



POLICY REGISTER

DOCUMENT CONTROL

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AMENDMENTS		
Document Version	Date of Amendment	Amendment details
2	20 August 2019	Amendments to: 2.1.9 Parking Infringement Appeal 2.1.10 Infringement Debt Management
3	17 September 2019	Amendments to: 1.2.2 CEO Leave Approval Deletion of “5 days executive leave” 1.2.5 Staff Education and Study Leave <ul style="list-style-type: none"> Amended eligibility for study assistance to “completion of 12 months service”. Inserted maximum of “up to \$2,500” for reimbursement of education fees. 2.1.3 Purchasing Inclusion of assessment criteria for purchases over \$20,001 and up to \$50,000 2.1.9 Parking Infringement Appeals <ul style="list-style-type: none"> Insertion of methods for lodging an appeal Leniency period increased from 10 to 15 mins for exceeding a time limit Failure to display a ticket (where proof of purchase is provided) to be included as a circumstance where infringement may be withdrawn. 2.1.10 Infringement Debt Management <ul style="list-style-type: none"> Removal of information duplicated in Policy 2.1.9 Slight amendment to management reporting requirements.
4	15 October 2019	Amendments to: 3.1.5 Community Design Advisory Committee <ul style="list-style-type: none"> Addition of points 5 and 6 under “Code of Conduct” heading Various minor grammatical errors 3.1.7 Wood Encouragement – Council <ul style="list-style-type: none"> Insertion of Local Government Act 1995 under Legislation 3.1.8 Wood Encouragement – General <ul style="list-style-type: none"> Insertion of Planning and Development Act 2005 & Planning and Development (Local Planning Schemes) Regulations 2015 under Legislation. 3.1.9 Percent for Public Art – Local Planning Policy <ul style="list-style-type: none"> Insertion of Planning and Development Act 2005 & Planning and Development (Local Planning Schemes) Regulations 2015 under Legislation. 4.1.2 Public Art Panel <ul style="list-style-type: none"> To allow for an increased number of members with resulting quorum adjustment.

		<p>Revocation of 3.1.6 Town Planning Advisory Panel Policy</p> <p>Adoption of new Policy 4.2.1 Maintenance & Removal of Public and Verge Trees</p>
5	19 November 2019	<p>Amendments to:</p> <p>Policy 2.1.3 Purchasing</p> <ul style="list-style-type: none"> • Replacing the word “obtain” for “request” (quotes) in threshold table for purchases over \$5,001 up to \$150,000 • Adding the section “Quotation Exemptions • Adding Executive Assistant Corporate Services with a purchasing authority to \$1,500 to the Procedures attachment <p>Policy 2.1.11 Community Grants & Sponsorship</p> <p>Increasing the Councillors membership on the Community Grants Committee to two</p>

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1. OFFICE OF THE CEO

1.1 ELECTED MEMBERS

1.1.1 Payment of Council Members Fees and Allowances

Type:	Office of CEO – Elected Members
Legislation:	Local Government Act 1995
Delegation:	N/A
Other Related Document:	

Objective

To clarify the payment method for disbursement of Council member fees and allowances.

Policy Scope

This policy relates to elected members.

Policy

Payments to Council members to be paid as a proportionate lump sum retrospectively in the month following the end of each month, with payments to Council members who resign or retire prior to the end of a month being paid on a pro-rata basis.

Newly elected members may seek reimbursement of ICT hardware setup costs as an advance to the ICT Allowance.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/12/97
Policy Amended/Reviewed:	18/3/08, 16/2/16, 17/9/19
Former Policy No:	4.2.2



1.1.2 ICT Support for Elected Members

Type:	Office of the CEO – Elected Members
Legislation:	Section 5.99A of the <i>Local Government Act 1995</i> Regulation 31 of the <i>Local Government (Administration) Regulations 1996</i>
Delegation:	
Other Related Document:	Policy 1.1.1 Payment of Council Member Fees

Objective

The purpose of this Policy is to:

- establish the protocols for providing Information Communication Technology (ICT) support for elected members to enable the provision of information to elected members in an electronic format;
- outline the expectation in relation to expenditure of elected members annual ICT Allowance.

Policy Scope

This policy applies to all elected members and supports the electronic transfer of documents and information to enable the Council to make informed decisions.

Policy

In accordance with section 5.99A of the *Local Government Act 1995* elected members are provided with an annual ICT allowance payable to them monthly during their term of office.

This allowance in part may be used to:

- purchase a digital tablet device, with sim card.
- pay for the monthly data plan for the device – the plan will be terminated on vacating the position.

The allowance may also be used for telecommunication expenses.

The Town will provide training to elected members to develop competencies in the use of the allocated digital tablet device.

The remaining balance of the ICT Allowance will be paid monthly to the elected member.

Any loss of, or damage to the device is the responsibility of the elected member.

All equipment purchased via the annual ICT Allowance remains the property of the elected member.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/6/16
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.1.5



1.1.3 Notice of Motions by Elected Members

Type:	Office of the CEO – Elected Members
Legislation:	Local Government Act 1995
Delegation:	N/A
Other Related Document:	

Objective

To stipulate the deadline for submission of notice of motions in the preparation of Council agendas.

