a person standing on the balcony. The loss of view from this balcony is considered minor, as the staggered roof heights will maintain view corridors, whilst not maintained as existing, to a large extent will be significantly retained view corridors.

The proposal with regard to bulk and scale is only required to be assessed as per development heights. Based on the assessment of overshadowing and setbacks, the development is compliant on the eastern boundary. The proposed height is non-compliant, however the development (notwithstanding the previous amendments) assessment of building height of the development under the Performance Criteria of the Guidelines is considered acceptable. Similar buildings in the Richmond Hill precinct have been approved at similar heights. That is not to say that precedent is a valid planning argument, but does the impact of the development warrant refusal. A compliant development application with a pitched roof will remove the view from the neighbour's lower level. Indeed a 6.5 metre structure will remove views from the neighbour's lower level balcony. The overall height of the structure is being reduced to Habgood Street, reducing overall bulk and scale. The lot orientation and dwelling location of 16 Woodhouse Road is such that the rear of the property is located to face a northerly direction and therefore across the rear of the subject site. The height of the additions are considered to address the performance provisions of the Guidelines. Accordingly, the design of the dwelling and proposed height can be supported by Council.

Loss of Views

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

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

While the proposed dwelling does require an assessment under the Performance Criteria of the Guidelines, the dwelling (additions) is considered to impact on the view shed from neighbouring properties through to the north and east of the proposal, but view corridors have been attempted to be maintained through to Mosman Park from the first floor balcony. As is clearly illustrated by the photomontage of the existing and proposed view sheds provided by the applicant (view corridors are impacted due to the orientation of 16 Woodhouse Road), however the main views to the Swan River in a northerly aspect are maintained.

The applicant and representatives of the applicant have had considerable liaison with the Town. Several amendments were made to the plans through the initial development application (subsequently withdrawn as discussed above), however these amendments still required Council discretion. The proposed modifications clarify building heights and view vistas and amend the plans to reduce the number of discretions being sought by the applicant. It is considered the proposed front of the dwelling has been designed in such a manner as to carefully consider and reduce the bulk and scale of the development to the streetscape and the viewing vistas of adjoining neighbours. It is noted that the applicant has attempted to minimise the impact of the height of the dwelling to the rear of the

property. Privacy screens have been removed to improve viewing corridors thereby requiring further Council discretion.

As discussed above a compliant development with the Acceptable Development Provisions of the Guidelines would remove views from the adjoining neighbour.

It is considered the amendments and clarifying information by the applicant demonstrate that viewing vistas will be significantly maintained, however views through the lot in a north easterly direction will be impacted, however viewing vistas through to Mosman Park will still be partially retained from the second storey of the neighbouring balcony. It is considered the proposed dwelling can be supported in respect to its impact upon views.

Visual privacy

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

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

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

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

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

There is overlooking from the kitchen window facing northerly and balcony facing southwards, with oblique views to the easterly neighbour. These openings have been conditioned to comply with the 'Deemed to Comply' provisions of the R-Codes. The openings to the balcony area on the western elevation (balcony from the bedroom 2/ kids study) also has been conditioned to comply with the 'Deemed to Comply' provisions of the R-Codes.

Overlooking from the balcony (adjoining family/ living room) and lower deck of the swimming pool will impact on the northern (owned by the applicant) and north easterly neighbour. Screening has been removed to increase viewing corridors for the neighbour to the east. The proposal can be made to be compliant with overlooking to the north easterly neighbour, however this will impact further the viewing corridors of the eastern neighbour at 16 Woodhouse Road. In the interest of maintaining view corridors the overlooking is considered minimal, with minimal adverse impacts to habitable areas and therefore can be supported.

Solar access for adjoining sites

The R-codes requires that a development site within a Residential R17.5 density coding does not overshadow in excess of 25 per cent of the adjoining lot. The proposal does comply with the 'Deemed to Comply' provisions of the R-Codes and therefore can be supported.

It is noted that the solar collectors on the adjoining lot (16 Woodhouse Road) will be impacted, however as the proposal does comply with the 'Deemed to Comply' provisions. Clause 2.5.4 of the R-Codes states:

The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy.

Therefore in this instance of solar impact, the Town is obliged to approve the development.

Conclusion

Modifications and conditions applied to the development has brought the proposed development into compliance with the Acceptable Development Criteria of the Guidelines with the exception of building height, front setback (existing building is already non-compliant), site works (excavation with limited impact to neighbours) and overlooking (can be conditioned to be compliant to the north easterly neighbour, however this to the detriment of view corridors to the eastern neighbour).

The overall building height of the development is being reduced by 1.0 and 1.5 metres respectively reducing the overall scale and bulk of the development from Woodhouse Road and Habgood Street. The rear additions will not be seen from the street.

As per the assessment above the building height is considered to comply with the Performance Criteria of the RDG, as the height limitations of the Guidelines are provided to protect views. In this instance the views of the eastern neighbour are impacted, however the scale of the impact is as a result of site orientation. The view corridors over the proposed structure will be maintained to Mosman Park from the neighbour's upper level balcony. Significant views will be maintained from the balconies of 16 Woodhouse Road. Were developments to be refused based on complete protection of view corridors, development in East Fremantle would be limited. The dwelling is of a scale, bulk and design that is consistent with the prevailing streetscape and the rear setbacks are compliant with the density coding for the area, therefore the development as a whole cannot be described as out of scale with the prevailing scale, bulk and character of the area. It is considered viewing vistas are protected where practical and as such, the proposed modified development can be supported and is recommended for approval.

Michael Leach (neighbour) 16 Woodhouse Road

Commented on not being allowed to have a copy of the plans. Raised objections to the heights of the proposal as this is not part of orderly planning and not in keeping with the streetscape. Stated increased bulk to the front of the house despite height reduction. Also indicates views will be lost and an increase in overshadowing.

Objected to the officer's recommendation which includes height discretions which will result in views being lost and views from across the road will also be reduced.

Requested Council defer the decision to give the adjoining owners more time to assess.

Selwyn Castles (neighbour) 31 Woodhouse Road

Spoke in support of the officer's recommendation as the proposal will improve the view down the river from his and other neighbours properties.

Jane Vallance (neighbour) 16 Woodhouse Road & Barbara Stace (neighbour) 5 Locke Crescent

Ms Stace requested Council to defer their decision on the application. The development will overlook the rear yard of No. 5 Locke Crescent and increase the bulk and scale as perceived by her.

Ms Vallance requested Council defer their decision until a full assessment of the application has been carried out to ensure natural justice be carried out. Request Council to refuse any variations to their local planning scheme.

Andre Malecky (owner) 4 Habgood Street

The application is to transform an out of date split level house into a modern family home. Thanked the Town's Officers' for their assistance during the process. Stated that the initial application was withdrawn and a new application submitted because of a change in the R-Code density being gazetted during the process.

The plans have been modified however, do still have some variations due to the site and existing dwelling. Several compromises have already been made in reducing the number of variations. Have tried to take on board neighbours objections and have amended the plans to improve the views of adjoining properties. The development complies with the overshadowing requirement of the R-Codes. Would like to live in friendly environment with all neighbours.

The owner also presented a 'compliant' pitched roof design to Councillors for their understanding of acceptable permitted heights.

Requests Council support the officer's recommendation.

Matt Stuart (planning consultant) on behalf of applicant

Supportive of the officers recommendation. The plans have been modified several times taking on board neighbours objections. Discretions are realistic and in keeping with the site and neighbouring properties. It seems unlikely to achieve an agreement with the neighbour and has advised his client to go to SAT. There have been 3 neighbour consultations carried out, only minimum views will be lost and visual privacy complies except for a small part in the back corner.

OFFICER RECOMMENDATION**Cr M McPhail moved, seconded Cr White**

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

- (i) Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a setback of less than 6.0 metres from the front boundary to the gatehouse (terrace is existing);
- (ii) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to permit excavation behind a street setback line that is not within external wall height limits;
- (iii) Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines 2016 to permit the external wall height to exceed 6.5 metres;
- (iv) variation to variation to Element 5.4.1 of the Residential Design Codes – Visual Privacy

for alterations and additions to the single dwelling at No. 4 (Lot 5017) Habgood Street, East Fremantle, in accordance with the plans date stamped received on 26 July 2017, subject to the following conditions:

- (1) The window to the kitchen (north facing) is to comply with the Deemed to Comply provisions of variation to Element 5.4.1 of the Residential Design Codes Visual Privacy (eastern neighbour).
- (2) The view corridor located at the balcony through from the kitchen is to comply with the Deemed to Comply provisions of variation to Element 5.4.1 of the Residential Design Codes Visual Privacy (eastern neighbour).
- (3) The three lightwells located on the balcony adjoining Bedroom 2 and the Kids Study (currently 1200mm frosted glazing) is to comply with the Deemed to Comply provisions of variation to Element 5.4.1 of the Residential Design Codes Visual Privacy (eastern neighbour).
- (4) The terrace fencing located within the front 6 metre setback zone at the front of the dwelling is to remain 60% visually permeably. The fence treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (5) The treatment of the structure behind the gatehouse is to remain 60% visually permeable. The screen treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (6) Boundary pier for the architectural awning located on the terrace (south eastern corner of the lot) to be setback 1.2 metres from the boundary in line with the proposed scullery.
- (7) The crossover width not to exceed 5.0 metres and be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016. All redundant crossovers are to be removed and the verge and footpath reinstated to the satisfaction of the Chief Executive Officer. The existing treatment to create a mountable kerb on Habgood Street is to be removed.
- (8) All parapet walls/building structures to the adjacent property face on a boundary are to be finished by way of agreement between the property owners and at the applicant's expense.
- (9) If requested by Council within the first two years following installation, the Colourbond roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (10) Pool/Spa filter and pump equipment to be located a minimum distance of 1.0 metre away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
- (11) 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.
- (12) 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 is issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (13) 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.
- (14) The proposed alterations and additions are not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (15) 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.
- (16) 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.

- (17) 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.
- (18) In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
- (19) 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".*

11.4 PROCEDURAL MOTION/COMMITTEE RESOLUTION 020817

Mayor O'Neill moved, seconded Cr Nardi

That the item be deferred until prior to the deemed refusal date to allow the applicant to consider the height and bulk and in particular the section of the proposed rear extension.

(CARRIED UNANIMOUSLY)

Reason for change:

Time for the planners to work with the applicant and submitters.

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 8:03pm.

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 September 2017, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

UNCONFIRMED

11.2 Audit Committee Meeting (6 September 2017)

File ref	C/MTP1
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Meeting Date:	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Audit Committee Minutes

Purpose

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

Executive Summary

The Committee considered a report regarding the Financial Management Review which is listed as a separate item (12.1.3) within this agenda.

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.

11.1 OFFICER RECOMMENDATION

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

TOWN OF
EAST FREMANTLE



MINUTES

UNCONFIRMED

Audit Committee Meeting

Wednesday, 6 September 2017 at 6.37pm

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1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.37pm.

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 M McPhail Presiding Member
Mayor J O'Neill
Cr A McPhail
Cr T Watkins

The following staff were in attendance:

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

There were no members of the gallery in attendance

3.2 Apologies

Cr A White.

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil.

5. DISCLOSURES OF INTEREST**5.1 Financial**

Nil.

5.2 Proximity

Nil.

5.3 Impartiality**5.3.1 Cr A McPhail**

As a consequence of having a past and ongoing business relationship using the audit services of Anderson, Munro and Wylie 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. CONFIRMATION OF MINUTES

6.1 Meeting of Audit Committee (17 March 2017)

6.1 OFFICER RECOMMENDATION

Moved Cr A McPhail, seconded Cr Watkins

That the minutes of the meeting of the Audit Committee held on Friday, 17 March 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

UNCONFIRMED

8. REPORTS**8.1 Financial Management Review**

File ref	F/AUD1
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	6 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil

Purpose

To present the findings of the Financial Management Review to Council.

Executive Summary

In accordance with the requirements outlined within section 5(2)(c) of Local Government (Financial Management) Regulation 1996, the Chief Executive Officer is to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every two (2) financial years) and report to the local government the results of those reviews.

Background

The Town has utilised the services of Anderson Munro and Wyllie, the Town External Auditors to conduct the review.

The objective of the external engagement was to provide an independent testing of the financial management system of the Town of East Fremantle and receive a report on the appropriateness and effectiveness of the control environment within as required under Financial Management Regulation 5(2)(c).

The review examined the following financial systems and procedures of the Town of East Fremantle:

- Bank Reconciliations
- Petty cash
- Trust funds
- Investments
- Receipts/debtors
- Payments/creditors
- Purchases
- Credit card procedures and use
- Payroll rates
- Fees and charges
- Cost allocations
- Administration allocations
- Job costing
- Minutes and meetings
- Financial reports
- Budgets
- Integrated planning and reporting
- Register of delegations
- General ledger accounts
- Record keeping and storage
- Insurance
- Audit Committee

Consultation

Chief Executive Officer
Anderson Munro and Wyllie (External Auditors)

Statutory Environment

Local Government Act 1995

Local Government (Audit) Regulations 1996 Regulation 17

Local Government (Financial Management) Regulations 1996

Policy Implications

F8.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

The examination was mainly an overview of the above areas, assessing major controls and considering whether the systems and procedures in place are appropriate and effective for the Council's current level of operations and structure. They did not necessarily examine compliance with provisions of the Act or Regulations, which were not financial in nature.

The conclusion was that the overall effectiveness of the financial management systems and procedures of the Town of East Fremantle with respect to areas covered by the review are reasonable and appropriate for the current level of operations and structure. The following recommendations were made;

- a. Bank Reconciliations – to be evidenced as reviewed and have a copy of the bank statement attached.

Officer Comment: These changes have been implemented in July 2017.

- b. Trust fund reconciliations - to be reconciled to the last calendar day of each month.

Officer Comment: These changes have been implemented in July 2017.

- c. Payments / Creditors – the Town review its GST treatment when posting transactions in order to correctly record its GST treatment and correctly submit BAS to the ATO.

Officer Comment: This is currently being reviewed and the necessary system changes will be made.

- d. Credit card procedures and use – recommend that the policy for corporate credit cards be reviewed in order to effectively detect any purchases that include elements which are private use.

Officer Comment: The credit card policy is earmarked for review in conjunction with all other finance related policies and procedures.

- e. Payroll – it is noted that there are a number of staff with large accrued leave balances.

Officer Comment: This had already been identified by the administration and actions are being taken to alleviate these large accrual balances.

- f. Minutes of meetings – that the unsigned minutes be clearly marked as unconfirmed until confirmed and that the website reflects this.

Officer Comment: A watermark will be implemented on the unconfirmed minutes in order to clearly identify as unconfirmed. When confirmed these are replaced by confirmed minutes on the website.

- g. Financial Reports – financial ratios are below basic standard.

Officer Comment: The operating surplus ratio for 2016 was (0.16), which was created by a negative operating surplus at the end of that financial year. This has been created by a significant increase in the depreciation on non-current assets when compared to budget as all other forms of expenditure were below budget for that period. The depreciation charges will be reviewed and updated within 17-18 in order to reflect appropriate depreciation values.

- h. Record keeping and storage of documents and data – that a Disaster Recovery and Business Continuity Plan and necessary policies be developed.

Officer Comment: Disaster Recovery and Business Continuity plan is currently being developed.

- i. Audit Committee – recommend that Audit Committee implement controls in order to manage each risk identified above as having inadequate controls.

Officer Comment: Implement the above comments

8.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION AU010917

Moved Cr A McPhail, seconded Mayor O'Neill

That Council:

- 1. receives the Financial Management Review Report 2017.**
- 2. notes the actions to implement the recommendations.**

(CARRIED UNANIMOUSLY)

Council officers undertook to provide a summarised report to the next Audit Committee Meeting on the status of the identified risk areas.

9. **MATTERS BEHIND CLOSED DOORS**

Nil.

10. **CLOSURE OF MEETING**

There being no further business, the Presiding Member declared the meeting closed at 7.28pm.

*I hereby certify that the Minutes of the ordinary meeting of the **Audit Committee** of the Town of East Fremantle, held on **6 September 2017**, Minute Book reference **1 to 10** were confirmed at the meeting of the Committee on*

.....

Presiding Member

UNCONFIRMED

12.1 FINANCE REPORTS

12.1.1 Monthly Financial Activity Statement 31 August 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
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 31 August 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 31 August 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 August 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 the Council is not likely to have a direct impact on the strategies of the Council.

4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community.

Site Inspection

N/A

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

Operating Revenue 102%; is \$125,000 more than the YTD budget. (Favourable)

Operating Expenditure 89%; is \$197,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$374,000 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:

- Community Amenities – Commercial Service Charges has a favourable year to date budget timing variance amounting to \$88,000 which will be offset in October.
- 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.

Operating Expenditure is 11% Favourable to the year to date budget. The significant areas of favourable variations for operating expenditure include:

- Community Amenities – Domestic Refuse Collection - \$26,000 and SMRC Waste Composting Facility \$42,000 which is mainly due to invoices received in the following month.

The significant areas of unfavourable variations for operating expenditure include:

- Transport – Verge Maintenance - \$37,000 which is mainly due to greater emphasis having been 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 have not commenced as at August.

Tenders have been called for: Town Hall Furniture Supply and Installation and Road and Footpath Resurfacing Projects. These tenders will close on 15 September 2017.

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

Capital Programs YTD Progress Summaries

Annual Timeline 17% of year elapsed

Land & Buildings 5% expended

Infrastructure Assets 0% expended

Plant & Equipment 19% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,296,000 less than the YTD budget (Favourable) which represents 97% of the capital programs to be completed. The major capital items are yet to commence at this stage.

All amounts quoted in this report are exclusive of GST.

12.1.1 OFFICER RECOMMENDATION

That Council receives the Financial Activity Statement for the period ending 31 August 2017.



**MONTHLY FINANCIAL ACTIVITY STATEMENT
FOR THE PERIOD 1 JULY 2017 TO 31 AUGUST 2017**

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TOWN OF EAST FREMANTLE



FINANCIAL ACTIVITY STATEMENT

For the Period 1 July to 31 August 2017

<u>OPERATING</u>	<u>NOTE</u>	<u>ORIGINAL BUDGET</u>	<u>YTD BUDGET</u>	<u>YTD ACTUALS</u>	<u>YTD Variance</u>	<u>Variance</u>
			\$	\$	%	\$
REVENUE/SOURCES						
General Purpose Funding		7,929,114	7,567,786	7,561,715	100%	(6,071)
Governance		13,200	4,864	20,558	423%	15,694
Law, Order, Public Safety		30,560	3,930	2,900	74%	(1,030)
Health		12,340	8,222	8,506	103%	284
Education and Welfare		904,040	261,320	264,589	101%	3,269
Housing		88,800	14,800	20,907	141%	6,107
Community Amenities		193,600	15,712	119,845	763%	104,133
Recreation and Culture		511,550	36,475	60,310	165%	23,835
Transport		431,785	61,496	50,009	81%	(11,487)
Economic Services		194,800	32,460	19,356	60%	(13,104)
Other Property and Services		30,300	5,048	7,999	158%	2,951
TOTAL OPERATING REVENUE		10,340,089	8,012,113	8,136,692	102%	124,579
EXPENDITURE/APPLICATIONS						
General Purpose Funding		(83,324)	(13,884)	(6,030)	43%	7,854
Governance		(1,090,031)	(184,203)	(191,097)	104%	(6,894)
Law, Order, Public Safety		(134,097)	(21,117)	(11,461)	54%	9,656
Health		(209,881)	(29,227)	(26,421)	90%	2,806
Education and Welfare		(1,336,370)	(241,896)	(195,320)	81%	46,576
Housing		(58,228)	(10,739)	(5,020)	47%	5,719
Community Amenities		(2,508,795)	(376,224)	(264,975)	70%	111,249
Recreation and Culture		(3,589,657)	(419,083)	(324,143)	77%	94,940
Transport		(2,697,702)	(432,441)	(497,321)	115%	(64,880)
Economic Services		(146,403)	(21,249)	(15,074)	71%	6,175
Other Property and Services		(159,239)	(51,469)	(67,773)	132%	(16,304)
TOTAL OPERATING EXPENDITURE		(12,013,727)	(1,801,532)	(1,604,634)	89%	196,898
Adjustments for non-cash items						
Depreciation on Assets		2,438,301	406,376	456,960	112%	50,584
(Profit)/Loss on Asset Disposals		(12,900)	(2,150)	(294)	14%	1,856
TOTAL NON-CASH ITEMS		2,425,401	404,226	456,666	113%	52,439
TOTAL OPERATING CASH POSITION		751,763	6,614,807	6,988,724	106%	373,917
CAPITAL REVENUE/EXPENSES						
Purchase Land & Buildings		(2,188,707)	(2,188,707)	(113,555)	5%	2,075,152
Purchase Infrastructure Assets		(1,820,792)	(1,820,792)	(6,083)	0%	1,814,709
Purchase Plant & Equipment		(181,850)	(181,850)	(35,236)	19%	146,614
Purchase Furniture & Equipment		(260,500)	(260,500)	(510)	0%	259,990
CAPITAL EXPENDITURE SUBTOTAL		(4,451,849)	(4,451,849)	(155,384)	3%	4,296,465
Proceeds from Disposal of Assets		54,181	54,181	22,727	42%	(31,454)
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	1,352,067	99%	(12,658)
Net Current Assets YTD		0	4,081,864	8,208,134	201%	4,126,270

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

The Financial Activity Statement for the period ended 31 August 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 \$125,000 more than the YTD budget (Favourable).

Operating Expenditure 89%; is \$197,000 less than the YTD budget (Favourable).

After non-cash adjustments, the total operating cash position is \$374,000 more than the YTD budget (Favourable).

Capital Programs YTD Progress

Land & Buildings 5% expended

Infrastructure Assets 0% expended

Plant and Equipment 19% expended

Furniture and Equipment 0% expended

Capital Expenditure is \$4,296,000 less than the YTD budget (Favourable), which is the value of uncompleted works.

Materiality in Financial Reporting

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

OPERATING REVENUE & EXPENDITURE**REVENUE – FAVOURABLE \$125,000**

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

GOVERNANCE – FAVOURABLE \$16,000

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 to be received from another Local Government, for a former employee.

COMMUNITY AMENITIES – FAVOURABLE \$104,000

There are favourable year to date budget timing variances for; Domestic Service Charges - \$11,000 and Commercial Service Charges - \$88,000 which will be offset in October.

RECREATION & CULTURE – FAVOURABLE \$24,000

The Swan Yacht Club Rental has a favourable year to date budget timing variance amounting to \$43,000 which will be offset in November.

TRANSPORT – UNFAVOURABLE \$11,000

Fines and Penalties has a favourable year to date budget timing variance amount to \$12,000, which will be monitored, whilst Parking Fees – Launching Ramp has an unfavourable year to date budget timing variance amounting to \$18,000, which is mainly attributable to seasonal factors.

ECONOMIC SERVICES – UNFAVOURABLE \$13,000

There are no significant items of variance within this program.

EXPENDITURE – FAVOURABLE \$197,000

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

LAW, ORDER, AND PUBLIC SAFETY – FAVOURABLE \$10,000

There are no significant items of variance within this program.

EDUCATION & WELFARE – FAVOURABLE \$47,000**Care of Families & Children**

There are favourable year to date budget timing variance for; HACC Salaries \$19,000 and HACC Service Unit Assessment \$12,000 which will be monitored.

COMMUNITY AMENITIES – FAVOURABLE \$111,000**Sanitation – Household Refuse**

There are favourable year to date budget timing variances for; Domestic and Commercial Recycling \$15,000, Domestic Refuse Collection \$26,000 and SMRC Waste Composting Facility \$42,000 which is mainly attributable to the August invoices received in the following month.

Town Planning & Regional Development

Town Planning Salaries has a favourable year to date budget timing variance amounting to \$11,000 which will be offset during the year.

RECREATION & CULTURE – FAVOURABLE \$95,000**Other Recreation & Sport**

There are favourable year to date budget timing variances for; East Fremantle Oval \$19,000 and Henry Jeffrey Oval \$10,000, which is due to seasonal factors which will be offset during the year.

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

There are unfavourable year to date budget timing variances for Footpath and Cycleway Maintenance \$12,000, Verge Maintenance \$37,000 and Street Cleaning \$11,000 which is mainly due to greater emphasis having been placed on these operations as at this time of the year.

Kerbing Maintenance has a favourable year to date budget timing variance amount to \$16,000 which will be offset during the year.

OTHER PROPERTY & SERVICES – UNFAVOURABLE \$16,000

Public Works Overheads expenditure is \$12,000 over budget in total pooled costs, whilst the Recovery of Public Works Overheads is \$12,000 over budget, based on labour hours.

Plant Operation Costs are \$16,000 under budget, whilst the Recovery of Plant Operation costs is \$21,000 under budget, based on plant hour usage volumes.

CAPITAL EXPENDITURE

There are favourable year to date Capital Expenditure timing variances of \$4,296,000 given that the works program is 3% completed.

Land & Buildings

Town Hall Remedial Works - Payments have been made to Peter Hunt Architects for Stage 3 Design Development - Stage 4 - Construction Documents and Stage 5 – Tender Documents.

ICS Australia have also been paid for year to date services as per Certificate 01.

Plant & Equipment

The Operations Supervisor's vehicle has been replaced.

Furniture & Equipment

Rental equipment for an outdoor Wireless Link has been processed.

Infrastructure

The John Tonkin Interpretation Node Project (carpark) has commenced and will be completed in September.

The Swimming Areas – Foreshore Erosion Control program is in its early stages.

SCHEDULE OF INVESTMENTS

Surplus funds are held in interest bearing term deposits. The General Purpose interest received for the Municipal and Reserve funds amounts to \$4,000. 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. What 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

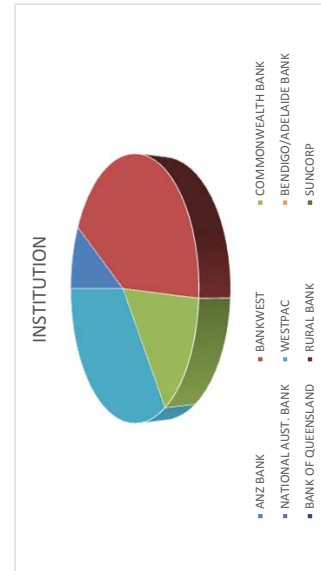
DETAILS OF INVESTMENTS HELD AS AT 31 AUGUST 2017

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	2.20	41	31-Aug-17	11-Oct-17	\$500,000.00			BOQ - 1.90% - S&P (BBB+)	\$200,517.81	\$517.81	General Account
BANKWEST	AA-	4607122											General Account
BANKWEST	AA-	4612256	2.15	30	16-Aug-17	15-Sep-17	\$551,294.52			RURAL BANK 1.75% - S&P (BBB+)	\$200,000.00	\$1,294.52	General Account
BANKWEST	AA-	4625939	2.20	31	25-Aug-17	25-Sep-17	\$500,000.00			BOQ - 1.75% - S&P (BBB+)			General Account
WESTPAC	AA-	35071192038								BENDIGO/ADELAIDE BANK 2.00%	\$700,563.84	\$563.84	General Account
BANKWEST	AA-	4607116	2.50	60	03-Jul-17	01-Sep-17			\$1,285,000.00	S&P (BBB+)			Various Reserves
WESTPAC	AA-	36032581668	2.74	124	07-Jun-17	09-Oct-17			\$1,966,625.25	RURAL BANK 2.55% - S&P (BBB+)			Various Reserves
COMMONWEALTH BANK	AA-	169592	1.77	30	23-Aug-17	22-Sep-17		\$762,865.97		SUNCORP 1.75% - S&P (A)		\$2,368.96	Trust Account
VARIOUS							\$1,551,294.52	\$762,865.97	\$3,251,625.25		\$1,101,081.65	\$1,743.52	Interest set off/Trans.In

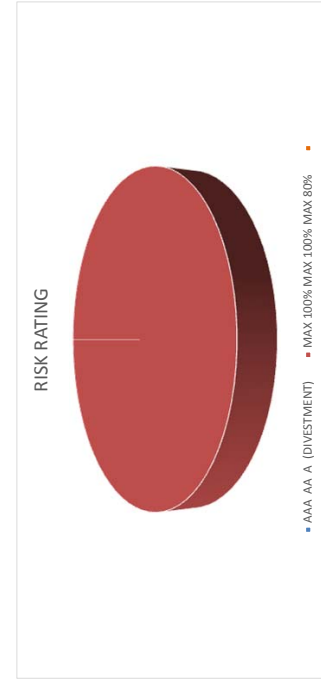
General A/c Maturity Dates:
 (1) 15-Sep-17 \$551,294.52
 (1) 25-Sep-17 \$500,000.00
 (1) 11-Oct-17 \$500,000.00
 \$1,551,294.52

Interest Balances:
 Account No: I03188 General \$4,119.69
 1689 Reserves \$0.00
 223 Trust \$2,368.96
 \$6,488.65

INSTITUTION	\$	%	(LT) RISK
ANZ BANK	\$500,000	8.98%	AA-
BANKWEST	\$2,336,295	41.98%	AA-
COMMONWEALTH BANK	\$762,866	13.71%	AA-
NATIONAL AUST. BANK			AA-
WESTPAC	\$1,966,625	35.33%	AA-
BENDIGO/ADELAIDE BANK			BBB+
BANK OF QUEENSLAND			BBB+
RURAL BANK			BBB+
SUNCORP	\$5,565,786	100.00%	A



(LT) RISK RATING	PORTFOLIO	\$	%
AAA	MAX 100%		
AA	MAX 100%	\$5,565,786	100.00%
A (DIVESTMENT)	MAX 80%		0.00%
		\$5,565,786	100.00%



COA	Description	2017/18 Budget	2017/18 Actual	Progress %
Land & Buildings				
E04604	Buildings - Town Hall Remedial Works	\$2,094,462	113,555	5%
E08613	Glyde-In Community Learning Centre	\$25,000	-	0%
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	113,555	5%
Plant & Equipment				
E11707	Replacement of Ride-On Mower TORO Z7000	\$36,000	-	0%
E12802	Mini Excavator 1.8T with Trailer	\$36,950	-	0%
E12803	Replacement of 2008 Mitsubishi Canter with 2017 Isuzu NPR 75-19C	\$70,000	-	0%
E12804	Replacement of Dual Cab Utility - Operations Supervisor	\$38,900	35,236	91%
Plant & Equipment Total		\$181,850	35,236	19%
Furniture & Equipment				
E04606	Network Hardware Renewal CapEx	\$170,000	510	0%
E04613	Admin - Records Compactus Unit CapEx	\$20,000	-	0%
E04616	Digital Camera	\$5,000	-	0%
E04617	Binder	\$4,500	-	0%
E04620	Town Hall AV Equipment	\$45,000	-	0%
E04621	Desktop Workstation Replacement	\$16,000	-	0%
Furniture & Equipment Total		\$260,500	510	0%

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	3,622	34%
E11704	Inf - John Tonkin Power Upgrade	\$161,819	-	0%
E11687	Inf - Swimming Areas - Foreshore Erosion Control - CapEx	\$474,067	2,461	1%
Swan River Foreshore Infrastructure Sub-Total		\$668,250	6,083	1%
E11700	Inf - East Fremantle Croquet Courts Upgrade	\$16,182	-	0%
E11701	Inf - Henry Jeffrey Cricket Nets	\$34,669	-	0%
E11702	Inf - EF Oval - Irrigation Upgrade - Ring Main	\$43,152	-	0%
E11703	Inf - EF Oval - Irrigation Upgrade - Bore Pump	\$43,151	-	0%
E11696	Inf - Bicentennial Falls Retaining Walls - CapEx	\$11,435	-	0%
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	\$0	0%
E12789	Infr - Footpath Renewal - Allen Street 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 - Marmion Street to Fletcher Street - Western Side	\$46,226	-	0%
E12792	Infr - Footpath Renewal - Hubble Street to Sewell Street - Northern Side	\$13,289	-	0%
E12793	Infr - Footpath Renewal - Milenden Street to Canning H'Way - Western Side	\$4,623	-	0%
E12794	Infr - Footpath Renewal - Pier Street to View Terrace - Eastern Side	\$13,289	-	0%
E12795	Infr - Footpath Renewal - Fraser Street to View Terrace - Western Side	\$34,669	-	0%
E12796	Infr - Footpath Renewal - Sewell Street to King Street - Southern Side	\$28,891	-	0%
E12797	Infr - Footpath Renewal - Canning H'Way to Fraser Street - Western Side	\$46,226	-	0%
E12798	Infr - Footpath Renewal - Canning H'Way to Fraser Street - Eastern Side	\$40,445	-	0%
Footpath Infrastructure Sub-Total		\$344,956	\$0	0%
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	-	0%
Road Infrastructure Sub-Total		\$629,379	\$0	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%
000227	TRANSFER TO UNSPENT GRANTS RESERVE	\$4,543	-	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	-	0%
000350	TRANSFER FROM CIVIC BUILDING RESERVE	-\$1,244,169	-	0%
Reserves Transfers Sub-Total		-\$1,781,180	-	0%
Infrastructure Assets Total		\$1,820,792	\$6,083	0%
Total All Capital Works		\$4,451,849	\$155,384	3%

RATES BALANCES
31 AUGUST 2017

31-August-2017	Levied	GST	Receipts	Balance
Rates - Current	7,511,773.28	0.00	941,910.25	6,569,863.03
Rates - Arrears	221,007.27	0.00	31,154.90	189,852.37
Interest	28,393.92		3,490.82	24,903.10
Legal Costs - Current	5,313.05	0.00	20.00	5,293.05
Excess Receipts	0.00	0.00	6,732.77	-6,732.77
Back Rates 13/14	9.14		0.00	9.14
Back Rates 16/17	1,175.47		0.00	1,175.47
Additional Recycling Bin	2,250.00	0.00	500.00	1,750.00
Additional Refuse Bin	9,000.00		1,327.71	7,672.29
Additional Refuse - Arrears	650.38	0.00	246.00	404.38
ESL Penalty Current	298.51	0.00	32.59	265.92
ESL Penalty Arrears	2,864.26	0.00	372.55	2,491.71
Instalment Admin Fee Current	6,649.50		6,649.50	0.00
Instalment Interest Current	4,732.07	0.00	4,732.07	0.00
Refuse & Recycling Service	88,000.00		6,855.09	81,144.91
Refuse & Recycling Service	491.00	0.00	0.00	491.00
Swimming Pool	8,107.20		1,405.29	6,701.91
Swimming Pool - Arrears	119.89		46.79	73.10
Emergency Services Levy - Current	1,244,124.46	0.00	172,999.59	1,071,124.87
Emergency Services Levy - Arrears	22,887.47	0.00	4,098.27	18,789.20
3288 Properties	9,157,846.87	0.00	1,182,574.19	7,975,272.68
Less Deferred Rates - GL Account 10001070				-52,576.76
Less Deferred ESL - GL Account 10001070				-4,861.06
BALANCE OF COLLECTIBLE RATES AS AT 31 AUGUST 2017				7,917,834.86
TOTAL GRV VALUATIONS AS AT 31 AUGUST 2017			106669885	
TOTAL % OF COLLECTIBLE OUTSTANDING RATES AS AT 31 AUGUST 2017			86.46	

GL Balances		
RATES CONTROL ACCOUNT	10001060	6,836,688.18
ESL CONTROL ACCOUNT	10001110	1,087,879.45
EXCESS RATES	10001240	-6,732.77
DEFERRED RATES	10001070	57,437.82
GL TOTAL		7,975,272.68
LESS RATES TRIAL BALANCE		7,975,272.68
VARIANCE		0.00

MONTHLY ADVICE OF DEBTS WRITTEN OFF

PARKING INFRINGEMENTS WRITTEN OFF FOR THE MONTH OF AUGUST 2017

- Current Infringements deemed uncollectable	\$435.90
- Interstate/overseas Infringements deemed uncollectable	\$536.40
	\$972.30

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

For the Period 1 July to 31 August 2017

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position	YTD Actual \$	2017/18 Budget \$
Cash - Unrestricted	1,658,021	538,968
Cash - Restricted Reserves	3,251,730	1,470,550
Receivables	8,131,232	-
	13,040,983	2,009,518
LESS: CURRENT LIABILITIES		
Payables and Provisions	(1,978,292)	(936,141)
NET CURRENT ASSET POSITION	11,062,691	1,073,377
Less: Cash - Restricted	(3,251,730)	(1,470,550)
Add: CashBacked Leave Reserve	397,173	397,173
ESTIMATED SURPLUS/(DEFICIENCY) C/FWD	8,208,134	(0)
Restricted Cash Breakup		
Plant Replacement Reserve	252,480	258,792
Staff Leave Reserve	397,173	407,102
Office Reserve	147,992	0
Legal Costs Reserve	138,812	142,282
HACC Reserve	211,451	216,737
Strategic Plan Reserve	550,135	253,888
Civic Buildings Reserve	1,228,809	0
Unspent Grants	181,708	0
Arts & Sculpture Reserve	143,170	191,749
	3,251,730	1,470,550

12.1.2 Accounts for Payment – August 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	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – August 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 August 2017.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 August to 31 August 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 2015 – 2025 states as follows:

KEY FOCUS AREA 4: Governance and leadership

Aspiration: *The community is served by a leading and listening local government*

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 attached itemised list of payments is prepared in accordance with Regulation 13 of the amended *Local Government (Financial Management) Regulations 1996*.