Policy Scope

This policy relates to elected members seeking to propose a notice of motion.

Policy

That notices of motion for the next Council meeting be received seven clear days before the finalisation of the agenda.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/9/14
Policy Amended/Reviewed:	21/7/15, 17/9/19
Former Policy No:	4.1.3



1.1.4 Legal Advice

Type:	Office of the CEO – Elected Members
Legislation:	Local Government Act 1995
Delegation:	N/A
Other Related Document:	

Objective

This policy is intended to provide clarity regarding the release of legal advice to elected members.

Policy Scope

This policy relates to all legal advice received for Council business.

Policy

The obtaining of legal advice where considered appropriate is a function of the role of CEO to enable legal administration of the Council's business. Legal advice is to be made available to elected members where:

- legal advice is required to ensure that informed decisions can be made by elected members,
- legal advice is obtained regarding a litigation risk,
- Council has requested legal advice,
- legal advice relates to issues of governance.

All legal advice is confidential and is not to be circulated or divulged to a third party.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	17/11/15
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.1.4



1.1.5 Honorary Freeman of the Town of East Fremantle

Type:	Office of the CEO – Elected Members
Legislation:	N/A
Delegation:	N/A
Other Related Document:	Honorary Freeman of the Town of East Fremantle Procedure PRO/1.1.5

Objective

To recognise outstanding and meritorious service to the Town of East Fremantle

Policy Scope

This policy applies to all applications for the award of Honorary Freeman of the Town of East Fremantle.

Policy

The status of Honorary Freeman of the Town is the Town of East Fremantle's highest award.

Nominations for Freeman of the Town are to comply with Council's Honorary Freeman of the Town procedures.

An Honorary Freeman of the Town is to be invited to all civic functions of the Town.

An Honorary Freeman of the Town is to receive a special badge which identifies him/her as Freeman of the Town.

Nominations are to be made in the strictest confidence without the knowledge of the nominee and Council is to consider the matter behind closed doors. No record of the nominee's name is to be recorded in the Council or Committee minutes whether supported or not by Council.

Attachment

Freeman of the Town Procedure & Application Form

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	19/8/14
Policy Amended/Reviewed:	21/7/15, 17/9/19
Former Policy No:	1.1.1

HONORARY FREEMAN OF THE TOWN OF EAST FREMANTLE PROCEDURE (PRO1.1.5)

Objective

The objective of this procedure is to provide guidelines for determining any nomination for Freeman of the Town.

Procedure

Nominations are to be lodged on the attached form with the Chief Executive Officer detailing the reasons why the person is worthy of the award and is to be signed by at least six members of the Council.

The Chief Executive Officer is to consider nominations for the granting of the status of Honorary Freeman of the Town and make a recommendation to Council on the merit of the nomination.

The decision to make the award is to be supported by a Special Majority of the Council (75%).

Nomination - Honorary Freeman

Name of Person Nominated for consideration:

Please complete in detail:

1.	Length of service in a field (or fields) of activity:
2.	Level of commitment to the field (or fields) of activity
3.	Personal leadership qualities

4.	any benefits to the community of the Town of East Fremantle and include more broadly, to the state of Western Australia or to the nation resulting from the nominee's work
5.	Special achievements of the nominee.

Signed (Elected Members)



1.1.6 Elected Member Communication

Type:	Office of the CEO – Elected Members
Legislation:	Local Government (Rules of Conduct) Regulations 2007 State Records Act 2000 - SRC Standard 8 – Managing Digital Information State Records Office Guideline – Management of Digital Records
Delegation:	
Other Related Document:	Code of Conduct Policy 1.2.1

Objective

To establish protocols for the Town of East Fremantle official communications with our community to ensure the Town is professionally and accurately represented, to maximise a positive public perception and response to the Town.

Policy Scope

This policy applies to:

1. communications initiated or responded to by the Town of East Fremantle with our community; and
2. elected members when making comment in either their Town role or in a personal capacity.

Policy Statement

1. Official Communications

The purposes of Town's official communications include:

- sharing information required by law to be publicly available.
- sharing information that is of interest and benefit to the Community.
- promoting the Town of East Fremantle events and services.
- promoting Public Notices and community consultation / engagement opportunities.
- answering questions and responding to requests for information relevant to the role of the Town.
- receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Town of East Fremantle's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Town of East Fremantle will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- website;
 - advertising and promotional materials;
-

- media releases prepared for the Mayor, to promote specific Town of East Fremantle positions;
- social media; and
- community newsletters, letter drops and other modes of communications undertaken by the Town's Administration at the discretion of the CEO.

2. Speaking on behalf of the Town of East Fremantle

The Mayor is the official spokesperson for the Town and may represent the Town of East Fremantle and may represent the Town in official communications, including; speeches, comment, print, electronic and social media. [s.2.8(1)(d) of the *Local Government Act 1995*]

Where the Mayor is unavailable, the Deputy Mayor may act as the spokesperson.
[s.2.9 and s.5.34 of the *Local Government Act 1995*]

The CEO may speak on behalf of the Town, where authorised to do so by the Mayor.
[s.5.41(f) of the *Local Government Act 1995*]

The provisions of the *Local Government Act 1995* essentially direct that only the Mayor, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Mayor to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Mayor has had opportunity to speak on behalf of the Town.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Town into disrepute;
- compromise the person's effectiveness in their role with the Town;
- imply the Town's endorsement of personal views;
- imply the Elected Member is speaking on behalf of the Town, unless authorised to do so; or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Town.

Elected member communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

3. Responding to Media Enquiries, Developing Media Statements, Press Releases

All enquiries from the Media for an official Town of East Fremantle comment, whether made to an individual Elected Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Mayor or CEO (where authorised) to make an official response on behalf of the Town.

Elected Members may make comments to the media in a personal capacity – refer to clause 7.1 below.

4. Website

The Town of East Fremantle will maintain an official website, as our community's on-line resource to access to the Town's official communications.

5. Social Media

The Town of East Fremantle uses Social Media to facilitate interactive information sharing and to provide responsive feedback to our community. Social Media will not however, be used by the Town

to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Town of East Fremantle currently maintains the following Social Media accounts:

- Facebook

The Town of East Fremantle may also post and contribute to Social Media hosted by others, so as to ensure that the Town's strategic objectives are appropriately represented and promoted.

The Town of East Fremantle actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Town will moderate its Social Media accounts to address and where necessary delete content deemed to be:

- offensive, abusive, defamatory, inaccurate, false or misleading;
- promotional, soliciting or commercial in nature;
- unlawful or incites others to break the law;
- information which may compromise individual or community safety or security;
- repetitive material copied and pasted or duplicated;
- content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- content that violates intellectual property rights or the legal ownership of interests or another party; and
- any other inappropriate content or comments at the discretion of the Town of East Fremantle.

Where a third party contributor to the Town's social media account is identified as posting content which is deleted in accordance with the above, the Town may at its complete discretion block that contributor for a specific period of time or permanently.

Social Media is not an official forum for providing detailed responses to comments posted on the Town of East Fremantle social media platforms and where appropriate the Town's facebook administrator may use the following statement if a comment or query comes from a member of the public via social media:

"Hi <<name>>, thank you for connecting with us on Facebook. We are unable to action requests via Social Media - please email your message to admin@eastfremantle.wa.gov.au. Thank you for your kind attention. "

5.1 Use of Social Media in Emergency Management and Response

The Town will use the following Social Media accounts to communicate and advise our community regarding Emergency Management:

- Facebook
- Website

6. Record Keeping and Freedom of Information

Official communications undertaken on behalf of the Town of East Fremantle, including on the Town's Social Media accounts and third party social media accounts must be created and retained as local government records in accordance with the Town's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

Elected Member communications that relate to their role as an Elected Member are subject to the requirements of the Town's Record Keeping Plan and the *State Records Act 2000*. Elected Members are responsible for transferring these records to the Town's administration. Elected Member records are also subject to the *Freedom of Information Act 1992*.

7. Personal Communications

Personal communications and statements made privately; in conversation, written, recorded emailed, texted or posted in personal social media, have the potential to be made public, whether intended or not.

On the basis that personal or private communications may be shared or become public at some point in the future, Elected Members should ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

7.1 Elected Member Statements on Town Matters

An Elected Member may choose to make a personal statement publicly on a matter related to the business of the Town of East Fremantle.

Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Town of East Fremantle.
- be made with reasonable care and diligence;
- be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
- be factually correct;
- avoid damage to the reputation of the local government;
- not reflect adversely on a decision of the Council;
- not reflect adversely on the character or actions of another Elected Member or Employee;
- maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, Employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a minor breach of the *Local Government Act 1995* and may be referred for investigation.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	20/11/18
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.4.4



1.2 HUMAN RESOURCES

1.2.1 Code of Conduct for Council Members, Committee Members and Staff

Type:	Office of the CEO – Human Resources
Legislation:	LGA 1995 s5.103 Codes of Conduct Local Government (Administration) Regs 1996 Reg 34B & C
Delegation:	N/A
Other Related Document:	Local Government (Rules of Conduct) Regulations 2007

Objective

This policy provides Council Members and staff with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in local government

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:-

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

Policy Scope

This policy affects elected members, staff and other members of a Council committee.

Policy

1. Roles

1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in s2.10 of the Local Government Act 1995 follows:

"A Councillor —

- (a) Represents the interests of electors, ratepayers and residents of the district;*
- (b) provides leadership and guidance to the community in the district;*
- (c) facilitates communication between the community and the council;*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*

- (e) *performs such other functions as are given to a Councillor by this Act or any other written law.*"

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 *Role of Staff*

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995 : -

"The CEO's functions are to —

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) *cause council decisions to be implemented;*
- (d) *manage the day to day operations of the local government;*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) *speak on behalf of the local government if the mayor or president agrees;*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."*

1.3 *Role of Council*

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

"(1) The council —

- (a) *directs and controls the local government's affairs; and*
 - (b) *Is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
- (a) *oversee the allocation of the local government's finances and resources; and*
-

(b) determine the local government's policies."