12.1.2 OFFICER RECOMMENDATION

That the list of accounts paid for the period 1 August to 31 August 2017 be received, as per the following summary table:

AUGUST 2017		
Voucher No	Account	Amount
5098 – 5106	Municipal (Cheques)	\$7,870.26
EFT24510 – EFT24652	Electronic Transfer Funds	\$888,943.36
Payroll	Electronic Transfer Funds	\$247,794.56
Superannuation	Electronic Transfer Funds	\$61,260.61
Credit Card	Corporate Credit Card	\$784.27
	Total Payments	\$1,206,653.06

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive for August 2017 & submitted for the information of the Council Meeting to be held on 19 September 2017					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
CHEQUES				\$	\$
5098	10/08/2017	DEPARTMENT OF TRANSPORT	12 MONTHS REGISTRATION FOR 1GCP322	368.10	368.10
5099	10/08/2017	TOEF	RESPITE CENTRE PETTY CASH RECOUP 25/07/17	240.45	240.45
5100	10/08/2017	TOEF	HACC PETTY CASH RECOUP 08/08/17	174.00	174.00
5101	10/08/2017	BELINDA LE GRICE	DONATION -TRAVEL COSTS 2017 AUSTRALIAN U18 LONGBOARD NATIONAL SURFING COMPETITION	150.00	150.00
5102	23/08/2017	TOEF	ADMIN PETTY CASH RECOUP 31/07/17	120.40	120.40
5103	23/08/2017	WATER CORPORATION	WATER USE AND SERVICE CHARGES VARIOUS LOCATIONS	6,403.31	6,403.31
5104	23/08/2017	TOEF	HACC PETTY CASH RECOUP 31/07/17	195.00	195.00
5105	23/08/2017	WESTPAC BANKING CORP	AUDIT CERTIFICATE FOR YEAR 16/17	50.00	50.00
5106	23/08/2017	TIM DAVIES LANDSCAPING	REFUND OF APPLICATION FOR PLANNING APPROVAL FEES - PLANNING APPROVAL NOT REQUIRED	169.00	169.00
CHEQUE TOTAL				\$ 7,870.26	\$ 7,870.26
EFTs		Supplier	Description	Inv Amount	EFT
EFT24510	10/08/2017	BUNNINGS	PAINT AND HARDWARE SUPPLIES FOR HACC	76.35	
			VARIOUS HARDWARE ITEMS	154.60	
			VARIOUS HARDWARE ITEMS	227.45	458.40
EFT24511	10/08/2017	EAST FREMANTLE YACHT CLUB	MEETINGS/WORKSHOPS JUNE/JULY 2017	1,319.40	1,319.40
EFT24512	10/08/2017	FREMANTLE HERALD	AD LPS3, AMENDMENT NO. 15	862.94	
			ADVERTISEMENT FOR COUNCIL COMEDY NIGHTS 21 AND 28 JULY 2017	656.70	
			AD - 22/07/17 CHANGE OF VENUE FOR MEETINGS	115.06	
			AD - 22/07/17 ADVICE OF TOWN REBRANDING	357.88	1,992.58
EFT24513	10/08/2017	INSTANT WINDSCREENS	REPLACE FRONT PASSENGER WINDOW INCLUDING TINTING.	480.00	480.00
EFT24514	10/08/2017	IT VISION	ANNUAL SYNERGYSOFT LICENSE FEES 01/07/2017 - 30/06/2018 + 13 USERS	38,007.20	38,007.20
EFT24515	10/08/2017	LOCAL HEALTH AUTHORITIES ANALYTICAL COMM	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE FOOD SAMPLING SERVICES 2017/18	1,909.90	1,909.90
EFT24516	10/08/2017	SUE LIMBERT	REIMBURSEMENT OF COST OF OBTAINING WORKING WITH CHILDREN CHECK	84.00	84.00
EFT24517	10/08/2017	MCLEODS	LEGAL FEES ZEPHYR CAFE LEASE	4,318.60	4,318.60
EFT24518	10/08/2017	OPTUS	MOBILE PHONE USE 22/06/17 - 21/07/17	572.83	572.83
EFT24519	10/08/2017	MAYOR JIM O'NEILL	SITTING FEES, ICT ALLOWANCE & MAYORAL ALLOWANCE - JULY 17	3,633.00	
			SITTING FEES, ICT ALLOWANCE & MAYORAL ALLOWANCE - AUGUST 17	3,633.00	7,266.00
EFT24520	10/08/2017	SOUTH WEST GROUPS	2017-18 MEMBER COUNCIL CONTRIBUTIONS IN RESPECT OF SWG ADMINISTRATION AND PROJECTS	20,999.00	20,999.00
EFT24521	10/08/2017	TELSTRA	TOWN HALL PHONES	79.59	
			WHITE PAGES LISTING & SUMPTON GREEN PHONE	254.78	334.37
EFT24522	10/08/2017	WORK CLOBBER	UNIFORM VARIOUS	233.64	233.64
EFT24523	10/08/2017	SYNERGY	POWER SUPPLY TOWN HALL 20/06/17 - 17/07/17	318.75	318.75
EFT24524	10/08/2017	YOUNGS PLUMBING	MAINTENANCE ON HOT WATER UNIT AT EFFC	151.80	
			INVESTIGATE AND REPAIR LEAKING PIPES UNDER KITCHEN OF OLD POLICE STATION	1,317.45	
			REPAIR TO ONE GAS HEATER AT TRICOLEUR COMMUNITY CENTRE	450.00	1,919.25
EFT24525	10/08/2017	LGIS WA	PUBLIC LIABILITY INSURANCE 30/06/17 - 30/06/18	33,900.26	
			PROPERTY INSURANCE 30/06/17 - 30/06/18	28,481.76	
			WORKERS COMP INSURANCE 30/06/17 - 30/06/18	26,829.00	
			CRIME INSURANCE 30/06/17 - 30/06/18	1,705.00	90,916.02
EFT24526	10/08/2017	GHD PTY LTD	INVESTIGATE & DETERMINE PROJECT SCOPE FOR RIVERSIDE RD RECONSTRUCTION BETWEEN PIER ST & EAST ST INCLUDING FEATURE SURVEY, CONCEPT PLANS FOR CONSIDERATION, FINAL DESIGN AND TENDER DOCUMENTATION - PROGRESS CLAIM 5	5,728.53	
			INVESTIGATE & DETERMINE PROJECT SCOPE FOR RIVERSIDE RD RECONSTRUCTION BETWEEN PIER ST & EAST ST INCLUDING FEATURE SURVEY, CONCEPT PLANS FOR CONSIDERATION, FINAL DESIGN AND TENDER DOCUMENTATION -PROGRESS CLAIM NO. 4	4,223.73	9,952.26
EFT24527	10/08/2017	ALSCO PTY LTD	SANITARY SERVICES VARIOUS LOCATIONS	36.16	36.16

EFT24528	10/08/2017	MCGEES NATIONAL PROPERTY CONSULTANTS	DOCUMENT PROCESSING COSTS -- CONSENT TO SUB-LICENCE TOWN OF EAST FREMANTLE, SWAN AND CANNING	825.00	825.00
EFT24529	10/08/2017	SMRC	GREEN WASTE GATE FEES FOR JUNE 17 01/06/17 - 30/06/17	7,909.39	
			MSW GATE FEES FOR JUNE 17 - 12/06/17 - 30/06/17	35,641.76	
			MRF GATE FEES FOR JUNE 17 - MIXED RECYCLABLES 01/06/17 - 30/06/17	5,916.69	
			MSW GATE FEES FOR JULY 17 - 01/07/17 - 09/07/17	10,161.93	59,629.77
EFT24530	10/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	STAFF REGISTRATION: YPN EVENT - SETTING HIGH STANDARDS, 27/07/2017	157.00	
			STAFF REGISTRATION: YPN EVENT - SETTING HIGH STANDARDS, 27/07/2017	130.00	287.00
EFT24531	10/08/2017	WA LOCAL GOVERNMENT ASSOCIATION	WALGA SUBSCRIPTIONS 01 JULY 17 TO 30 JUNE 18 - LOCAL LAWS SERVICE, GOVERNANCE SERVICE, COUNCILS CONNECT, EMPLOYEE RELATIONS, TAX SERVICES, ASSOCIATION MEMBERSHIP, PROCUREMENT SERVICES	25,902.27	
			FUNDING FOR CORELLA CONTROL PROGRAM	1,100.00	27,002.27
EFT24532	10/08/2017	SATELLITE SECURITY SERVICES	SECURITY CODE DOWNLOAD FOR NEW STAFF MEMBER	40.00	
			CALL OUT FEE TO CHECK & REPLACE TOWN HALL SECURITY ALARM PAD	507.50	547.50
EFT24533	10/08/2017	WA BLUEMETAL	LOAD OF ROAD BASE	436.70	436.70
EFT24534	10/08/2017	SHACKS HOLDEN	60000 KM SERVICE HOLDEN COLORADO 1EOU 809	626.10	626.10
EFT24535	10/08/2017	CR JENNY HARRINGTON	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	
			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24536	10/08/2017	WOOLWORTHS	HACC CONSUMABLES	123.84	
			RESPIRE CENTRE CONSUMABLE	772.14	895.98
EFT24537	10/08/2017	LAWTON GILLON	PROFESSIONAL FEES - CONSENT TO SUB-LICENCE AND NEW STANDARD BERTHING SUB-LICENCE	3,905.00	3,905.00
EFT24538	10/08/2017	IRRIGATION AUSTRALIA	IRRIGATION AUSTRALIA MEMBERSHIP ANNUAL SUBSCRIPTION	649.00	649.00
EFT24539	10/08/2017	CR CLIFF COLLINSON	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	
			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24540	10/08/2017	THE PAPER COMPANY OF AUST	2X TONER CARTRIDGES (ORIGINAL) FOR HACC PRINTER & 50 REAMS OF A4 COPY PAPER	388.30	388.30
EFT24541	10/08/2017	WEST COAST SHADE PTY LTD	DISMANTLE SHADE SAILS FOR WINTER 2107	3,861.00	3,861.00
EFT24542	10/08/2017	CR DEAN NARDI	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	
			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24543	10/08/2017	ESAFE SERVICES PTY LTD	ELECTRICAL TESTING AND TAGGING SERVICES AT VARIOUS COUNCIL BUILDINGS	2,175.36	2,175.36
EFT24544	10/08/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA PHOTOCOPIER CONTRACT 2017-2018 (4374610) 01/07/17 - 31/07/17	14.05	14.05
EFT24545	10/08/2017	CARINYA OF BICTON	MEALS FOR RESPIRE CENTRE FOR JUNE 2017	1,020.80	
			MEALS FOR RESPIRE CENTRE TO 15/07/17	334.40	1,355.20
EFT24546	10/08/2017	OFFICEWORKS	SIGNS FOR LPS 3 - AMENDMENT 15, COPY OF PLANS - TOWN PLANNING	176.30	
			1X OFFICE CHAIR - FOR TOWN PLANNING DEPT	199.00	
			COPY OF PLANS & BINDING - TOWN PLANNING EXPENSES	58.85	434.15
EFT24547	10/08/2017	ACE OF SPADES MINI EARTHWORKS	STREET TREE PLANTING JULY 2017	3,696.00	3,696.00
EFT24548	10/08/2017	FOCUS NETWORKS	OUTDOOR WIRELESS POINT TO POINT (5GHZ - 200MBPS - Wireless Link) - 6 MONTH EQUIPMENT RENTAL JULY 17 TO DECEMBER 17	561.00	561.00
EFT24549	10/08/2017	LANDGATE	GRV INTERIM VALUATIONS DATED 03/06/17 - 30/06/17	64.70	64.70
EFT24550	10/08/2017	MATRIX PRODUCTIONS	STAGING FOR COMEDY NIGHTS ON FRIDAY 21/07	763.68	763.68
EFT24551	10/08/2017	CR MICHAEL MCPHAIL	SITTING FEES, ICT ALLOWANCE & DEPUTY MAYORAL ALLOWANCE FOR AUGUST 17	1,867.00	
			SITTING FEES, ICT ALLOWANCE & DEPUTY MAYORAL ALLOWANCE FOR JULY 17	1,867.00	3,734.00
EFT24552	10/08/2017	CR TONY WATKINS	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	
			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24553	10/08/2017	BREADBOX MARKETING	SOCIAL MEDIA MANAGEMENT - JULY 17	1,375.00	1,375.00
EFT24554	10/08/2017	STEVE GALLAUGHER	REIMBURSEMENT DEPOT EQUIPMENT	500.00	500.00
EFT24555	10/08/2017	VOCUS COMMUNICATIONS	INTERNET SERVICE (HACC) 01/08/17 - 01/09/17	50.00	50.00
EFT24556	10/08/2017	MARKETFORCE	EMPLOYMENT AD WEST AUSTRALIAN 19 JULY ECONOMIC & COMMUNITY DEVELOPMENT OFFICER	388.48	
			AD - WEST AUSTRALIAN NEWSPAPER 22/07/17 - LOCAL GOV VACANCIES HR CO-ORDINATOR	616.44	1,004.92
EFT24557	10/08/2017	MARKET CREATIONS	PRINTING - NEW BRANDED STATIONERY ITEMS - L/HEAD, WITH COMPS, ENVELOPES	1,892.00	1,892.00
EFT24558	10/08/2017	CR ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	

			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24559	10/08/2017	CR. LUKAS NICHOLSON	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	
			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24560	10/08/2017	CR ANDREW WHITE	SITTING FEES & ICT ALLOWANCE FOR AUGUST 17	1,542.00	
			SITTING FEES & ICT ALLOWANCE FOR JULY 17	1,542.00	3,084.00
EFT24561	10/08/2017	PAGE PERSONNEL	PERMANENT ARCHIVE & OFFSITE STORAGE PROJECT - TEMP RECORDS OFFICER - WE 23/07/17	1,071.95	1,071.95
EFT24562	10/08/2017	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINES INCL LICENCE AND COMMUNICATION COSTS - JULY 17	165.00	165.00
EFT24563	10/08/2017	ZIRCODATA	OFFSITE STORAGE, TRANSPORTATION, LODGEMENT AND PURCHASE OF BARCODES AND BOXES FOR 12 MONTHS 2017 / 2018	123.05	123.05
EFT24564	10/08/2017	LGIS BROKING	MANAGEMENT LIABILITY INSURANCE 30/06/17 - 30/06/18	20,584.30	
			MOTOR VEHICLE INSURANCE 30/06/17 - 30/06/18	16,684.48	
			CYBER LIABILITY INSURANCE 30/06/17 - 30/06/18	1,650.00	
			PERSONAL ACCIDENT INSURANCE 30/06/17 - 30/06/18	467.50	
			TRAVEL INSURANCE 30/06/17 - 30/06/18	825.00	40,211.28
EFT24565	10/08/2017	SPECIALISED SECURITY SHREDDING	240 LITRE DESTRUCTION BIN SERVICE INCLUDING ANNUAL DESTRUCTION AND RECORDS PROJECT	20.24	20.24
EFT24566	10/08/2017	SIMPLEPAY SOLUTIONS	SIMPLE PAY CREDIT CHARGE TRANSACTIONS FOR LEEUWIN BOAT RAMP - JULY 17	79.13	79.13
EFT24567	10/08/2017	AUSSIE NATURAL SPRING WATER	SUPPLY OF WATER BOTTLES FOR FILTER - OLD POLICE STATION	12.96	12.96
EFT24568	10/08/2017	PETER HUNT ARCHITECT	TOWN HALL REFURBISHMENT - STAGE 5 DOCUMENTS ISSUED FOR TENDER	2,200.00	2,200.00
EFT24569	10/08/2017	STATE WIDE TURF SERVICES	SUPPLY AND LAY 100 SQ METRES OF TURF TO CENTRE SQUARE AT EAST FREMANTLE OVAL	3,850.00	3,850.00
EFT24570	10/08/2017	ARBOR CARBON PTY LTD	PRECISION URBAN FOREST AND MANAGEMENT PROJECT PROGRESS CLAIM 2 - SUBMISSION OF INTERIM REPORT AND GEOSPACIAL DATASETS FOR MULTISPECTRAL IMAGERY	9,147.88	9,147.88
EFT24571	10/08/2017	LFA FIRST RESPONSE PTY LTD	SUPPLY FIRST AID KIT MATERIALS	345.29	345.29
EFT24572	10/08/2017	AXIIS CONTRACTING PTY LTD	REPAIRS TO CONCRETE FOOTPATH IN RICHMOND KINDERGARTEN	2,690.60	2,690.60
EFT24573	10/08/2017	OWEN'S TREE SERVICE	REMOVE LARGE FIG TREE FROM RICHMOND PRIMARY	3,575.00	
			CALL OUT TO FALLEN BRANCH BY RANGER - 30/07/17,	330.00	3,905.00
EFT24574	10/08/2017	PROPERTY VALUATIONS & ADVISORY (WA) PTY LTD - PVAWA	PROFESSIONAL FEES - VALUATION SERVICES 128 GEORGE STREET	1,100.00	1,100.00
EFT24575	10/08/2017	SOPHIE MOLLER	PARTIAL REFUND OF DOG REGISTRATION - DOG DECEASED	31.86	31.86
EFT24576	10/08/2017	DANIEL LUKE WIEMAN	REFUND OF OVERPAYMENT OF PARKING FEES LAUNCHING RAMP	48.00	48.00
EFT24577	10/08/2017	ICS AUSTRALIA	TOWN HALL REFURBISHMENT CONTRACT - CERTIFICATE 01 JOB NO. 1632	99,060.58	99,060.58
EFT24578	10/08/2017	CALTEX	FUEL USE 01/07/17 - 31/07/17	4,582.39	4,582.39
EFT24579	23/08/2017	AUSTRALIA POST	POSTAGE COSTS - JULY 2017	3,048.16	3,048.16
EFT24580	23/08/2017	ATO	GST PAYABLE JULY 17	65,706.00	65,706.00
EFT24581	23/08/2017	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED JULY 17	5,389.11	5,389.11
EFT24582	23/08/2017	BUNNINGS	ART AND CRAFT SUPPLIES FOR RESPITE CENTRE	51.46	
			VARIOUS HARDWARE	496.36	547.82
EFT24583	23/08/2017	OFFICEMAX AUSTRALIA	OFFICE STATIONERIES ORDERED ON 20 JULY 2017	729.21	
			OFFICE STATIONERIES ORDERED ON 20 JULY 2017 - BACK ORDER	81.00	810.21
EFT24584	23/08/2017	BOC LIMITED	GAS BOTTLE FEES 28/06/17 - 28/07/17	34.05	34.05
EFT24585	23/08/2017	COMMUNITY NEWSPAPERS	ADVERTISING OF LPS3. AMENDMENT NO. 14 04/07/17	423.06	
			ADVERTISING OF LPS3, A15 - OLD ROYAL GEORGE	846.12	1,269.18
EFT24586	23/08/2017	CITY OF COCKBURN	TIP FEES JULY 2017 - 33 VOUCHERS	1,815.00	1,815.00
EFT24587	23/08/2017	LANDGATE	DIGITAL TITLE SEARCH	18.85	18.85
EFT24588	23/08/2017	EAST FREMANTLE YACHT CLUB	VENUE/REFRESHMENTS AUGUST MEETINGS	1,017.20	1,017.20
EFT24589	23/08/2017	FREMANTLE HERALD	ADVERTISING -CANDIDATE INFO NIGHT 19/8/17	138.07	138.07
EFT24590	23/08/2017	FORPARK AUSTRALIA	REPAIRS TO SEESAW AT JOHN TONKIN PARK	2,270.40	
			REPAIRS TO GYM EQUIPMENT AT WAYMAN PARK	509.30	2,779.70
EFT24591	23/08/2017	GLYDE IN COMMUNITY GROUP	1ST QUARTER 2017/18 ANNUAL GRANT	23,100.00	23,100.00
EFT24592	23/08/2017	PEEL ENGRAVING & IM-PRESS	5 X CUSTOMISED STAMPS + POSTAGE & DELIVERY	342.65	342.65
EFT24593	23/08/2017	IT VISION	SYNERGYSOFT UPDATE "PLAY ACCOUNT"	412.50	412.50
EFT24594	23/08/2017	MCLEODS	PROFESSIONAL FEES - BOAT PEN LEASE	880.00	880.00
EFT24595	23/08/2017	STATE LAW PUBLISHER	PURCHASE A HARD COPY OF ROAD TRAFFIC CODE 2000 + POSTAGE	69.45	69.45
EFT24596	23/08/2017	TELSTRA	HACC MOBILE PHONE	2.51	