1.4 Relationships between Council Members and Staff

An effective Councillor works as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork only occurs if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members are required to observe their statutory obligations which include, but are not limited to, the following :

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

2. Conflict and Disclosure of Interest

2.1 Conflict of Interest

- (a) Council Members, Committee Members and staff are required to ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff may not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties are to be scrupulously avoided.
- (c) Council Members, Committee Members and staff are to lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function are required to make disclosure before dealing with relatives or close friends and are required to disqualify themselves from dealing with those persons.
- (e) Staff are required to refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and staff are to adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition:

In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -

"interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- (a) A person who is a Council member or employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- (b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- (c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- (d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if-
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is a Council member or employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then
 - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
 - (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

3. Personal Benefit

3.1 Use of Confidential Information

Council Members, Committee Members and staff are not to use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment is assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and staff are not to take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts

Definitions:

In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 –

“activity involving a local government discretion” means an activity –

- (a) *that cannot be undertaken without an authorisation from the local government; or*
- (b) *by way of a commercial dealing with the local government.*

“gift” has the meaning given to that term in s5.82(4) except that it does not include –

- (a) *a gift from a relative as defined in s5.74(1); or*
- (b) *a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- (c) *a gift from a statutory authority, government instrumentality or non-profit association for professional training.*

“notifiable gift”, in relation to a person who is a Council member or employee, means –

- (a) *a gift worth between \$50 and \$300; or*
- (b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

“prohibited gift”, in relation to a person who is a Council member or employee, means –

- (a) *a gift worth \$300 or more; or*
- (b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*

- (a) A person who is a Council member or employee is to refrain from accepting a prohibited gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
 - (b) A person who is a Council member or employee and who accepts a notifiable gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
 - (c) The notification of the acceptance of a notifiable gift is to be in writing and include
 - (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
-

- (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,

of each other gift accepted within the 6 month period.
- (d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- (e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- (f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. Conduct of Council Members, Committee Members and Staff

4.1 Personal Behaviour

- (a) Council Members, Committee Members and staff are required to:
 - (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Council Members are required to represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff are required to:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

- (a) While on duty, staff are required to give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
 - (b) Council Members and Committee Members are required at all times to exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members are required to be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.
-

4.4 Compliance with Lawful Orders

- (a) Council Members, Committee Members and staff are required to comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Council Members, Committee Members and staff are required to give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and staff are required to ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

(a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (i) Council Members and Committee Members are required to dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

(b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (ii) Only the Mayor or CEO is authorised to speak to the media on behalf of the Town of East Fremantle. The Mayor or CEO may appoint a spokesperson to speak on their behalf, where it is deemed to be appropriate.
- (iii) As a representative of the community, Council Members are required to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
 - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
 - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (iv) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

5. Dealing with Council Property

5.1 Use of Local Government Resources

Council Members and staff are required to:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 *Travelling and Sustenance Expenses*

Council Members, Committee Members and staff are required to only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

5.3 *Access to Information*

- (a) Staff are required to ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- (b) Council Members are required to ensure that information provided is to be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	24/9/96
Policy Amended/Reviewed:	27/4/98, 17/8/99, 21/8/01 15/9/15 & 20/10/15, 17/9/19
Former Policy No:	4.1.2



1.2.2 CEO Leave Approval

Type:	Office of the CEO – Human Resources
Legislation:	Local Government Act 1995
Delegation:	DA1 Acting Chief Executive Officer
Other Related Document:	Employment Contract

Objective

This policy is intended to provide guidance to the Chief Executive Officer about the taking of leave and the recording leave transactions.

Policy Scope

This policy will affect the Chief Executive Officer.

Policy

Leave Applications

The Chief Executive Officer shall liaise with, and obtain the approval of the Mayor prior to the taking of any form of leave accrued in accordance with the Chief Executive Officer's contract of employment.

The Chief Executive Officer shall provide an appropriate leave form for the Mayor's signature to substantiate the leave transactions recorded on the payroll system.

Councillors will be advised when leave has been approved and the arrangements for an Acting Chief Executive Officer.

Leave Accruals

Leave shall be taken regularly to promote wellbeing and to avoid leave balances accruing to excessive levels.

The Chief Executive Officer shall not accrue, without Council approval, more than 10 weeks annual leave.

Long service leave must be taken within three years of the leave becoming due unless Council approves otherwise.

Council will be advised of the leave balances annually after the anniversary of the contract of employment in conjunction with the CEO's annual performance review.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	18/08/15
Policy Amended/Reviewed:	17/09/19
Former Policy No:	4.1.1



1.2.3 Staff Recruitment and Retention

Type:	Office of the CEO – Human Resources
Legislation:	
Delegation:	
Other Related Document:	

Objective

To establish attraction and retention strategies to ensure the Town is an ‘Employer of Choice’.

Policy Scope

This Policy will affect all employees with the Town.

Policy

All employees are expected to work within the Town of East Fremantle’s values, Code of Conduct, policies and procedures and display the following behaviours:

Honesty and integrity: treat others with respect, fairness, consistency, courtesy and honesty.

Delivery of service: provide a high level of customer service. Strive to learn. Actively seek and evaluate new ways of doing things. Lead by example.

Teamwork and commitment: work as a team and assist each other for the betterment of the Town, its residents and visitors.

Caring and empathy: be considerate of other and believe in their ability. Encourage and acknowledge effort and initiative.

The Town offers a varied range of benefits to its employees including:

- Training and Professional Development opportunities. Individual Training and Professional Development Plans established and reviewed annually.
- Eighteen (18) weeks paid parental leave if the employee is the primary care giver (in accordance with the Federal Governments Parental Leave Pay)
- Flexible working hours / one RDO per fortnight or month.
- Generous superannuation scheme (the Town contributes up to 14.5%).
- Salary Sacrifice for additional superannuation contributions.
- Taking of annual leave in single day periods at a time or times agreed with supervisor / manager.
- Service recognition.
- Free Employee Assistance Program (free counselling whether it is work related or personal – available to immediate family members also).
- Smoke free workplace.
- Promotion of health and wellbeing including:
 - Free annual flu vaccinations
 - Skin screenings (undertaken approximately every two years).

- Uniform subsidy.
- Unlimited tea and coffee supplies.
- Free car parking.

Safe working environment

The Town is committed to achieving best practice in occupational safety and health by building a safety culture dedicated to minimising risk and preventing injuries and ill health to employees, contractors and the general public by ensuring all can operate in a safe and healthy environment whilst at their workplace.

The Town has adopted an Occupational Safety and Health policy and associated procedures and has established an Occupational Safety and Health Committee.

Equal Opportunity

The Town of East Fremantle is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

The Town has adopted an Equal Opportunity Policy and there are Work Place Behaviour procedures in place to ensure:

- Our workplace is accountable and free from harassment.
- Our workplace is free from unlawful discrimination.
- Fair practice in the workplace.
- Management decisions are made without bias.
- Recognition of and respect for the social and cultural backgrounds of all staff, Members and customers.
- Improving productivity by ensuring:-
 - The best person is recruited and / or promoted
 - Skilled staff are retained
 - Training and development are linked to employee and the Town's needs.
 - Striving to ensure fair outcomes in areas of employment, including:
 - Recruitment
 - Training and development
 - Promotion and transfer
 - Supervision and management of employees
 - Access to information
 - Conditions of employment
 - Access to Employee Assistance Program.

Training and Professional Development

The Town of East Fremantle recognises that continuing focus on the career development of its employees is a beneficial strategy in retaining staff and developing each employee's potential.

The Town supports the development and use of structured career path plans and will provide all employees with the opportunity to participate in training and development programs at the Town of East Fremantle's expense where training / development complements the Town's goals and strategies and is consistent with the skills identified during the performance appraisal process.

Education, being general, tertiary and professional skills and qualifications is the responsibility of the individual employee, but the Town may support employees who endeavour to further their

education (if it relates to their position), through the provision of a financial subsidy and / or time off for study which will be identified and included in the employees Training Plan by the employee's Manager and approved by the Chief Executive Officer.

Recognition of Service

The Town recognises the importance of rewarding staff for their commitment to the Town:

Staff attaining ten years of service: Presentation of a certificate and a gift voucher or equivalent to the value of two hundred dollars (\$200).

Staff attaining twenty years of service: The Town will acknowledge the contribution of employees who have completed twenty years of service with the Town by presenting a suitably engraved plaque at a function to be held at the employee's workplace and a gift voucher or equivalent to the value of five hundred dollars (\$500).

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Human Resources Coordinator
Decision making Authority:	Council
Policy Adopted:	21/3/17
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.2.5



2.2.4 Gratuity Payment

Type:	Office of the CEO – Human Resources
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996
Delegation:	DA74 Authority to make Gratuity Payments to Departing Staff
Other Related Document:	Nil

Policy Statement

The Policy, which is **discretionary**, allows the CEO and Council to make a payment to recognise the loyal and dedicated service of employees to the Town of East Fremantle.

When an employee leaves their employment or is made redundant, they may be given a good or service as a token of appreciation for their commitment and service to the Town of East Fremantle.

Policy Scope

This Gratuity Policy outlines the circumstances in which gratuity payments may be made to an employee. This policy should be read in conjunction with section 5.50 of the *Local Government Act 1995* and *Local Government Administration Regulations 1996*, specifically regulation 19a. A gratuity payment is paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy does not form a contractual entitlement for any employee of the Local Government.

Policy

Commitment

The Town of East Fremantle is committed to recognising long serving employees within the parameters set by the *Local Government Act 1995* and the associated regulations.

Eligibility for Gratuity Payments

An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

An employee who has been dismissed by the Town of East Fremantle for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy.

Council delegates, in the case of any payment up to the value of **\$1,000**, to the Chief Executive Officer, following consultation with the Mayor. Any payment over the value of **\$1,000**, will require the express approval of Council.

Prescribed Amounts for Gratuity Payments

Number of Years' Service	Amount of Gratuity
Continuous service 0 years and up to 10 years	A Statement of Service and a gift, or contribution towards a gift, up to the value of \$0
CEO discretion	
5 to a maximum of 10 Years Continuous Service	\$100 per year for every completed year over 5 years of continuous service up to a maximum of \$500
10 to a maximum of 20 Years Continuous Service	<p>\$100 per year for every year over 10 years of continuous service up to a maximum of \$1,000</p> <p>Items are to be presented to the employee by the Mayor or nominated representative, at a function to be determined by the Chief Executive Officer.</p>
Council discretion	
20 Years Continuous Service and above	<p><i>\$150 per year of continuous service up to a maximum of \$5,000</i></p> <p><i>A report is to be presented to Council for approval prior to payment.</i></p> <p><i>Items are to be presented to the employee by the Mayor or nominated representative, at a function to be determined by the Chief Executive Officer.</i></p>

In deciding if a gratuity will be granted, the CEO or Council will take into consideration the service record of the employee. Particular attention will be paid to the employee's attitude (loyalty & dedication) towards Council's objectives and the willingness to contribute over their term of employment.