			TOWN HALL PHONE LINES	79.80	
			WHITE PAGES LISTING & SUMPTON GREEN PHONE	398.54	
			CEO MOBILE PHONE USE	62.00	542.85
EFT24597	23/08/2017	WA FIRE PROTECTION	PERIODIC INSPECTION OF ALL FIRE EXTINGUISHERS	1,305.26	1,305.26
EFT24598	23/08/2017	WORK CLOBBER	UNIFORM VARIOUS - DEPOT STAFF	3,417.77	3,417.77
EFT24599	23/08/2017	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	10,121.30	10,121.30
EFT24600	23/08/2017	FASTA COURIERS	COURIER COSTS AUGUST 17 - 01/08/17 - 15/08/17	67.84	67.84
EFT24601	23/08/2017	STEANN PTY LTD	REMOVAL OF FOOTPATH WASTE MATERIALS TO ECO RESOURCES WASTE FACILITY	9,583.20	9,583.20
EFT24602	23/08/2017	SMRC	ANNUAL SMRC CONTRIBUTIONS FOR 17/18 - GOVERNANCE, R&D, COMMUNICATION EDUCATION, RRRC EDUCATION	27,360.30	
			OVER COMPACTION FOR JULY 2017	89.43	
			MRF GATE FEES FOR JULY 2017 - MIXED RECYCLABLES	1,152.13	
			GREENWASTE GATE FEES FOR JULY 2017	30.00	
			MSW GATE FEES FOR JULY 17 - 10/07/17 - 31/07/17	36,859.07	
			MSW GATE FEES FOR AUGUST 17 - 01/08/17 - 13/08/17	22,191.43	87,682.36
EFT24603	23/08/2017	BUILDING COMMISSION	BUILDING SERVICES LEVY COLLECTED JULY 17	7,441.00	7,441.00
EFT24604	23/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	STAFF REGISTRATION AT FINANCE PROFESSIONALS DEVELOPMENT DAY	80.00	80.00
EFT24605	23/08/2017	WALGA	STAFF REGISTRATION FOR TRAINING COURSE - DEALING WITH DIFFICULT CUSTOMERS	567.00	567.00
EFT24606	23/08/2017	KENNARDS HIRE	EXCAVATOR HIRE - DIESEL FUEL	22.80	
			EXCAVATOR HIRE 01/08 - 02/08,	643.50	666.30
EFT24607	23/08/2017	CLASSIC HIRE	HIRE OF MINI EXCAVATOR 17/07/17 - 21/07/17	1,258.40	1,258.40
EFT24608	23/08/2017	SATELLITE SECURITY SERVICES	RESET DEPOT SECURITY CAMERAS TO REMOVE DELAY	150.00	150.00
EFT24609	23/08/2017	PETRA CLEAN	CLEANING SERVICES FOR JULY VARIOUS LOCATIONS	5,327.63	5,327.63
EFT24610	23/08/2017	WOOLWORTHS	RESPIRE CENTRE CONSUMABLES	131.17	
			CATERING - STAFF FAREWELL	28.25	
			RESPIRE CENTRE CONSUMABLES	94.14	253.56
EFT24611	23/08/2017	CYNTHIA WILLIAMSON - HEART INSPIRED EVENTS	COORDINATION COMEDY NIGHTS 21 AND 28 JULY 2017, REIMBURSEMENT OF DISTRIBUTION FEES - THE PAMPHLETEERS INV# INV-18668 - PAID BY HEART INSPIRED EVENTS	3,155.63	3,155.63
EFT24612	23/08/2017	CLEANAWAY	RUBBISH & RECYCLING JULY 17	36,077.31	36,077.31
EFT24613	23/08/2017	LANDSCAPE YARD O'CONNOR	SUPPLY OF 2M3 OF PLASTERERS SAND	114.00	114.00
EFT24614	23/08/2017	SCRUFFY DOG DESIGNS	ARTWORK, FLYER AND ADVERT FOR BIG HOO-HAA COMEDY NIGHTS	313.50	313.50
EFT24615	23/08/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 - OLD POLICE STATION - COPY CHARGES 13/07/17 - 12/08/17	569.18	569.18
EFT24616	23/08/2017	CARINYA OF BICTON	HACC CENTRE BASED DAY CARE MEALS FOR JULY 2017 15/07/17 - 31/07/17	510.40	510.40
EFT24617	23/08/2017	MP ROGERS & ASSOCIATES P/L	PROFESSIONAL FEES - CONSTRUCTION PHASE ASSISTANCE FOR JOHN TONKIN HEADLANDS AS PER QUOTED SCHEDULE	2,707.10	2,707.10
EFT24618	23/08/2017	T-QUIP	DECK BELTS FOR TORO 360 MOWER	200.40	200.40
EFT24619	23/08/2017	FOODWORKS EF	ADMIN, WORKS & HACC CONSUMABLES	422.72	422.72
EFT24620	23/08/2017	JANDAKOT BOBCATS	HIRE OF BOBCAT FOR MAINTENANCE WORK AT JOHN TONKIN PARK, DALGETY STREET	2,002.00	2,002.00
EFT24621	23/08/2017	CANON AUSTRALIA PTY LTD	READIRUS CORPORATE WIN 3 LICENCES, SOFTWARE, INSTALLATION AND SUPPORT	3,893.01	3,893.01
EFT24622	23/08/2017	FOCUS NETWORKS	SCHEDULED SUPPORT 3 HOURS PER WEEK + HELPDESK AND MONTHLY SERVER UPDATES JULY 17	5,807.67	
			EMAIL PROTECTION SERVICE. ONLINE BACKUP & DISASTER RECOVERY SERVICE, HOSTED ANTIVIRUS - JULY 17	1,256.20	7,063.87
EFT24623	23/08/2017	POTHOLE MASTERS PTY LTD	REPAIRS TO VARIOUS CROSSOVERS AS DIRECTED	1,056.00	
			REPAIRS TO VARIOUS CROSSOVERS AS DIRECTED	4,719.00	
			REPAIR WORKS TO VARIOUS FOOTPATHS AS DIRECTED	2,706.00	
			REPAIR WORKS TO VARIOUS FOOTPATHS AS DIRECTED	2,992.00	11,473.00
EFT24624	23/08/2017	TYREPOWER BOORAGOON	NEW TYRE FOR VW GOLF WAGON - REGO 1GDS732	175.00	
			WHEEL ALIGNMENT, ROTATE AND BALANCE TYRES 1EWW584	129.00	304.00
EFT24625	23/08/2017	ENVIRO SWEEP	STREET SWEEPING OF TOEF FOR JULY 2017	4,510.00	4,510.00
EFT24626	23/08/2017	DVG MELVILLE VOLKSWAGEN	SUPPLY AMAROK TDI420 CORE 4MOTION DUAL CAB UTE 8 SPEED AUTO WITH TOWBAR AND SOFT TONNEAU COVER AS PER QUOTE NUMBER 91984, TRADE-IN OF HOLDEN COLORADO 1EOU809, REGISTRATION FEES TO 31/07/18	14,167.35	14,167.35
EFT24627	23/08/2017	WORLD DIESEL	MECHANICAL REPAIRS TO BUS 1DTB 605. REPLACE BRAKE BOOSTER.	2,766.10	2,766.10
EFT24628	23/08/2017	LANDGATE	GRV INTERIM VALUATIONS DATED 15/07/17 - 28/07/17	128.32	128.32
EFT24629	23/08/2017	MATRIX PRODUCTIONS	STAGING FOR COMEDY NIGHTS ON FRIDAY 28 JULY 2017.	763.68	763.68

EFT24630	23/08/2017	THE INFORMATION MANAGEMENT GROUP	OFFSITE TAPE STORAGE ARCHIVE 01/07/17- 31/07/17,	153.48	
			OFFSITE TAPE STORAGE ARCHIVE 01/06/17 - 30/06/17,	147.58	301.06
EFT24631	23/08/2017	STRUCETERRE CONSULTING ENGINEERS	PROFESSIONAL FEES - STRUCTURAL ASSESSMENT OF MERV COWAN STAND	2,449.70	
			PROFESSIONAL FEES - STRUCTURAL ASSESSMENT EF TENNIS CLUB	3,053.60	5,503.30
EFT24632	23/08/2017	FUJI XEROX	FUJI XEROX DC5C6675T - DOVENBY HOUSE - COPY CHARGES 2017 / 2018 - 01/07/17 - 31/07/17	513.73	513.73
EFT24633	23/08/2017	VOCUS COMMUNICATIONS	INTERNET SERVICE (HACC) JULY 2017 -2018 01/09/17 - 01/10/17	50.00	
			SESSION INITIATION PROTOCOL (SIP) LINES / SERVICES CHARGES FOR VOICE OVER INTERNET PROTOCOL (VOIP), 01/08/17- 01/09/17	333.41	
			UNLIMITED INTERNET SERVICE ENHANCED FIBRE 20MBPS	3,729.00	4,112.41
EFT24634	23/08/2017	REPCO	SEAT COVERS AND FLOOR MATS, WEATHERSHIELDS	205.00	
			SEAT COVERS AND FLOOR MATS, WEATHERSHIELDS	346.99	551.99
EFT24635	23/08/2017	PAGE PERSONNEL	PERMANENT ARCHIVE & OFFSITE STORAGE PROJECT - TEMP RECORDS OFFICER -P/E 30/07/17,	1,071.95	
			RECRUITMENT & INTRODUCTION -RECORDS OFFICER	5,500.00	6,571.95
EFT24636	23/08/2017	DL CONSULTING	PREPARATION OF ASSET MANAGEMENT PLANS FOR ROADS, FOOTPATHS, PARKS, OVALS AND RESERVES AND BUILDING	19,800.00	19,800.00
EFT24637	23/08/2017	INFORMATION ENTERPRISES AUSTRALIA PTY LTD	STAFF REGISTRATION FOR DISASTER PREPAREDNESS FOR RECORDS MANAGERS - 2ND AUGUST 2017	297.00	297.00
EFT24638	23/08/2017	SPECIALISED SECURITY SHREDDING	3 x 240 LITRE DESTRUCTION BIN SERVICE JULY 2017	20.24	20.24
EFT24639	23/08/2017	AUSSIE NATURAL SPRING WATER	SUPPLY OF WATER BOTTLES FOR FILTER - OLD POLICE STATION	13.40	13.40
EFT24640	23/08/2017	PETER HUNT ARCHITECT	TOWN HALL REFURBISHMENT - STAGE 3 DESIGN DEVELOPMENT, TOWN HALL REFURBISHMENT - STAGE 4 CONSTRUCTION DOCUMENTS	23,650.00	23,650.00
EFT24641	23/08/2017	REPEAT PLASTICS (WA)	BALANCE DUE ON INVOICE 00007408 - DELIVERY CHARGES RE PURCHASE OF BOLLARDS	132.21	132.21
EFT24642	23/08/2017	METAL ARTWORK CREATIONS	5 X PLAQUES - GOLD ALUMINIUM WITH WOOD MOUNT PLUS POSTAGE	144.10	144.10
EFT24643	23/08/2017	TREE'S A CROWD TREE CARE	PRUNE LARGE GUM TREE O/S 32 SEWELL STREET INC TRAFFIC MANAGEMENT AND CHERRY PICKER.	3,300.00	3,300.00
EFT24644	23/08/2017	IRON MOUNTAIN	UPLIFT AND STORAGE RETENTION, BARCODES FOR VAULT STORAGE 2017-2018 (RATE BOOKS)	24.73	24.73
EFT24645	23/08/2017	TOWN OF EAST FREMANTLE	PARTIAL BOND KEPT TO BE RECEIPTED TO DR 300182 INV# 5240	470.40	
			PARTIAL BOND KEPT TO BE RECEIPTED AGAINST DR 300697 INV# 5241	147.84	618.24
EFT24646	23/08/2017	EMMA POTTER	BOND REFUND	1,000.00	1,000.00
EFT24647	23/08/2017	MARISA SIMEONE	BOND REFUND	298.00	298.00
EFT24648	23/08/2017	LEON L MCCAIN	FOOTPATH DEPOSIT REFUND	1,500.00	1,500.00
EFT24649	23/08/2017	TOBY EDWARD ASTILL	FOOTPATH DEPOSIT REFUND	1,500.00	1,500.00
EFT24650	23/08/2017	JEREMY G WARREN	BOND REFUND	300.00	300.00
EFT24651	23/08/2017	KIM MAHER	MOORING PEN BOND REFUND	2,252.16	2,252.16
EFT24652	23/08/2017	WILLIAM BERGEN	MOORING PEN REFUND PEN	1,529.60	1,529.60
			EFT TOTAL	\$ 888,943.36	\$ 888,943.36
	Direct Debit	Supplier	Description	Inv Amount	EFT
	DD10775.1	CLICKSUPER	SUPER CREDITORS AUGUST 17	\$ 18,359.98	\$ 18,359.98
	DD10776.1	CLICKSUPER	SUPER CREDITORS AUGUST 17	\$ 24,070.94	\$ 24,070.94
	DD10777.1	CLICKSUPER	SUPER CREDITORS AUGUST 17	\$ 18,189.71	\$ 18,829.69
			DIRECT DEBIT TOTAL	\$ 60,620.63	\$ 61,260.61
	DATE	CREDIT CARD	SUPPLIER	AMOUNT	
	28/06/2017	GARY TUFFIN	AUSTRALIA POST	\$ 205.95	\$ 205.95
			HP HOME BUSINESS	\$ 69.00	\$ 69.00
			CITY OF PERTH	\$ 23.18	\$ 23.18
			MAY ST LARDER	\$ 25.50	\$ 25.50
			SAI GLOBAL LTD	\$ 97.64	\$ 97.64
			SEEK	\$ 363.00	\$ 363.00
			CREDIT CARD TOTAL	\$ 784.27	\$ 784.27
			Description	Inv Amount	EFT
			PAYROLL P/E 01/08/17	\$ 106,618.20	\$ 106,618.20
			PAYROLL P/E 15/08/17	\$ 141,176.36	\$ 141,176.36
			PAYROLL P/E 29/08/17	\$ 105,492.95	\$ 105,492.95
			PAYROLL TOTALS	\$ 247,794.56	\$ 247,794.56
			GRAND TOTAL	\$1,206,013.08	\$ 1,206,653.06

12.1.3 Financial Management Review

File ref	F/AUD1
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Financial Management Review Report 2017

Purpose

For Council to consider the Audit Committee recommendation (Resolution AU010917) relating to the Financial Management Review Report 2017 prepared by Council's auditors, as outlined in the Report contained within the Audit minutes (Agenda Item 11.2 Attachment 1).

Executive Summary

It is recommended that Council adopts the Audit Committee recommendation in relation to this matter.

(Refer to Audit Committee minutes (pp 3-5) to view the full report and resolution.)

Background

The Audit Committee at its meeting on 6 September 2017 recommended that Council:

1. receives the Financial Management Review Report 2017
2. notes the actions to implement the recommendations

Consultation

Chief Executive Officer
Anderson Munro and Wyllie (External Auditors)

Statutory Environment

Local Government Act 1995
Local Government (Audit) Regulations 1996 Regulation 17
Local Government (Financial Management) Regulations 1996

Policy Implications

F8.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

The report submitted to the Audit Committee clearly sets out the actions proposed for each of the recommendations contained within the Report.

12.1.3 COMMITTEE RECOMMENDATION

That Council:

- 1. receives the Financial Management Review Report 2017.**
- 2. notes the actions to implement the recommendations.**

**Anderson Munro & Wyllie**
CHARTERED ACCOUNTANTS

Street Address:

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210 Winton Road
JOONDALUP WA 6027

Postal Address:

PO Box 229
JOONDALUP DC WA 6919

By Appointment:

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140 St Georges Terrace
PERTH WA 6000T: (08) 9300 0400 E: reception@amwaudit.com.auW: www.amwaudit.com.au ABN 59 125 425 274*Liability limited by a scheme approved under Professional Standards Legislation***Private and Confidential**

22 August 2017

Mr. Gary Tuffin
Town of East Fremantle
PO Box 1097
FREMANTLE WA 6959

Dear Mr Tuffin

FINANCIAL MANAGEMENT REVIEW

Following our visit between 29 and 31 May, 2017 we have now completed our review of the financial management systems and procedures for your Council.

The objective of our review was solely to assist you in discharging your responsibility to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the Town as required by Local Government (Financial Management) Regulation ("FM Reg") 5(2)(c).

The results of this report and any other information that you determine as relevant should be presented to Council to comply with your statutory obligations.

We would like to take this opportunity to express our appreciation to you and all of the staff, for the assistance provided to us during the process of our review.

Should you have any queries on the matters raised in this report or on the review in general, please do not hesitate to contact me.

Yours sincerely

ANDERSON MUNRO & WYLLIE**BILLY-JOE THOMAS**
Director

**Anderson Munro & Wyllie**
CHARTERED ACCOUNTANTS

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210 Winton Road
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17 August 2017

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FREMANTLE WA 6959

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The objective of our review was solely to assist you in discharging your responsibility to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the Town as required by Local Government (Financial Management) Regulation ("FM Reg") 5(2)(c).

The results of this report and any other information that you determine as relevant should be presented to Council to comply with your statutory obligations.

We would like to take this opportunity to express our appreciation to you and all of the staff, for the assistance provided to us during the process of our review.

Should you have any queries on the matters raised in this report or on the review in general, please do not hesitate to contact me.

Yours sincerely

ANDERSON MUNRO & WYLLIE
BILLY-JOE THOMAS
Director

TOWN OF EAST FREMANTLE

FINANCIAL MANGAGEMENT REVIEW REPORT

30 JUNE 2017



Anderson Munro & Wyllie

CHARTERED ACCOUNTANTS

Street Address:

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1. INTRODUCTION

Local Government (Financial Management) Regulation ("FM Reg") 5(2)(c) requires the Chief Executive Officer to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures ("a financial management review") at least once every four (4) financial years and report the results to Council.

Our firm was appointed by Council's Chief Executive Officer to perform a Financial Management Review of Council's operation.

During our review we examined the following financial systems and procedures of Council:

- Bank Reconciliations
- Petty Cash
- Trust Fund
- Investments
- Receipts / Debtors
- Payments / Creditors
- Purchases
- Credit Card Procedures and Use
- Payroll
- Rates
- Fees and Charges
- Cost Allocations
- Administration Allocations
- Job Costing
- Minutes and Meetings
- Financial Reports
- Budgets
- Integrated Planning & Reporting
- Registers and Delegations
- General Ledger Accounts
- Record Keeping and Storage
- Insurance
- Audit Committee

We did not necessarily examine compliance with provisions of the Act or Regulations which were not financial in nature. That is, Parts 2, 4 8 and 9 of the Act, some provisions of Parts 3 & 5 as well as most Regulations (apart from the Financial Management Regulations), which did not impact on the areas examined above.

2. CONCLUSIONS

We consider that the effectiveness of the financial management systems and procedures of Council are generally sound. There are a number of areas however, that should be improved. It is important that the necessary resources are devoted to ensure that the appropriate corrective action is taken with respect to the matters raised in this report, and that Council's systems and procedures are maintained correctly thereafter.

3. SUMMARY OF RECOMMENDATIONS

Following is a list of the recommendations made in this report.

Bank Reconciliations

• No Evidence of Bank Reconciliation Review

We recommend that all bank account reconciliations be reviewed by a senior responsible employee and that they sign each reconciliation report as evidence of review to ensure that the reports relied upon are accurate and free from errors.



▪ **Bank Reconciliation Incomplete**

We recommend that the bank reconciliations prepared at month end be complete by including the bank statement, so as to enable it to be accurately reviewed.

Petty Cash

No recommendations.

Trust Fund

• **End of Month Bank Reconciliations Not at End of Month**

We recommend that the end-of-month trust bank account reconciliations be reconciled to the last calendar day of each month.

Investments

No recommendations.

Receipts/Debtors

No recommendations.

Payments/ Creditors

▪ **GST Treatment**

We recommend that GST be correctly treated when posting transactions to accurately record the GST component in the Town's general ledger system and the correctly in the BAS submitted to the ATO.

Purchases

• **Long Outstanding Purchase Orders**

We recommend that you implement procedures to ensure completed orders are cleared from the creditors listing once the creditor has been paid as well as procedures to ensure that upon cancelling an order it is removed from the system.

Credit Card Procedures and Use

• **Treatment of Purchases by Telephone, Facsimile or over the Internet**

We recommend that Council review its policy on use of corporate credit cards to ensure compliance with the operation guidelines from the Department of Local Government and Communities and ensure controls in place are effective in detecting whether any purchases include elements which are private use.



Payroll

- **Staff with Large Accrued Balances in Provisions**

We recommend that staff members are encouraged to take their accrued leave on a regular basis in order to keep the leave liability of the Council at a reasonable level.

Rates

No recommendations.

Fees and Charges

No recommendations.

Cost Allocations

No recommendations.

Administration Allocations

No recommendations.

Job Costing

No recommendations.

Minutes of Meetings

- **Minutes Not Signed**

We recommend that you ensure that the signed as confirmed copy of Council meeting minutes be made available to the public on-line from the Town's website once signed as confirmed.

- **Unconfirmed Minutes Not Clearly Identified As Being Unconfirmed**

We recommend that when Council meeting minutes are initially made available to the public for inspection on the Town's website that they be clearly named and marked as "Unconfirmed" such as with use of a watermark across each page. When the meeting minutes are confirmed at the next meeting, the unconfirmed minutes be removed and replaced with the signed as confirmed version of the minutes.

Financial Reports

- **Financial Ratio Below Basic Standard**

We recommend that Council take the necessary actions to improve its financial performance and continue to closely monitor its results.



Budget

No recommendations.

Integrated Planning and Reporting

No recommendations.

Registers

No recommendations.

General Ledger Chart Of Accounts

No recommendations.

Record Keeping and Storage of Documents and Data

- **Disaster Recovery and Business Continuity Plan**

We recommend that Council consider a policy and plan which aims to provide a mechanism for the development of contingent capacity and plans that will enable management to focus on maintaining and resuming the Town's most critical functions; whilst working in a planned way toward eventual restoration of operations and ensuring unaffected operations are able to continue.

Insurance

No recommendations.

Audit Committee

- **Local Government Audit Regulation 17**

We recommend that in order to fulfil the Audit Committee's governance and oversight responsibilities controls be implemented to manage risk for each risk identified as having inadequately assessed controls.



4. RISK RANKING CRITERIA

The following rankings may be applied to each recommendation to determine the significance of the issue raised:

High Significance

Signifies a serious breakdown in key controls, which has the potential to:

- Impact adversely on the achievement of the Town's objectives, and/or
- Expose the Town to the risk of major financial loss, and/or
- Expose the Town to a substantial risk of external criticism.

Medium Significance

Signifies a breakdown in controls, which has the potential to:

- Impact adversely on the achievement of Program/Activity objectives, and/or
- Expose the Program/Activity to the risk of financial loss, and/or
- Expose the Program/Activity to a risk of external criticism.

Low Significance

Signifies a minor breakdown in controls, which, when addressed, will:

- Improve performance of the Program/Activity, and/or
- Improve controls in line with good management practice, and/or
- Decrease the risks inherent in the Program/Activity.

The risk ranking is indicated below each recommendation.



5. BANK RECONCILIATIONS

A review of the bank reconciliations was performed to ensure that reconciliations are being regularly prepared and reviewed. We noted the following matters.

5.1 No Evidence of Bank Reconciliation Review

Observation

During our review of the end of month bank reconciliations for the 2016/17 financial year, we noted that the bank reconciliations for the municipal, reserve and trust bank accounts had not been signed as evidence of review by a senior member of staff. In addition, we noted that the month end bank reconciliations were not signed by the report preparer in all instances.

Implications

When there is no review of bank account reconciliation reports, there is a risk errors may remain undetected and that the true financial positions of the bank accounts are not accurately presented.

Recommendation

We recommend that the end of month bank account reconciliations be reviewed by a senior responsible employee and that they sign each reconciliation report as evidence of review to ensure that the reports relied upon are accurate and free from errors. In addition, we recommend that the end of month bank reconciliations be signed by the employee preparing the reports.

Risk Ranking: Medium

Management Response

Management accept the above recommendation and will implement the necessary changes.

5.2 Bank Reconciliations and the Bank Statement

Observation

During our review of the bank reconciliations for the 2016/17 financial year, we noted that the bank reconciliations for the municipal, reserve and trust bank accounts were not filed with the bank statement attached with the account balance being reconciled to.

Implications

When bank reconciliations do not have the bank statement attached, it increases the risk that it may be reconciled to an incorrect balance. In addition, the bank statement is a required component of the reconciliation report for the person reviewing the reconciliation to determine whether it is correct and free from errors. Errors are more likely to remain undetected and the true financial position of the bank account is less likely to be accurately presented.

**Recommendation**

We recommend that all bank account reconciliations be complete reconciliations and include the bank statement with the balance being reconciled to. Inclusion of the bank statement should be part of Councils financial procedures for reconciling the bank.

Risk Ranking: Medium

Management Response

Management accept the above recommendation and will implement the necessary changes.

6. PETTY CASH

We examined the petty cash system and procedures and concluded these were being properly controlled and maintained.

7. TRUST FUND

A review of the trust bank account was performed to ensure that trust monies were correctly treated and that trust fund requirements of section 6.9 have been complied with. The only matters noted centred around the reconciliation of the trust bank account as discussed above, and specifically to the trust bank account below.

7.1 End of Month Bank Reconciliations Not at Calendar End**Observation**

During our review of the trust bank account reconciliations for the 2016/17 financial year, we noted that the end of month reconciliations for the months of January, February and March 2017 were not prepared as at the last day of the calendar month.

Implications

The end-of-month bank reconciliation is one of the end-of-month accounting processes undertaken along with the reconciliation of balance sheet accounts such as rates and sundry debtors, trade and other creditors, prepayments and the administration overhead and plant recovery journals before the month is closed. As the final month end figures are reported to Council in the financial activity statements, there is a risk that the financial information presented to Council may not be correct which could have an undesired impact upon the Council's decision making processes.

Recommendation

We recommend that the end-of-month trust bank account reconciliations be reconciled to the last calendar day of each month.

Risk Ranking: Low

**Management Response**

Management accept the above recommendation and will implement the necessary changes.

8. INVESTMENTS

A review of Council's investments and the operation of the investments register was performed to ensure that Council's surplus funds were being invested in accordance with Council's policy.

The overall testing was completed satisfactorily. The controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations.

9. RECEIPTS and RECEIVABLES/DEBTORS

Detailed testing of a number of receipts, judgementally selected, was performed. This included tracing to individual receipt detail, bank deposits and the general ledger to ensure they were correctly allocated.

The debtors system, including raising of invoices, was reviewed and limited testing with respect to allocation and posting was performed.

The overall testing was completed satisfactorily. The controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations.

10. PAYMENTS and PAYABLES/CREDITORS

A number of payments were judgementally selected and testing performed to determine whether purchases were authorised/budgeted and payments were supported, certified, authorised and correctly allocated.

The overall testing was completed satisfactorily. The controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations with the following exceptions.

10.1 GST Treatment

Observation

We observed that the GST treatment when posting transactions was not correct in all instances. We noted an instance where GST had been incorrectly included in a payment for Strategic and Business Planning and the GST credit had not been claimed through the BAS.

**Implications**

Incorrectly recording the GST in payment transactions could impact the amount of GST input tax credits the Town is entitled to claim back from the Australian Taxation Office, (ATO).

Recommendation

We recommend that GST be correctly treated when posting transactions to accurately record the GST component in the Town's general ledger system and the correct amount be reported in the BAS to the ATO.

Risk Rating: Low

Management Response

Management accept the above recommendation and will implement the necessary changes.

11. PURCHASING

As part of our review we have looked at the adequacy of Council's purchasing policies and procedures and adherence to those policies and procedures. We noted the following exception in our review of purchases made by the Town.

11.1 Long Outstanding Purchase Orders**Observation**

We reviewed the listing of open purchase orders and made a selection of twenty to test. The selections made concentrated on purchase orders where the amount of the order currently outstanding did not agree to the amount outstanding per the creditor's invoice, or the orders that were raised over twelve months ago. The results of our enquiries revealed that nine orders that were cancelled as no longer required were still on the list of open purchase order and a further three of the orders were complete and had not been closed in the system. The remaining eight purchase orders were either standing orders or ongoing.

Implications

The risk is in the effectiveness of the purchase order system in achieving Council's purchasing and procurement objectives. The number of purchase orders which were cancelled but remained open in the system and the number of completed orders not cleared from the creditor listing after the creditor had been paid was excessive.

Recommendation

We recommend that you implement procedures to ensure completed orders are cleared from the creditors listing once the creditor has been paid and procedures to ensure that upon cancelling an order, it is removed from the system.

Risk Rating: Low

Management Response

Management accept the above recommendation and will implement the necessary changes.



12. CREDIT CARD PROCEDURES AND USE

As part of our review we have looked at the adequacy of Council's credit card policies and usage procedures and concluded these were being properly controlled and maintained with the following exception.

12.1 Treatment of Purchases by Telephone, Facsimile or over the Internet

Observation

The use of a corporate credit card to make purchases provides many benefits to Council when used correctly. To ensure that credit cards are used correctly Councils adopt a policy for their designated usage and implement controls to ensure adherence to that policy. The Department of Local Government and Communities provides operational Guidelines on the use of credit cards to ensure compliance with the provisions of the Local Government Act and Regulations. One of the policies and procedures governing the use of credit cards in the operational guidelines prescribes how purchases over the internet, telephone or facsimile are to be dealt with. During our review, and testing of adherence to Council's policy on Credit Card Usage we noted that credit cards were not to be used for any personal use, however the policy did not address how purchases made over the telephone, by fax or over the internet should be dealt with.

Implications

The requirements regarding a local government policy on the use of corporate credit cards may not be fully satisfied in the Town's current policy. This may make it more difficult to determine if any purchases made included any components of personal use.

Recommendation

We recommend that Council review its policy on use of corporate credit cards to ensure compliance with the operation guidelines from the Department of Local Government and Communities and ensure controls in place are effective in detecting whether any purchases include elements which are private use.

Risk Rating: Medium

Management Response

Management accept the above recommendation and will implement the necessary changes.

13. PAYROLL

13.1 Pay-run Review

A number of individual employees were selected and testing performed to ensure:

- Employee existed;
- Correct rate of pay per award or contract;
- Deduction authorities on hand;
- Valid Salary Sacrifice agreements maintained;
- Hours worked authorised;
- Allocation reasonable and correctly posted;
- Tax instalment deductions appeared reasonable; and



- Superannuation calculated and paid correctly.

The system described to us and its supporting controls were found to be operating effectively and are appropriate for Council's current scope of operations. However, we noted the following matter.

13.2 Staff with Large Accrued Balances in Provisions

Observation

During our review we noted that several members of staff have accumulated a large amount of entitlements in the provisions for annual and long service leave.

Implications

These entitlements require liabilities to be maintained on the balance sheet of Council which are excessive. This could have an impact on the cash flows of Council if the employees with high levels of accrued leave decide to take a large amount of their entitlement, or terminate their employment. Key personnel missing for large or important periods of time is an issue too.

Recommendation

We recommend that staff members are encouraged to take their accrued leave on a regular basis in order to keep the leave liability of the Council at a reasonable level and reduce the potential for an increase in business risk caused by having key personnel away for long periods or at crucial times.

Risk Rating: Low

Management Response

Management accept the above recommendation and will implement the necessary changes.

14. RATES

The Council's rating procedures were reviewed to ensure they were in compliance with requirements and that rates were being imposed correctly. This also included a review of the rate records, rate notices and valuation reconciliations. The controls and procedures are considered to be operating effectively and are appropriate for council's current scope of operations.

15. FEES and CHARGES

Council's handling of Fees and Charges were reviewed to ensure they were in compliance with requirements and that they were being imposed correctly.

Fees and Charges imposed at the time of the 2016/17 Annual Budget adoption were found to be imposed in accordance with legislative requirements.



16. COST ALLOCATIONS

As part of the review we assessed the adequacy of Cost Allocations through the general ledger. This involved detailed testing of a number of accounts within the general ledger, judgements selected, to ensure that the postings present in the accounts were valid and complete.

The overall testing was completed satisfactorily with costs being correctly allocated on a consistent basis throughout the year. The controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations.

17. ADMINISTRATION ALLOCATIONS

Council is required to allocate costs associated with the administration of Council's operations across the various functions and activities of Council. The basis of this allocation and timeliness is included as part of this review. No issues were noted with administration allocations.

18. JOB COSTING

As part of our review we have assessed the adequacy of Council's job costing system. In particular we considered the following aspects:

- The structure of the job cost system and its suitability in meeting the needs of Council;
- Available expertise within Council in the use and maintenance of the job costing system;
- Reporting performed on the job cost system for management and Council;

The overall structure of Council's job costing system appears to be adequate and appears to cover the majority of Council's operations.

19. MINUTES and MEETINGS

Council meeting minutes and minutes of Committees established by Council were reviewed to ensure compliance with procedures and protocols.

Procedures and protocols surrounding meetings and the quality of minutes were found to be of a satisfactory standard and in accordance with legislative requirements with the following exceptions in regards to minutes published on the Town's website.

19.1 Minutes Not Signed on the Town's Website

Observation

During our review of Council meeting minutes relating to the 2015/16 and 2016/17 financial years it was noted that the minutes published on the Town's website were not copies signed by the person who presided over the meeting.

**Implications**

It is a legislative requirement that meeting minutes be signed as confirmed at the next meeting under section 5.22(3). The risk is non-compliance with the legislative requirements of the Local Government Act and Regulations and that a draft version of the minutes may be acted upon by the Council's ratepayers.

Recommendation

We recommend that you ensure minutes are signed as confirmed by the person presiding over the meeting at which the minutes were confirmed as evidence of confirmation and that the signed minutes be made available to the public for inspection, whether on-line from the Town's website or at Council chambers.

Risk Rating: Low

Management Response

Management accept the above recommendation and will implement the necessary changes.

19.2 Unconfirmed Minutes Not Clearly Identified As Being Unconfirmed**Observation**

During our review of Council meeting minutes relating to the 2015/16 and 2016/17 financial years it was noted that the minutes published on the Town's website at the conclusion of a meeting were not clearly identified as being confirmed or unconfirmed.

Implications

The risk is that a draft version of the minutes may be acted upon by the Council's ratepayers where the information or decisions made by Council could change before being confirmed at the subsequent meeting held.

Recommendation

We recommend that when Council meeting minutes are initially made available to the public for inspection on the Town's website that they be clearly named and marked as "Unconfirmed" such as with use of a watermark across each page. When the meeting minutes are confirmed at the next meeting, the unconfirmed minutes should be removed and replaced with the signed as confirmed version of the minutes.

Risk Rating: Low

Management Response

Management accept the above recommendation and will implement the necessary changes.