The Town of East Fremantle acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by, legislation or a relevant industrial instrument. The Town of East Fremantle has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.

Determining Service

For the purpose of this policy, continuous service shall be deemed to include:

- any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

For the purpose of this policy, continuous service shall not include:

- any period of unauthorised absence from duty unless Town of East Fremantle determines otherwise;
-

- any period of unpaid leave unless the Town of East Fremantle determines otherwise; or
- any period of absence from duty on parental leave unless the Town of East Fremantle determines otherwise.

Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Town of East Fremantle in relation to any claims or liabilities for taxation in relation to the gratuity payment.

Payments in addition to this Policy

The Town of East Fremantle agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Town of East Fremantle has caused local public notification to be given in relation to the variation.

Financial Implications

- The Town acknowledges that at the time the policy was introduced, the financial implications to the Town were understood and that these financial implications had been investigated based on the workforce position current at that time.
- The Town will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

Consequences of Breaching this Policy

The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.

Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	CEO
Decision making Authority:	Council
Policy Adopted:	19/06/18
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.2.8

1.2.5 Staff Education and Study Leave

Type:	Office of the CEO – Human Resources
Legislation:	
Delegation:	N/A
Other Related Document:	

Objective

The Town of East Fremantle (The Town) is committed to their employee's academic and personal development in order to maintain knowledgeable, efficient workforce as well as assisting with staff retention.

This policy provides guidance in administering an employee's request for further education and specifies what the Town will reimburse employees for expenses incurred as well as leave allocation while undertaking approved courses of study, as part of their career planning.

Policy

Study assistance relates to any qualification gained through University/TAFE/College which has a national recognisable attainment. Any approved course of study offered by a recognised institution or organisation, eg Australian Institute of Management (AIM), and Western Australian Local Government Association (WALGA).

Permanent employees who have completed 12 months service may be eligible for study assistance subject to the conditions of this Policy.

Approval may be granted only where there is clear relevance between current or prospective duties and the studies to be undertaken, subject to CEO approval.

The Chief Executive Officer is authorised to approve Study Assistance based on advice from the relevant Manager/Executive Manager.

Applications from the CEO for recognised study programmes will be authorised by the Mayor & Deputy Mayor.

All requests for assistance from the Town should be made and approved within a financial year and not be carried into a second financial year.

Authorisation prior to commencement of the program is required, in order that the contents of the program can be assessed to ascertain the relevance to current (or prospective) work duties and responsibilities.

The Town will allocate in the Annual Budget a sum to assist with the costs associated with employee study assistance.

Financial Assistance

The Town will consider reimbursement up to \$2,500 in any year for education through a recognised provider (i.e. TAFE or University), upon payment receipt and statement of results confirming the course/ unit has been successfully completed to the satisfaction of the Chief Executive Officer.

When it is financially advantageous to do so, or at the discretion of the CEO, the Town will consider paying the fees incurred upfront providing a Deed of Agreement is entered into with the employee. The Deed of Agreement will include the following items:

- (a) The Town may pay in advance for an employee who wishes to pay their fees up front in order to receive the discount offered by their respective Educational Institution.
- (b) Employees who receive this assistance from the Town will be required to pay back 100% of the Town's contribution should they leave the Town's employment within 12 months service following the completion of each unit of study.
- (c) Should an employee leave the Town part way through completion of a unit(s) of study, the employee will be required to pay back the entirety of the Town's contribution made available to the employee for that unit of study.
- (d) If necessary the Town will deduct 100% of the contribution from an employee's termination pay, if they leave prior to 12 months service following the completion of each unit of study, and 100% for any incomplete unit of study. Any payments made by the Town for incomplete units of study will be recovered in full from the employee.
- (e) If the course/unit is not completed, or not successfully passed, a determination will be made by the Chief Executive Officer as to whether the funds will need to be refunded to the Town.

The Town will not make any contribution towards the books, parking, campus fines, memberships, guild fees, travel costs or other costs associated with the course of study undertaken (ie no mileage will be paid).

The need for an employee to repeat a unit/course shall be deemed to be unsatisfactory performance and the employee will not receive further assistance from the Town in relation to that particular unit/course.

Time off for Study

The Town will consider up to five (5) hours per week, subject to operational needs, paid time off for employees who wish to gain higher education through a recognised provider (ie University or TAFE). For part-time employees the time off will be on a pro-rata basis.

- For time off to study to be approved, employees must satisfy the Town that all endeavours have been made to study outside working hours, eg evening classes, correspondence, etc, and that rostered days off are being utilised (this may include a change to the rostered day off in order to accommodate study hours).
- The five (5) hours per week shall include travel time to and from the place of study.
- Reasonable time for examinations will be considered.
- A study assistance application form must be completed and approved prior to time off for study being commenced.

Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	18/9/2018
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.2.10



1.2.6 Employee Use of Council Equipment

Type:	Office of the CEO – Human Resources
Legislation:	
Delegation:	
Other Related Document:	

Objective

This policy is intended to advise staff of Council's position on the private use of Council equipment.

Policy Scope

This policy will affect all staff.

Policy

There is to be no private use of the Town's equipment by employees in any circumstances, eg by employees in lieu of unpaid overtime.

All Town equipment should be marked to clearly identify it as belonging to the Town.

Any "private works" should be recorded in detail and those records archived and kept as official Council records.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	17/02/1998
Policy Amended/Reviewed:	18/03/2008, 17/9/19
Former Policy No:	F8.3



1.3 COMMUNICATIONS & COMMUNITY ENGAGEMENT

1.3.1 Social Media

Type:	Office of the CEO – Communications & Community Engagement
Legislation:	
Delegation:	
Other Related Document:	Code of Conduct Policy (1.2.1); Workplace Behaviours

Objective

To provide protocols for using social media to undertake official business and guidelines for employees in their personal use of social media.

For the purpose of this Policy 'employees' denotes employees, volunteers, contractors and if applicable Elected Members.

Policy Scope

The Social Media Policy outlines protocols for using social media to undertake official Town of East Fremantle Business and provides guidance for employees in their personal use of social media.

This policy aims to inform employees how to use social media appropriately and has been developed to assist employees to use social media so they can participate in the use of social media while being mindful of their responsibilities.

The Social Media Policy applies to all Town of East Fremantle employees volunteers and managers should ensure their staff and volunteers are aware and understand this policy.

Reference should also be made to the Town of East Fremantle's Code of Conduct.

Policy

This Policy applies to the official use of social media, where employees have been authorised by the Chief Executive Officer to use social media as a communication tool, to engage the community or to distribute content on behalf of the Town.

This includes posting to the Town's official social media account/s (eg Facebook) and participating as a representative on a third-party site (eg news comment, online forum).

This policy also provides guidance to employees in their personal use of social media. Employees are reminded of their responsibilities under the Town of East Fremantle's Code of Conduct and other policies, procedures and processes.

Official use of social media

The same high standards of conduct and behaviour expected of the Town staff also applies when participating online through social media. Online participation should reflect and uphold the values, integrity and reputation of the Town of East Fremantle.

Officers managing the Town of East Fremantle social media account/s are responsible for engaging online with the general public and other stakeholders in an official capacity.

Statements / comments made from the Town's social media account/s must not:

- endorse or make judgements about specific individuals, groups, businesses, services or agencies.
- discuss circumstances surrounding the Town's specific relationship with individuals, groups, businesses, services or agencies.
- make personal judgements about any matter pertaining to the Town of East Fremantle, including decisions of Council, management, staff, policy, procedure or process.
- engage in any on-line discussion involving specific individual circumstances or personal details. If this occurs the employee should direct the person/s involved to an alternative medium (eg email, telephone, letter) as appropriate.

Principles for official use of social media

All employees who are authorised to use or manage social media as an official communication tool need to be familiar with and apply the following principles:

- The Town's official social media account/s must be administered by an authorised officer/s.
 - Before commencing a social media project it must be approved by the executive manager of the relevant department and the Chief Executive Officer.
 - Always use authorised Town of East Fremantle contact details, not personal details, when posting to or responding from social media accounts.
 - Maintain confidentiality and only post publicly available information. Under no circumstances should official or confidential information be disclosed.
 - Do not make commitments or engage in activities on behalf of the Town unless you are authorised by the Chief Executive Officer to do so.
 - Protect your own privacy and personal information and do not disclose private details of other employees. Do not disclose details of private conversations unless you have obtained explicit consent from all relevant parties.
 - Avoid statements that advocate or criticise decisions, policies, procedures and processes of the Town.
 - Always be courteous, polite and respectful. Be sensitive to diversity and avoid arguments or making personal attacks. Do not post obscene, defamatory, threatening, harassing, discriminatory or hateful content.
 - Make sure the information you publish is correct as people may make decisions based on the information you post.
 - Respect copyright.
 - Keep records of all posts you make in an official capacity as set out in the Town's Record Keeping Procedures and Record Keeping Plan.
 - Review content before you post it and have another employee review the content before posting it.
-

Personal use of social media

Town of East Fremantle employees should be aware that content published on social media is, or may become, publicly available even from personal social media accounts.

Employees must ensure they:

- are mindful that their behaviour at all times is bound by the Town's Code of Conduct, even outside work hours and when material is posted using an alias or pseudonym.
- make clear that any views expressed are their own and not those of the Town of East Fremantle.
- do not use a work email address to register personal social media accounts.
- do not make comments that are obscene, defamatory, threatening, harassing, discriminatory or hateful to or about, work, colleagues or peers, Elected Members or the Town of East Fremantle.
- do not to publish, post or release any information that is considered confidential, private or not public, including confidential information in regards to the Town of East Fremantle, personal information of employees, Elected Members and other individuals associated with the Town of East Fremantle.
- do not post comments or images that are or could be perceived to be:
 - made on behalf of the Town of East Fremantle.
 - compromising the capacity to fulfil duties as an employee of the Town in an impartial and unbiased manner (this applies particularly where comment is made about a decision of Council, management, staff, policy, procedure or process).
 - unreasonable criticism about an individual, community group, or other stakeholders.
 - compromising public confidence in the Town.
- remember the Internet is not anonymous and everything written on the Web can be traced back to its author one way or another.
- do not return fire, if a negative post or comment is found online about the Town of East Fremantle or one of its representative, do not counter with another negative post.