20. FINANCIAL REPORTS

The following reports were reviewed for compliance with legislative requirements:

- Annual Report;
- Annual Financial Report;
- Monthly Financial Activity Statements, and
- Specific financial reports required under other legislation.

These reports were found to be in compliance with legislative requirements and no matters were noted which we wish to bring to Councils attention. We would like to bring to Council's attention the following trends or issues identified.

20.1 Financial Ratios Below Basic Standard

Observation

We noted that for the financial ratio "Operating Surplus Ratio", as reported in Note 19 of the Town of East Fremantle annual financial report for the year ended 30 June 2016, Council failed to achieve the basic standard as set by the Department of Local Government. The ratio was noted as being negative for the financial year.

We noted that for the financial ratio "Asset Sustainability Ratio", as reported in Note 19 of the Town of East Fremantle annual financial report for the year ended 30 June 2016, Council failed to achieve the basic standard as set by the Department of Local Government.

Implications

The negative "Operating Surplus Ratio" indicates that the Town has recorded a deficit Net Result for the 2016 financial year. This implies that the ability of Council to cover its operating costs and have revenues available for capital funding or other purposes has been reduced. A sustained period of operating deficits will erode the Council's ability to maintain both its operational service level and asset base. The asset sustainability ratio being below the basic standard indicates that Council is not replacing or renewing existing non-financial assets at the same rate at which these assets are reaching the end of their useful lives and are wearing out.

Recommendation

We recommend that Council take the necessary actions to improve its financial performance and continue to closely monitor its results.

Risk Ranking: Low

Management Response

Management accept the above recommendation and will implement the necessary changes.



21. BUDGETS

We inspected the budget documentation for the year ending 30 June 2017 to ensure adoption and submission to the Department was in accordance with the requirements of the Local Government (Financial Management) Regulations. We also evaluated whether the surplus/deficit was within the limits set by section 6.34 of the Local Government Act 1995.

We confirm that adoption and submission to the Department was in accordance with the Regulations.

Overall, the 2016/17 Annual Budget met the minimum reporting requirements as per the legislation.

22. INTEGRATED PLANNING and REPORTING (Plan For The Future)

The following strategic and integrated planning documents were reviewed to ensure the Council satisfied the requirements of section 5.56 of the Local Government Act 1995 and Local Government (Administration) Regulations 19C and 19D:

- Strategic Community Plan;
- Corporate Business Plan;
- Long Term Financial Plan;
- Asset Management Plan; and
- Forward Capital Works Plan;

These documents appear to satisfy the requirements of the Regulations and meet the requirements of the Integrated Planning and Reporting Advisory Standard. No matters were noted which we wish to bring to Council's attention.

23. REGISTERS and DELEGATIONS

We reviewed the following registers:

- Register of Financial Interests;
- Annual and Primary Returns;
- Loan / Debenture Register;
- Delegations Register;
- Tenders Register;
- Gifts Register; and
- Complaints Register.

Overall, these registers were found to be well maintained and meeting legislative requirements with no exceptions.



24. GENERAL LEDGER CHART of ACCOUNTS

As part of our review we have considered the adequacy of Council's General Ledger Chart of Accounts (CA). In particular we have assessed the classification of the accounts within the balance sheet section of the CA. We have closely reviewed the use and application of 'Codes', "IE" numbers and "Job" codes within the income section of the CA for its ability to generate relevant and accurate reports to meet the requirements of the Town.

The overall structure of Council's CA would appear to be adequate and would appear to cover the majority of Council's operations as would be expected.

25. RECORDS KEEPING and STORAGE of DOCUMENTS and DATA

As part of our review we have assessed the adequacy of Council's records keeping and storage of documents and data. This included Council's record keeping policy. In particular we have considered the procedures and controls in place to protect the integrity and security of Council's information technology and important records and documentation, including the adequacy of Council's data backup system, both internal on-site and external off-site back-up and storage. We have assessed the on-line accounting data back-up and storage through the operating system provider and external provider of information technology data file and system management services.

The locked strong room was considered adequate and appropriate for the secure storage of Council's high priority records and important documents, however due to the renovations of the Town's offices being undertaken during our review, we noted that the strong room was not a fire proof room as is typically the case for storage of such documents. Personnel records are maintained in locked cabinets accessible by Human Resources staff only. The information technology environment and controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations.

The overall records keeping and storage of Council's documents and data would appear to be adequate for Council's current scope of operations however we have the following matter which we wish to bring to Council's attention.

25.1 Disaster Recovery and Business Continuity Plan

Observation

While we noted that adequate systems were in place for the recovery of the Town's accounting and data if lost, there did not appear to be a formal documented plan in place to follow if a catastrophic event were to occur resulting in disruption to normal business operations to maintain essential services through the disaster recovery period and re-establish services and operations as quickly as possible to minimise the effect on the community, staff and Council.

Implications

Council would not be able to manage a disaster in an effective and systematic way to ensure recovery is achieved in the shortest possible time. Council may be unable to maintain essential services through the disaster recovery periods and re-establish operations as quickly and efficiently as possible. The effects of the disaster on the community, staff,



contractors, volunteers and Council may not be minimised. Council may not be adequately managing business disruption risk as part of its risk management.

Recommendation

We recommend that Council consider a policy and plan which aims to provide a mechanism for the development of contingent capacity and plans that will enable management to focus on maintaining and resuming the Town's most critical functions; whilst working in a planned way toward eventual restoration of operations and ensuring unaffected operations are able to continue.

Risk Ranking: High

Management Response

Management accept the above recommendation and will implement the necessary changes.

26. INSURANCE

As part of our review we have considered the adequacy of Council's insurance cover and whether it is exposed to unprotected risks. From our review of the Council's schedule of insurance policies and the level of protection insured for, we are satisfied the cover is adequate for the assets of the Council and its exposure to risk. No matters were noted which we wish to bring to Council's attention.

The above review of the adequacy of Council's insurance to protect it from known elements of risk is just an opinion in regards to the financial management of Council's operations. It is not to be considered the provision of financial advice or insurance advice.

27. AUDIT COMMITTEE

We have reviewed the appointment, functions and responsibilities of the Town's Audit Committee to ensure the requirements of the Local Government Act and Regulations have been complied with and Department of Local Government operational guidelines have been followed.

All legislative requirements with regard to audit committee membership, its operations and its role in supporting Council in fulfilling its governance and oversight responsibilities in financial management were found to have been satisfied. We would like to bring to Council's attention the following issue identified.

27.1 Local Government Audit Regulation 17

Observation

The reports provided to the Audit Committee included the results of the review by the CEO under Local Government (Audit) Regulation 17(3) of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal control, legislative compliance and, reports from the Town's insurers, LGIS, on risk management governance framework and risk assessment. The review found that the Town did not have an effective risk management system in place. A draft Risk Management Policy and Risk Management Procedures was provided by LGIS. The LGIS risk profile and assessment



identified the following areas where the existing overall controls were inadequate in managing the risks identified:

- a) Asset sustainability practices;
- b) Business and community disruption;
- c) Management of facilities, venues and events;
- d) Document management processes;
- e) Employment practices; and
- f) Safety and security practices.

In addition, specific controls were identified as being inadequate within risk areas where overall controls were considered to be adequate.

Implications

By not considering and possibly acting on the issues identified, the Audit Committee may not adequately monitor and review Council's financial management of the Town's resources and provide oversight of the risk and control environment to enable effective decision making. This could impact the achievement of the Town's goals and objectives, its resilience and achievement of effective corporate governance.

Recommendation

We recommend that in order to fulfil the Audit Committee's governance and oversight responsibilities controls be implemented to effectively manage the risk for each of the six risk areas identified in the LGIS risk assessment report.

Risk Ranking: High

Management Response

Management accept the above recommendation and will implement the necessary changes.

12.1.4 Fremantle Rowing Club Application for the Community Sport and Recreation Facilities Fund (CSRFF) 2017/18 Small Grants Round.

Applicant	Fremantle Rowing Club
File ref	R/RSA1
Prepared by	Sandra Keenan Acting Principal Environmental Health Officer
Supervised by	Andrew Malone Executive Manager Regulatory Services
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Correspondence from Fremantle Rowing Club 2. CSRFF Application form

Purpose

To facilitate Council consideration of an application for funding from the Fremantle Rowing Club pursuant to the Community Sport and Recreation Facilities 2017/18 Small Grants Round.

Executive Summary

The Fremantle Rowing Club is applying for a CSRFF small grant from the Department of Sport and Recreation and therefore requires Council approval for the project and a commitment to allocate one third of the overall project cost to Council's 2017/18 budget.

The proposed project involves upgrading the existing ablution facilities that support the rowing club, associated gym and adjacent hall which is a publicly available space

It is recommended that Council support the CSRFF grant application by the Fremantle Rowing Club (FRC) for a maximum of \$120,827.00 for the upgrade of existing ablution facilities with Council's requested contribution being a maximum of \$40,275.67.

Background

This funding program provides financial assistance to community groups and local governments to develop essential infrastructure for sport and recreation and is an incentive for the planned and carefully assessed development of good quality, well designed and well utilised facilities.

The 2017/18 Small Grant Round opened in February 2017 and involves projects up to \$200,000. Applications must be considered by Council, prior to submission to DSR by their deadline of 31 August 2017. Successful applications will be required to be acquitted prior to 15 June 2018.

Department of Sport and Recreation are prepared to extend the timeline of approval based on this application being approved at the September Council meeting.

In 2014 a Needs Assessment was undertaken for the FRC which identified the need for:

- The Fremantle Rowing Club to operate from its current site.
- A Fremantle based rowing club (the Fremantle Rowing Club) to cater for the local community.
- The Fremantle Rowing Club to expand its membership.
- A larger, more modern (not aging) facility to address needs/requirements in the future.

- A new facility as the existing building has reached its renewal lifespan (50 years) and to reduce the financial risk associated with ageing infrastructure.

A grant of land to FRC for use as a Rowing Club premises site restricts the alternative use of the land, and as such the current facility must be retained, however upgraded and maintained to address the needs for the club into the future.

The current ablution facilities are degraded and in need of renovation in order to adequately support the current and future rowing club members and visitors, as well as those utilising the hall.

The Club has identified the improvement of ablution facilities will support the growth of the rowing club and use of the adjacent hall, as well as provide support for regional events hosted by FRC such as the Perth to Fremantle head races. This race brings a great crowd to the Club and to Fremantle, from all over WA. The hall is currently hired on an ongoing basis to One Body Fitness whose participants also require the use of the ablutions.

Sufficient toilet, shower and change room facilities are vital to the membership of the sporting club and the current state of the facilities is below par. There is also a lack of capacity for the number of users of the ablution facilities. Fremantle Rowing Club use the facilities for approximately 40 hours per week. The rowing facilities are shared with various schools on an as needs basis and, in some cases, on a regular basis, with Christ Church Grammar School and in the past, St Hilda's Anglican School for Girls.

Consultation

The applicant advises they have discussed this project with the State Sporting Association - Rowing WA.

A site visit was carried out by the Town of East Fremantle Relief Principal Environmental Health Officer on the 30 August to view the state of the facilities. It was noted that the lintels are also causing structural damage.

Statutory Environment

Nil

Policy Implications

The Town of East Fremantle Recreation and Community Facilities Strategy, adopted in December 2016, identified a range of strategic issues and principles to guide future development of recreation and community facilities in East Fremantle.

Priority will be given to:

- infrastructure which meets the needs of the broader East Fremantle community and has higher levels of use and community access
- developing recreation and community hubs which cater for multiple activities and user groups.
- infrastructure projects which are supported by a master plan, feasibility study and/or business plan.
- the development of flexible, multipurpose, multiuse infrastructure over single purpose, infrastructure. The exception to this rule is for infrastructure which is specifically designed to cater for an activity, such as synthetic athletics track, bowling green and velodrome.
- infrastructure which demonstrates financial, environmental and social sustainability.

- Priority in the allocation of Council funding, and Council support to external funding bodies, will be given to multiuse and multifunctional infrastructure.
- funding infrastructure maintenance which allows general community access:
 - Infrastructure which allows community access will be maintained at the joint cost of the users and the Council, and reflect the extent of use by the user group and the general community. Thus, Council will contribute to the cost of maintaining playing fields which are not fenced with lockable gates, and available for community use at times not used by the lessee.
 - Infrastructure which is for the exclusive use of a user group lessee will be fully maintained at the cost of the user group. This will primarily apply to buildings, specialist sporting facilities (e.g. bowling greens) and fenced areas.
- upgrading infrastructure to ensure it is fit for purpose, rather than developing new facilities, except when infrastructure has reached the end of its useful life.

The application from the Fremantle Rowing Club is consistent with the above priorities and guiding principles.

Financial Implications

There is no allocation in the adopted 2017/18 budget for a contribution to this project.

In order for the Fremantle Rowing Club to progress their application, they are seeking Council's financial support for one third of the total project cost (\$120,827.00 excl GST) being \$40,275.67 which, if approved, would need to be identified in the mid year 2017/18 budget review.

Strategic Implications

KEY FOCUS AREA 2: Infrastructure and waste services

Aspiration: The needs of our community are met through the provision of high quality infrastructure and waste services

Outcomes: 2.1 Provide amenity, recreation opportunities and enhancement of the natural environment

- Provide and manage parks and open space
- Provide and manage a network of street trees
- Maintain foreshore amenity and protection against erosion and flooding

2.4 Council owned buildings for public use are maintained, accessible and safe

- Provide facilities for sport and recreation
- Provide buildings for other public purposes

The ablution upgrade project is consistent with the strategic outcomes, identified as meeting the needs of the community through the provision of high quality infrastructure.

Site Inspection

On 30 August Colin Armstrong (Club Vice President) met on-site with Relief Principal Environmental Health Officer Sandra Keenan to discuss the proposal.

Comment

A grant of land to FRC for use as a Rowing Club premises site restricts the alternative use of the land, that is, its sole purpose is to be for rowing, and as such the current facility must be retained, however upgraded and maintained to address the needs for the club into the future.

The outcome of this project is to develop a good quality, well designed and well utilised facility consistent with Department of Sport and Recreation grant guidelines, Council's Recreation and Community Facilities Strategy 2016, Town of East Fremantle Strategic Community Plan, the Fremantle Rowing Club members and users of the facility.

The CSRFF application guidelines state that Council must provide a project ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with respect to any other grant application received. Council has approved one other grant application from the East Fremantle Junior Cricket Club of \$80,000 for permanent cricket nets and allocated one third of funding required (\$26,700) for the nets in the 2017/18 Budget.

12.1.4 OFFICER RECOMMENDATION

That:

1. Council support the CSRFF grant application by the Fremantle Rowing Club to a maximum of \$120,827.00 for the ablution upgrade net project (Council's requested contribution being a maximum of \$40,275.67), with a project rating of B and a priority rating of 1
2. subject to Fremantle Rowing Club receiving CSRFF approval, an allocation of \$40,275.67 be considered in the mid year 2017/18 budget review.

Janine May

Subject: FW: IEM61353 - Fremantle Rowing Club CSRFF Grant Application

From: Emma McSweeney [<mailto:e.mcsweeney@outlook.com.au>]
Sent: Thursday, 31 August 2017 9:25 AM
To: Janine May ; Wendy Cooke
Cc: Sandra Keenan ; Shelley Cocks
Subject: IEM61353 - Fremantle Rowing Club CSRFF Grant Application

Hi Janine and Wendy,

Please see attached Fremantle Rowing Club's full application for the CSRFF grant.

The quoted cost has risen significantly since the draft application form we provided, due to a change in scope and the additional costs that come with using a professional builder. I will contact Kent Burton at the DSR to let him know that we can provide another quote in the next couple of weeks if desired (he had mentioned this would be possible if necessary, given the miscommunication of deadlines).

Thank you for your assistance in this matter. Please let me know if you have any difficulties in submitting the completed application to the DSR by end of today.

Many thanks,
Emma.



Government of Western Australia
Department of Sport and Recreation

Office Use Only

TRIM: _____

Grant No: _____

Project Coordinator: _____

CSRFF Small Grants Application Form

For projects up to \$200,000 to be acquitted by 15 June 2018

You **MUST** discuss your project with an officer from your nearest Department of Sport and Recreation office before completing and submitting your application. Failure to do so will render your project ineligible.

All applications **MUST** be submitted to your local government. Contact your local government to determine the cut off date for the submission of applications.

DSR Contact: Kent Burton

Date: 24/08/2017

Office: Facilities Consultant

Applicant's Details:

Organisation Name:	Fremantle Rowing Club				
Postal Address:	PO Box 557				
Suburb:	Fremantle	State:	WA	Postcode:	6959
Street Address:	75 Riverside Drive				
Suburb:	East Fremantle	State:	WA	Postcode:	6158

Preferred Contact Person:

All application correspondence will be directed to this person

Name:	Emma McSweeney	Title:	Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/>
Position Held:	Committee member		
Business Phone:		Facsimile:	
Mobile Phone:	0439 926 023	Email:	e.mcsweeney@outlook.com.au

Organisation Business Details:

Does your organisation have an ABN?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ABN: 89 484 325 221
Is your organisation registered for GST?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	* Note, in order to be eligible for funding you must attach a copy of the Incorporation Certificate. LGAs Exempt
Is your organisation not-for-profit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is your organisation incorporated?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Incorporation #: A0620057R * (Attachment 1)
Bank details:	Bank: Bendigo Bank	BSB: 633 000 A/c: 1586 2848 7

Local Government Authority Details:

LGA:	Town of East Fremantle		
Contact:	Shelley Cocks and Sandra Keenan	Title:	Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/>
Position Held:	Principal Environmental Health Officer		
Business Phone:	08 9339 9315	Facsimile:	08 9339 3399
Mobile Phone:		Email:	scocks@eastfremantle.wa.gov.au skeenan@eastfremantle.wa.gov.au

PROJECT DETAILS

Project Title (brief and specific): Upgrade of existing ablutions facilities (male and female).

Project Description:

Fremantle Rowing Club proposes to upgrade the existing ablutions facilities that support the rowing club, associated gym and the adjacent hall which is a publically available space.

How did you establish a need for your project?

FRC is a competitive, reputable and successful club in WA and Australia, however its growth and potential is limited by the current small and ageing facility (built in 1964) that requires ongoing maintenance and 'band-aid' fixes.

The grant of land to FRC for use as a Rowing Club Premises Site restricts the alternative use of the land, and as such the current facility must be retained, however upgraded and maintained to address needs for the club into the future.

A Needs Assessment was undertaken for FRC in 2014 which identified the need for:

- The Fremantle Rowing Club to operate from its current site.
- A Fremantle-based rowing club (the Fremantle Rowing Club) to cater for the local community.
- The Fremantle Rowing Club to expand its membership.
- A larger, more modern (not ageing) facility to address needs/requirements into the future.
- A new facility is required as the existing building has reached its renewal life span (50 years) and to reduce the financial risk associated with ageing infrastructure.

The current ablutions facilities are degraded and in need of renovation, in order to adequately support the current and future rowing club members and visitors, as well as those utilising the hall. See photos attached to view current condition of facilities (**Attachment 2**).

What alternatives were considered and why were they rejected?

In 2014, the planned ablutions renovation was scheduled to be a component of a larger scope of re-development works, including the retention of existing structures and construction of new additions in order to achieve a larger and more functional facility for our current membership, community partners and intended membership growth. This re-development plan has been updated, so that works proposed will still fulfil the objectives of the re-development, but on a smaller scale.

Other alternatives considered as a component of the Needs Assessment undertaken in 2014 included the following, with the outcomes of strategy team discussions included (additional detail is available within the Needs Assessment):

Option	Discussion / Comment
Don't redevelop FRC site	Facility continues to age. Membership stays same/declines. No opportunity for expansion. Limited opportunity for success. Limited opportunity for important community facility.
Redevelop FRC site (with or without external partnership)	Cannot afford to redevelop without partnership; otherwise supported.
Redevelop FRC site on existing footprint	Supported.
Redevelop FRC site on expanded footprint	Not supported by external stakeholders.

The Needs Assessment has been provided as an attachment for reference, however it should be noted that the Needs Assessment whilst identifying the need for a whole-of-building renovation, also supports the stand-alone requirement for the ablution facilities renovation (see **Attachment 3**).

Project location:	75 Riverside Drive, East Fremantle (Fremantle Rowing Club)
Land ownership:	Who owns the land on which your facility will be located? Fremantle Rowing Club (granted as per title for purposes of Rowing Club Premises Site) (see Attachment 4). Lease Expiry (if applicable):
Planning approvals	If no, provide the date it will be applied for:

Where applicable, has planning permission been granted? (LGA) N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	___/___/___
Department of Aboriginal Affairs? N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	___/___/___
Department of Parks and Wildlife? (Environmental, Swan River) N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	___/___/___
Native Vegetation Clearing Permit? N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	___/___/___
Please list any other approvals that are required? N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	___/___/___

How will your project increase physical activity? The improvement of ablutions facilities will support the growth of the rowing club and use of the adjacent hall, as well as providing support for regional events hosted by FRC such as the Perth to Fremantle head race (discussed further in next section).

The hall is currently hired on a regular ongoing basis to One Body Fitness for cardio workout classes, whose participants also require the use of the ablutions (see License Agreement in **Attachment 5**).

Sufficient toilet, shower and change room facilities are vital to the membership of a sporting club and the current state of the facilities is below par.

Do you share your facility with other groups? Yes No If so, who:

Fremantle Rowing Club has a license agreement with various schools on an as needs basis, and in some cases on a regular basis. Christ Church Grammar School currently have a license agreement to utilise FRC's facilities over the summer period, and in the past St Hilda's Anglican School for Girls has had an arrangement to use FRC's facilities when alternative facilities have been unavailable.

Community members utilise the adjacent hall for sporting and other activities, such as One Body Fitness cardio exercise classes. The hall is available to hire for most types of event or activity.

On top of the full time use of the club and leased use of the hall, FRC also host the Perth to Fremantle Head Race, one of the longest rowing races in the world (16 km), and brings a great crowd to the club and to Fremantle from all over WA. There is the potential to capture a national and international market to this event in the future.

List the main sport and recreation activities (maximum of 3) which will benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

Sport/community organisation	% use of the facility	Hours per week
Fremantle Rowing Club and school licensees	85%	40
One Body Fitness (main current licensee for hall use)	15%	6

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

Note: if membership is not applicable, ie recreation facility or aquatic centre, enter the number of users of the facility.

2014/15	125	2015/16	122	2016/17	127
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State Sporting Associations are involved in the assessment of applications and may be able to provide valuable information when planning you project, particularly in relation to technical design issues. They should be consulted as part of the application process. A complete list of State Sporting Associations and their contact details are is available on the department's website: <http://www.dsr.wa.gov.au/contact-us/find-a-sport-or-recreation-association>

What is the name of the State Sporting Association for your activity/sport?
Rowing WA

Have you discussed your project with your State Sporting Association? Yes No

Contact Name: Jennifer Matthies Date of contact: 29/08/2017

PROJECT DELIVERY

Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

Task	Date
Attainment of Council approvals	N/A
Preparation of tender/quotes for the major works contract	October 2017
Issuing of tender for major works	October 2017
Signing of major works contract	November 2017
Site works commence	November 2017
Construction of project starts	November 2017
Project 50% complete	December 2017
Project Completed	January 2017
Project hand over and acquittal	January 2017

Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season, major annual event or inclement weather) – provide details.

Due to the voluntary nature of some components of the planned works, it is intended that the works be undertaken following the culmination of state rowing season in mid-September.

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DSR can be accessed by you during standard office hours and updated by writing to DSR or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.


DSR may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name: Emma McSweeney

Position Held: Committee Member / Acting Secretary

Signature: 

Date: 31 / 08 / 2017

Our whole
Community wins

LODGEMENT OF YOUR APPLICATION

- Applications are to be received in **hard copy** and should be clipped at the top left-hand corner, please do not bind. In **addition to the hard copy an electronic copy is encouraged** to be provided.
- It is recommended that you **photocopy your completed application form**, including attachments for your own records and future audit purposes.
- All **attachments** and supporting documentation (see next section) should be **clearly identified** and securely attached to the application form.
- **Applications must be submitted to your Local Government Authority** by the Local Government's advertised cut-off date to ensure inclusion at the relevant Council Meeting.

The following documentation must be included with your application. Applicants may wish to supply additional RELEVANT information.

Grants up to \$66,666:

<input checked="" type="checkbox"/>	Application form.
<input checked="" type="checkbox"/>	Incorporation Certificate. (Attachment 1)
<input checked="" type="checkbox"/>	Two written quotes. (Attachment 6) <i>Note: As discussed with Kent Burton (24/08/2017), at least one quote must be provided for the works, and cost estimates derived from previous quotes / quantity surveyor fee estimates / published rates shall also be provided.</i>
<input checked="" type="checkbox"/>	If your project involves the upgrade of an existing facility, include photograph/s of this facility. (Attachment 2)
<input checked="" type="checkbox"/>	Locality map, site map and building plans (in relevant constructions projects), including where the proposed facility is located in relation to other sport and recreation infrastructure. (Attachment 7)
<input checked="" type="checkbox"/>	Income and expenditure statements for the current and next financial years. (LGAs exempted). (Attachment 8)
<input type="checkbox"/>	Written confirmation of financial commitments from other sources including copies of council minutes . (If a club is contributing financially then evidence of their cash at hand must be provided)
<input type="checkbox"/>	For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.
<input checked="" type="checkbox"/>	Itemised project cost for components and identified on the relevant quote for each (including cost escalation). (Attachment 9)
<input type="checkbox"/>	For floodlighting projects, a lighting plan must be supplied showing lux, configuration and sufficient power supply

Your application will be considered not eligible if:

- You have not discussed your project with the Department of Sport and Recreation and your State Sporting Association.
- You do not meet the eligibility criteria for the grant category to which you are applying.
- You have not included with your application all the relevant required supporting documentation. There is no onus on department staff to pursue missing documentation.
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted that grant. In some cases this may apply to localities where other significant projects have not been progressed or have not completed a previous project in accordance with the conditions of the grant provided. An assessment will be made and if no physical progress has occurred, new applications may not be recommended.
- It is not on the correct application form.
- The project for which application is made is specifically excluded from receiving CSRFF support.

DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

You MUST contact your local DSR office to determine eligibility before applying.

Category		Details
Geographical location	<input type="checkbox"/> Regional/remote location <input type="checkbox"/> Growth local government	
Co-location	<input type="checkbox"/> New <input type="checkbox"/> Existing	
Sustainability initiative	<input type="checkbox"/> Water saving <input type="checkbox"/> Energy reduction <input type="checkbox"/> Other	
Increased participation	<input type="checkbox"/> New participants <input type="checkbox"/> Existing participants – higher level <input type="checkbox"/> Special interest <input type="checkbox"/> Other	

PROJECT BUDGET

ESTIMATED EXPENDITURE

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component. **PLEASE ITEMISE BY COMPONENT (e.g changerooms, storage, kitchen) rather than materials (electrician, plumber, finishings).**

Project Description (detailed breakdown of project to be supplied)	\$ Cost ex GST	\$ Cost inc GST	Quote Used (list company name and quote no)
Demolition, building and installation costs (labour and management) (Note: See Scope of Works, Attachment 8)	94,012.00	103,413.20	Hyland Management and Contractors, Ref: HMC-69
Sanitary Ware - 4 x Caroma Uniset toilets - 4 x hand basins - 4 x flip mixers - 2 x urinals - 4 x shower sets - 1 x 120L water heater	8,900.00	9,790.00	Hyland Management and Contractors, Ref: HMC-69
Wash room accessories - 4 x toilet roll holders - 4 x soap dishes - 2 x soap dispensers - 2 x paper towel dispensers - 2 x framed mirrors - 2 x toilet and shower signs	2,550.00	2,805.00	Hyland Management and Contractors, Ref: HMC-69
Door hardware x 3	1,500.00	1,650.00	Hyland Management and Contractors, Ref: HMC-69
Bench seats x 2	1,000.00	1,100.00	Hyland Management and Contractors, Ref: HMC-69
Wall tiles \$25/m2 (area estimate)	2,000.00	2,200.00	Hyland Management and Contractors, Ref: HMC-69
Floor tiles \$30/m2 (area estimate)	1,600.00	1,760.00	Hyland Management and Contractors, Ref: HMC-69
Architectural drawings – paid (Professional services, Armstrong Parkin Architects)	2,695.00	2,964.50	Bathroom Cost Indications Rev 2
Painting (internal) - materials	750.00	825.00	Bathroom Cost Indications Rev 2
Painting (external) - materials	500.00	550.00	Bathroom Cost Indications Rev 2
Volunteer labour (Please provide cost breakdown)			

Architectural services – voluntary	1800.00	1,980.00	Professional services volunteered, Director of Armstrong Parkin Architects (30 hrs @ \$60/hr) - Bathroom Cost Indications Rev 2
Building surveyor services	720.00	792.00	Services donated to FRC (12 hrs @ \$60/hr) - Bathroom Cost Indications Rev 2
Painting (internal) - labour	1600.00	1,760.00	Voluntary labour (4 people x 16 hrs @ \$25 / hr) - Bathroom Cost Indications Rev 2
Painting (external) - labour	1200.00	1,320.00	Voluntary labour (3 people x 16 hrs @ \$25 / hr) - Bathroom Cost Indications Rev 2
Sub Total	120,827.00	132,909.70	
Cost escalation			<i>Please explain amount used</i>
a) Total project expenditure	120,827.00	132,909.70	

- At least **two written quotes** are required for each component.
- If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, the grant will immediately be withdrawn. A **lighting plan** must be supplied showing lux and configuration.
- Projects that do not meet **Australian Standards** are ineligible for funding.

PROJECT FUNDING

Source of funding	\$ Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	40,275.67	44,303.24	LGA cash and in-kind	N – dependent on Council meeting	Cover letter from ToEF stating intent to contribute 1/3 of costs
Applicant cash	34,955.67	38,451.24	Organisation's cash	Y	
Volunteer labour	5,320.00	5,852.00	Cannot exceed applicant cash and LGA contribution combined	Y	Comments in Estimated Expenditure table
Donated materials					
Other State Government funding					
Federal Government funding					
Other funding – to be listed			Loans, sponsorship etc		
CSRFF requested	40,275.67	44,303.24	up to 1/3 project cost	N	
Development Bonus			Up to ½ project cost		
b) Total project funding	120,827.00	132,909.70		N	
<p>*Note: If the funding approved is less than funding requested for this project, or the project is more expensive than indicated in this budget, where would the extra funds be sourced from? Is this funding confirmed? If the project scope would be reduced, which components would be revisited?</p> <p>Any additional required funding would be provided from FRC budget (building funds), with additional fundraising enacted where necessary.</p>					

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

FINANCIAL SUMMARY

a) Total project expenditure (ex GST)	120,827.00
b) Total project funding	120,827.00
c) Project variance*	0

***Balance between a) and b) should be \$0**

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority:	Town of East Fremantle.
Name of Applicant:	Fremantle Rowing Club.

Note: The applicant's name cannot be changed once the application is lodged at DSR.

Section A

The CSRFF principles have been considered and the following assessment is provided:
(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Co-Location	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section B

LGA – priority ranking of this project

Unranked (see page over)

Priority ranking of no of applications received

1 of 1 applications received

Is this project consistent with the

Local Plan Regional Plan State Plan

Have all planning and building approvals been given for this project?

Yes No B.A. required

If no, what approvals are still outstanding?

B.A Required

Project Rating (Please tick the most appropriate box to describe the project)

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

LGA comments (Required):

Report to be presented to Council 19 September 2017.
 This Form has been completed to continue the application and does not form an opinion on the assessment of the project.
 The Form remains incomplete until such time that Council resolves to determine the CSRFF grant application

Signed C. M. do
 Acting Chief
 Position Executive Officer Date 31/8/2017

Applications for CSRFF funding must be submitted to your Department of Sport and Recreation office by 4pm on the last working day in August. Late applications cannot be accepted in any circumstances.

DSR OFFICES

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 246 Vincent Street
 Leederville WA 6007
 PO Box 329
 Leederville WA 6903
 Tel: (08) 9492 9700
 Fax: (08) 9492 9711

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 Mandurah WA 6210
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PILBARA
 Karratha Leisureplex
 Dampier Hwy, Karratha
 PO Box 941
 Karratha WA 6714
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 Fax: (08) 9182 2199

SOUTH WEST
 80A Blair Street
 PO Box 2662
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 Fax: (08) 9792 6999

GREAT SOUTHERN
 22 Collie Street
 Albany WA 6330
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GASCOYNE
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 Tel: (08) 9941 0900
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 106 Hannan Street
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 Kalgoorlie WA 6430
 Tel: (08) 9022 5800
 Fax: (08) 9022 5899

KIMBERLEY – Broome
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 Telephone (08) 9195 5750
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 Mobile 0438 916 185

WHEATBELT - NORTHAM
 298 Fitzgerald Street
 PO Box 55
 Northam WA 6401
 Tel: (08) 9690 2400
 Fax: (08) 9690 2499

WHEATBELT – NARROGIN
 Government Offices
 Level 2, 11-13 Park Street Narrogin
 WA 6312
 Telephone 0429 881 369
 Facsimile (08) 9881 3363

MID-WEST
 Level 1, 268-270
 Foreshore Drive
 PO Box 135
 Geraldton WA 6530
 Tel: (08) 9956 2100
 Fax: (08) 9956 2199

12.2 GOVERNANCE REPORTS

12.2.1 Adoption of the Town of East Fremantle Strategic Community Plan 2017-2027

File ref	A/RSCP
Prepared by	Wendy Cooke, Projects Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Strategic Community Plan

Purpose

The purpose of this report is for Council to consider adopting the Town of East Fremantle Strategic Community Plan 2017-2027.

Executive Summary

Learning Horizons Consultants have been working with elected members, staff and the community on the biennial review of the existing Strategic Community Plan 2015-2025. Two workshops, a survey and the Community Perceptions Survey 2017 have provided input into the revised document.

Background

The Town engaged Learning Horizons to undertake the biennial review of the Plan. The Plan is part of our fulfilment of the Integrated Planning and Reporting (IPR) Framework. All local governments in Western Australia are required to implement IPR. The Plan is a long-term planning document setting out the community's vision, aspirations for the future, and the key strategies Council will need to focus on to achieve its aspirations.

The Plan will be used to:

- guide Council decision-making and priority setting
- engage local residents and ratepayers, local businesses, community groups, and education providers that contribute to the future of our community
- inform decision-making with respect to other partners and agencies, including the State Government, other local governments, WALGA, and the private sector
- provide a clear avenue to pursue funding and grant opportunities by demonstrating how projects align with the aspirations of our Council, and within the strategic direction outlined in this Plan
- inform future partners of Council's key priorities, and the ways in which it seeks to grow and develop
- provide a framework for monitoring progress against the community's vision and aspirations

Consultation

Before undertaking consultation with the community for this plan, Council reviewed feedback from its bi-ennial Community Perception Survey (2017) and the community engagement carried out in the previous year across other areas.

The consultation and engagement aspects of the project have included two workshops (business community and general community), a targeted survey, (printed and available online) and consultation with elected members and senior staff members.

A 21 day public comment period ended on Friday 8 September – the Strategy was advertised in the local newspaper, Facebook page, Website and E-Newsletter.

No submissions were received.

Statutory Environment

Section 5.56 of the Local Government Act 1995 states;

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

19C Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to –*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

**Absolute majority required*

19D. Adoption of plan, public notice of to be given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
- (a) *notification that —*
- (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the plan may be inspected;*
- or*
- (b) *where a strategic community plan for the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the modified plan may be inspected.*

Policy Implications

N/A

Financial Implications

Various financial implications have been included in the Annual Budget, Four Year Corporate Plan and the Town's 10 Year Financial Plan.

Strategic Implications

The Integrated Planning and Reporting Framework sets out the requirements for three levels of integrated strategic planning:

- Level 1: Strategic Community Plan (10+ years);
- Level 2: Corporate Business Plan (4+ years); and
- Level 3: Operational Plans (1 year).

The Plan articulates the community's vision and priorities for the future and shows how the Council intends to make progress over a ten-year period. The Plan is reviewed every two years. The two yearly reviews alternate between a minor review (updating as needed) and a major review (going through all the steps again).

Comment

The Plan was advertised for a period of 21 days, with the submission period ending on 8 September 2017.

No submissions were received.

12.2.1 OFFICER RECOMMENDATION

That Council adopt the Town of East Fremantle Strategic Community Plan 2017-2027.

12.2.2 Adoption of the Town of East Fremantle Public Art Strategy (2017)

File ref	A/ART1
Prepared by	Wendy Cooke, Project Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Public Art Strategy

Purpose

The purpose of this report is for Council to consider adopting the Town of East Fremantle Public Art Strategy.

Executive Summary

Helen Curtis from Apparatus has been working with elected members, staff and the community on the development of the Town's Public Art Strategy. A draft Strategy and Policy has been prepared.

Background

The Strategy was developed to align with the Town of East Fremantle's operational strategies including the Recreation and Community Facilities Strategy, Town Centre Redevelopment Guidelines, Foreshore Management Plan, Local Planning Scheme No. 3, the Strategic Community Plan and the Corporate Business Plan.

A review was undertaken of the Town's existing policy and framework, and subsequently a revised Public Art Policy, a (new) Percent for Public Art Policy and Public Action Plans are currently being drafted.

The draft revised Public Art Policy was discussed at the Council Concept Forum on 8 August 2017 and further investigation will be given to the possible inclusion of references to incorporate public art donations and the acquisition of artworks for Council buildings, prior to the Policy being submitted for adoption. These documents will be subject to separate Council reports for consideration and adoption once finalised.

Consultation

The Town of East Fremantle has endeavoured to provide a clear process in the development of the Strategy. Consultation included meetings with Town of East Fremantle staff members, a presentation and feedback session with the Elected Members and a Community Workshop with members of the community to present and discuss the initial Strategy concepts. A 21 day public comment period ended on Friday 8 September - it was advertised in the local newspaper, Facebook page, Website and E-Newsletter.

Statutory Environment

N/A

Policy Implications

A new Public Art Policy is currently being finalised for consideration by Council and will be subject of a separate report to Council.

Financial Implications

An amount is allocated in the Annual Budget for Public Art acquisition, with accumulated funds currently in the Public Art Reserve.

Strategic Implications

KEY FOCUS AREA 1: Community strength and identity

Aspiration: Our community is strong, safe and close-knit: we support and foster a sense of identity and belonging

1.2 Celebrate and develop of the community's identity through arts and culture

Comment

The Strategy was advertised for 21 days, with the submission period ending on 8 September 2017. At the close of the comment period, one submission had been received:

	Feedback/Comment	Officer comment
Submitter 1	<p>Thank you for the opportunity to comment on the above. I support the overall strategy. I believe that with new development plans for East Fremantle in or near the Plympton Ward, that the place of art as aesthetic, giving life to open spaces, is laudable.</p> <p>My concern lies with adding pieces to riverside locations, for example, Wild Women's Scent. While an endearing piece, its juxtaposition alongside an area of great natural beauty is, in my view, an error of judgement. The river itself is beautiful and needs no enhancement, or distraction, and I would like to think that art works in future are located where they work best, bringing life to those areas.</p>	<p>The Town of East Fremantle aims to commission or purchase public art that:</p> <ul style="list-style-type: none"> - is site specific and relates to the lives and experiences of East Fremantle residents in neighbourhood areas; - enhances and attracts visitors to the foreshore environment; - reinforces the Town Centre and George Street as unique locations where people work and visit; and - is unique, evocative and well made.

12.2.2 OFFICER RECOMMENDATION

That Council adopt the Town of East Fremantle Public Art Strategy (2017).

12.2.3 Waste Local Law 2017

File ref	A/LLW1
Prepared by	Janine May EA to CEO
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	<ol style="list-style-type: none"> 1. Correspondence from Joint Standing Committee on Delegated Legislation 2. Town of East Fremantle Waste Local Law 2017

Purpose

The purpose of this report is for Council to determine to amend its Waste Local Law 2017 in line with directions from the Joint Standing Committee on Delegated Legislation (JSCDL).

Executive Summary

Council is required to provide a written undertaking to the JSCDL by Friday 22 September that it will:

- within 6 months, amend its Waste Local Law to delete the definition of ‘vectors of disease’ and include an express ‘Objection and appeal rights’ clause consistent with the WALGA template waste local law
- make all necessary consequential amendments.
- not enforce the local law in a manner contrary to the undertaking given
- provide a copy of the minutes of the meeting at which the Town of East Fremantle Council resolves to provide the undertaking
- where the Local Law is made publicly available, whether in hard copy or electronic form, ensure it be accompanied by a copy of these undertakings.

It is recommended that Council resolves to provide this undertaking.

Background

A draft Town of East Fremantle Waste Local Law, based on the WALGA Waste Local Law template, was adopted by Council at its meeting held on 19 July 2016 and duly advertised for public comment.

Arising from this advertising, a number of suggestions were received from the Department of Local Government & Communities (DLG&C) including a recommendation to include a definition for “vectors of disease” and an extract from the Council report (March 2017) where the submission was considered is reprinted below:

<i>Comment</i>	<i>Recommended action</i>
<p>Clause 1.5 - Meaning of terms used in this local law</p> <p><i>b) It is suggested that “vectors of disease” (referred to in clause 3.1(c)(i) and Schedule 2) is defined, as this term is vague and may be subject to interpretation. An example is provided below for the Town’s consideration: vectors of disease includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government;</i></p>	<p><i>Agreed. The proposed definition has been added to clause 1.5.</i></p>

In accordance with the Waste and Resource Recovery Act, the draft Local Law, with the above recommended change, was forwarded to the Department of Environment Regulation on 27 October 2016 for approval, prior to final submission to Council. After receiving advice on 29 November 2016 recommending the deletion of the nuisance definition, the further amended Local Law was again submitted for approval. This approval was received on 24 February 2017.

Council at its meeting held on 21 March 2017 adopted the amended Waste Local Law which was subsequently gazetted on 31 March 2017. Following gazettal, in accordance with s3.12(7) of the Act a copy of the local law, a completed Explanatory Memorandum and Statutory Procedures Checklist were submitted to the WA Parliament's JSCDL.

On 17 August 2017 the JSCDL wrote to the Mayor advising that:

1. The definition of 'vectors of disease', included at the suggestion of the Department of Local Government and Communities was problematic, in the Committee's view unnecessarily limited clause 3.1(c)(i) and was unworkable.
2. Council had deviated from the WALGA template with the omission of Clause 5.1 Objection and Appeal. The JSCDL has historically preferred that appeal rights be expressly provided for in the body of a local law.

The JSCDL was extensively involved with inquiring into WALGA's (then) proposed Waste Local Law template in September 2014 and Clause 5.1 was an important element in drafting what later became WALGA's finalised template.

The JSCDL became aware of the omission of this clause from the WALGA template in November 2016 and advised WALGA accordingly. As Council had used the WALGA template to initiate its Waste Local Law in July 2016 the incorrect version was downloaded.

Consultation

Not applicable.

Statutory Environment

Local Government Act s3.12

Policy Implications

Nil

Financial Implications

There will be additional advertising costs in following statutory requirements for amending the Waste Local Law.

Strategic Implications

KEY FOCUS AREA 2: Governance and Leadership

Aspiration: The community is served by a leading and listening local government

Outcomes: 4.3 Efficient regulatory tools to enhance public safety and amenity;
4.4 Clear policies and procedures to guide the planning and operations of the Council;

- 4.8 Prudent management of Council infrastructure and building assets to support the delivery of services that meet community needs.

Site Inspection

Not applicable

Comment

It is unfortunate that:

- Council took the advice of the DLG&C in relation to including the definition of vectors of disease.
- WALGA did not alert local governments when it came to their attention in November 2016 that section 5.1 had been incorrectly omitted from its Waste Local Law template. Council would have had the opportunity to include this section in the version submitted to Council for final adoption in March 2017.

Should Council not provide a written undertaking to the JSCDL by 22 September 2017 as per the recommendation below, the JSCDL may review its Notice of Motion in the Legislative Council seeking to disallow the local law.

12.2.3 OFFICER RECOMMENDATION

That Council provide a written undertaking to the Joint Standing Committee on Delegated Legislation agreeing to:

- **within 6 months, amend its Waste Local Law to delete the definition of ‘vectors of disease’ and include an express ‘Objection and appeal rights’ clause consistent with the WALGA template waste local law**
- **make all necessary consequential amendments.**
- **not enforce the local law in a manner contrary to the undertaking given**
- **provide a copy of the minutes of the meeting at which the Town of East Fremantle Council resolves to provide the undertaking**
- **where the Local Law is made publicly available, whether in hard copy or electronic form, ensure it be accompanied by a copy of these undertakings.**

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION



Our ref: A627580 & 4010.13/KO

15 August 2017

Councillor Jim O'Neill
Mayor
Town of East Fremantle
PO Box 1097
FREMANTLE WA 6959

By email: mayor.oneill@eastfremantle.wa.gov.au

Dear Mayor O'Neill

Town of East Fremantle Waste Local Law 2016

Thank you for your letter dated 12 April 2017 which provided a copy of the above named Local Law, its Explanatory Memorandum and other materials.

I advise that the Joint Standing Committee on Delegated Legislation (**Committee**) considered the Local Law at its meeting on 14 August 2017 and resolved to contact you about the following matters.

Deviation from the WALGA template - definition of 'vectors of disease'

The Committee understands that the following definition of 'vectors of disease' was included in the Local Law at the suggestion of the Department of Local Government and Communities:

'vectors of disease' includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government.

The definition is not included in the WALGA template waste local law. It is relevant to clause 3.1(c)(i) of the Local Law, which provides:

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

(c) take all reasonable steps to—

(i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;

In the Committee's view this definition is problematic as it is limited to insects (so does not cover, for example, rats) and only those insects listed or prescribed by the Town. In the Committee's view the definition unnecessarily limits clause 3.1(c)(i) of the WALGA template and is unworkable.

The definition is accordingly not within power and contravenes Committee term of reference 10.6(a), which provides that the Committee is to consider whether and instrument 'is within power'.

Deviation from the WALGA template – Objection and appeal rights

The Instrument fails to include that part of the WALGA template waste local law titled: *Objection and Appeal Rights* (replicated below).

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

(a) an approval under clause 2.7(b)¹;

(b) an exemption under clause 2.8(2)²;

(c) an approval under clause 2.10(1)³;

(d) an authorisation under clause 3.2(1)(c)⁴;

(e) an approval under clause 3.2(2)⁵; and

(f) an approval under clause 3.3.

Committee Term of Reference 10.6(c) states that in its consideration of an Instrument, the Committee is to inquire whether the instrument:

provides an effective mechanism for the review of administrative decisions.

¹ 'take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is —within 1 metre of the carriageway.....etc'

² 'The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this (exemption) clause'.

³ 'Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—(a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and (b) must otherwise comply with those terms and conditions.'

⁴ 'A person must not remove any waste from premises unless that person is—(c) authorised in writing to do so by the local government or an authorised person.'

⁵ 'A person must not remove any waste from a receptacle without the approval of —(a) the local government or an authorised person; or (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.'

Although Part 9, Division 1 applies to any decision made by a local government, the Committee has historically, preferred that appeal rights be expressly provided for in the body of a local law. By including it in this Instrument there will be an 'effective', highly visible mechanism for review of an administrative decision rather than an implicit review.

The Explanatory Memorandum does not explain the absence of this important clause but the Committee became aware of its omission in WALGA's Waste Local Law template in November 2016. The Committee advised WALGA accordingly but unfortunately too late for the Town (and a number of other local governments) that had downloaded WALGA's incorrect version at the time of making the Local Law. The Committee has advised other local governments that this is a matter between the relevant local government and WALGA.

I advise that the Committee was extensively involved with inquiring into WALGA's (then) proposed Waste Local Law template in September 2014 under its Term of Reference 10.7(a). Clause 5.1 was an important element in drafting what later became WALGA's Waste Local Law finalised template. Given the Committee's extensive participation in developing excellence in the template, it would be inappropriate for clause 5.1 to remain omitted until the Shire's Local Law is next reviewed (which may not occur for another eight years.)

In order to rectify these issues, the Committee requests that the Council of the Town of East Fremantle provide written undertakings to the Committee that the Town will:

- Within 6 months, amend the local law to delete the definition of 'vectors of disease' and include an express 'Objection and appeal rights' clause consistent with the WALGA template waste local law.
- Make all necessary consequential amendments.
- Not enforce the local law in a manner contrary to the undertaking given.
- Provide a copy of the minutes of the meeting at which the Town of East Fremantle Council resolved to provide the undertaking.
- Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

The Committee requests that the undertakings be provided, **by letter signed by you as Mayor**, by Friday 22 September 2017.

Notice of Motion to Disallow

I advise that the Committee resolved to give a Notice of Motion in the Legislative Council to disallow the Local Law. However, the giving of the Notice should not be taken to indicate

that the Committee has resolved to recommend disallowance of the Local Law at this stage. The giving of a Notice allows both the Town and the Committee additional time to deal with and respond to the issues.

Notwithstanding the privileged nature of this letter, the Committee has no objection to you discussing its contents with the Department of Local Government and Communities, WALGA or the Shire's legal advisers.

If you have any questions about this matter, please contact Mrs Kimberley Ould, Advisory Officer (Legal) on 9222 7456.

Yours sincerely

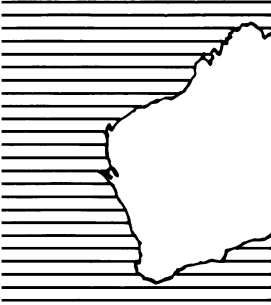


Ms Emily Hamilton MLA

Chair

Cc: Minister for Local Government

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WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

TOWN OF EAST FREMANTLE

WASTE LOCAL LAW 2017

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

TOWN OF EAST FREMANTLE

WASTE LOCAL LAW 2017

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of East Fremantle resolved on 21 March 2017 to make the following local law.

PART 1—PRELIMINARY

1.1 Short title

This is the *Town of East Fremantle Waste Local Law 2017*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed—

- (1) The *Municipality of East Fremantle By-law Relating to Clearing of Rubbish, Inflammable Matter and Other Substances on Land*, published in the *Government Gazette* on 2 April 1958; and
- (2) The *Town of East Fremantle By-laws Relating to Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials* published in the *Government Gazette* on 4 January 1985 and as amended in the *Government Gazette* on 2 April 1993.

1.5 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means the Town of East Fremantle;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

penalty unit means the amount prescribed by the local government as a standard penalty unit in the *Town of East Fremantle Penalty Units Local Law 2016*;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

waste has the same meaning as in the WARR Act;

waste service has the same meaning as in the WARR Act; and

vectors of disease includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (1) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (2) the determination becomes effective only after local public notice has been given;
- (3) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (1);
- (4) after the period referred to in paragraph (3), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (5) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of waste services is dealt with in section 50 of the WARR Act.

PART 2—LOCAL GOVERNMENT WASTE**2.1 Supply of receptacles**

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) The owner of premises to which subclause (1) applies must take all reasonable steps to—
- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

- An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—
- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
 - (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of recycling waste; or
 - (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises—
- (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.6 Duties of owner or occupier

- An owner or occupier of premises must—
- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
 - (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle—
 - (i) is within 1 metre of the carriageway;
 - (ii) does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) is facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
 - (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
 - (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.7 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.6(a) or (b).

- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
- (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
- (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.7(4)(a).

2.8 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) remove a receptacle from any premises to which it was delivered by the local government or its contractor except as permitted by this local law or as authorised by the local government or an authorised person.

2.9 Verge collections

(1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—

- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
- (b) must otherwise comply with those terms and conditions.

(2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.

(3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.

(4) Clause 2.9(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3—GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take all reasonable steps to ensure that an adequate number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) take all reasonable steps to ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law or a permit.

3.2 Removal of waste from premises

(1) A person must not remove any waste from premises unless that person is—

- (a) the owner or occupier of the premises;
- (b) authorised to do so by the owner or occupier of the premises; or
- (c) authorised in writing to do so by the local government or an authorised person.

(2) A person must not remove any waste from a receptacle without the approval of—

- (a) the local government or an authorised person; or
- (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

3.4 Waste control on building sites

(1) In this clause—

building work means—

- (a) building work for which a building permit is required under the *Building Act 2011*; and
- (b) demolition work for which a demolition permit is required under the *Building Act 2011*;

building work waste means all waste from building work that is capable of being windblown; and

receptacle means a receptacle the waste from which is collected and removed otherwise than by the local government or its contractor.

(2) A person must not allow, commence or continue any building work on premises unless, at all times while the building work is being undertaken—

- (a) there is located on the premises, as close as practicable to the building work a receptacle with a capacity of not less than 4 cubic metres, or as otherwise approved by the local government, suitable for the collection and disposal of building work waste;
- (b) building work waste is deposited and kept in the receptacle; and
- (c) the lid of the receptacle is kept closed except when waste is being deposited in the receptacle.

PART 4—ENFORCEMENT**4.1 Offences and general penalty**

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

4.2 Other costs and expenses

(1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 4.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—

- (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
- (b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

4.3 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

(3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

4.4 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Schedule 1**MEANING OF NON-COLLECTABLE WASTE**

(Clause 1.5)

non-collectable waste means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;

- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government under clause 1.6 to be non-collectable waste.

Schedule 2

PRESCRIBED OFFENCES

(Clause 4.3)

Item No.	Clause No.	Description	Penalty Unit
1	2.1(2)(a)	Failing to pay fee or charge	10
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	10
3	2.2(1)	Depositing non-collectable waste in a receptacle	10
4	2.2(2)	Depositing waste in another receptacle without consent	10
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	10
6	2.3(2)	Depositing unauthorised waste in a general waste receptacle when a recycling waste receptacle has been provided	10
7	2.3(3)	Depositing organic waste in a general waste receptacle when an organic waste receptacle has been provided	10
8	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	10
9	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	10
10	2.5(3)	Failing to comply with a direction concerning placement or removal of a receptacle	10
11	2.6(a)	Failing to keep a receptacle in the required location	10
12	2.6(b)	Failing to place a receptacle for collection in a lawful position	10
13	2.6(c)	Failing to provide an adequate number of receptacles	15
14	2.6(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	10
15	2.8(a)	Damaging, destroying or interfering with a receptacle	15
16	2.8(b)	Removing a receptacle from premises without permission or authorisation.	10
17	2.9(1)	Failing to comply with a term or condition of verge waste collection	10
18	2.9(2)	Removing waste for commercial purposes from a verge waste collection.	15
19	2.9(3)	Disassembling or tampering with waste deposited for collection	15
20	3.1(a)	Failing to provide an adequate number of receptacles	10
21	3.1(b)	Failing to keep a receptacle in a good condition and repair	10
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	15

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Item No.	Clause No.	Description	Penalty Unit
23	3.1(c)(ii)	Failing to prevent the emission of offensive or noxious odours from a receptacle	15
24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	15
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	15
26	3.2(1)	Unauthorised removal of waste from premises	10
27	3.2(2)	Removing waste from a receptacle without approval	10
28	3.4(2)(a)	Failing to have a suitable receptacle for building work waste	25
29	3.4(2)(b)	Failing to keep building work waste in a receptacle	15

Consented to—

 JASON BANKS, Chief Executive Officer,
 Department of Environmental Regulation.

Dated: 24 February 2017.

The Common Seal of the Town of East Fremantle was affixed by authority of a resolution of the Council in the presence of—

 JIM O'NEILL, Mayor.
 GARY TUFFIN, Chief Executive Officer.

Dated: 28 March 2017.

- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 16. NEW BUSINESS OF AN URGENT NATURE**
- 17. MATTERS BEHIND CLOSED DOORS**
- 18. CLOSURE**