As a local government employee, there is no clear line between your work life and your personal life. Always be honest and respectful in both capacities.

Employees should be aware that the Town may observe content and information made available by employees through social media.

As comments made by staff on their personal Facebook account may not be considered private, employees should use their best judgement, when posting material, that it is neither inappropriate nor harmful to the Town of East Fremantle, its members of council, employees or residents.

It should also be noted that comments / postings made by staff on their personal Facebook Account pertaining to the Town that are or could be perceived to be in breach of the Town of East Fremantle Code of Conduct or any other Town policy, procedure or process will be dealt with seriously and this may impact on the employee's employment with the Town.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Human Resources Coordinator
Decision making Authority:	
Policy Adopted:	21/3/17
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.4.1



2. CORPORATE SERVICES

2.1 FINANCIAL MANAGEMENT

2.1.1 Disposal of Surplus Property

Type:	Corporate Services – Financial Management
Legislation:	LGA 1995 s3.39 Power to remove and impound, s3.47 Disposal of confiscated or uncollected goods, s3.58(2),(3) & (5) Disposing of property
Delegation:	DA63 Disposing of Property, Confiscated or Uncollected Goods
Other Related Document:	

Objective

To provide public transparency and guidance to officers in the disposal of minor surplus goods, plant and equipment or confiscated or uncollected goods to achieve the best possible price.

Policy Scope

This policy will affect the Chief Executive Officer exercising delegated authority in the disposal of surplus plant and equipment or confiscated goods.

Policy Classifications

Surplus

The property has served its useful life and no longer provides a productive capacity.

Confiscated

Disposal or sale of goods that have been:

- ordered to be confiscated under Section 3.43
- impounded and have not been collected within the periods shown in LGA s3.47(2b).

Policy

The Chief Executive Officer acting under delegated authority may dispose of goods, plant and equipment that are surplus to the requirements of the Town, or confiscated or uncollected goods where the market value of the property is less than \$50,000. Conditions governing the disposal of property are set out below:

Equipment that is surplus to the requirements of the Town can be disposed of where the market value of the property is less than \$50,000.

All goods, plant and equipment with an estimated market value above \$1,000 are to be:

- advertised for sale in the local area; or
- sold by public auction; or
- offered for sale by public tender.

All goods, plant and equipment with an estimated market value of \$1,000 or less are to be:

- advertised for sale in the local area
- offered for sale in a transparent and accountable manner.

The cost of selling surplus items is not to exceed the market value of those items.

The CEO may either proceed with such a sale or if appropriate instead donate the property available for sale to suitable not for profit community groups or schools.

In the absence of any sale being made in accordance with the above, it is at the absolute discretion of the CEO to dispose of any surplus goods, plant and equipment in any manner thought fit by the CEO.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	15/9/15
Policy Amended/Reviewed:	17/9/19
Former Policy No.	4.2.1



2.1.2 Investment of Surplus Funds

Type:	Corporate Services – Financial Management
Legislation:	Section 6.14 of the <i>Local Government Act 1995</i> Part 111 Investments of the <i>Trustees Act 1962</i> Regulation 19, 19C, 28 & 49 of the <i>Local Government (Financial Management) Regulations 1996</i> <i>Australian Accounting Standards</i>
Delegation:	DA6 Investment of Funds
Other Related Document:	

Objectives

This policy provides guidelines on how to invest the local government's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, while ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity and the return of investment;

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated redemption of an investment.
- The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

Fossil Fuel Free Investments

Prior to placing investments, preference will be 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.

Policy Scope

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

This investment policy prohibits any investment carried out for speculative purposes including:

- Deposits with an institution that is not an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) Section 5;
- The use of leveraging (borrowing to invest) of an investment;

- A state treasury that is not the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
- Term deposits for a fixed term of more than 12 months;
- Invest in bonds that are not guaranteed by the Commonwealth government, or a State or Territory government;
- Investment in bonds with a term to maturity of more than 3 years;
- Investment in a foreign currency;
- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest Bearing Deposits;
- Bank accepted/endorsed bank bills.

Policy

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes. In times of periodic global financial system liquidity concerns a prudent person would seek higher rated, lower risk, investment placement as a priority.

Investments obtained are to comply with key criteria limiting i) overall credit exposure of the portfolio and exposure to individual institutions, and ii) the term to maturity of securities.

(i) Overall Portfolio and Individual Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category. Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

Long Term Rating	Short Term Rating	Direct Investments Maximum % with any one institution	Maximum % of Total Portfolio by Credit Rating
AAA	A1+(F1+)	50%	100%
AA	A1(F1)	45%	100%
A	A2(F2)	40%	80%

The rating categories are the minimum requirement for both long term and short term ratings per institution that will determine individual and total portfolio exposure. Unless stated otherwise, rating categories include + and – variations.

(ii) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Portfolio % <1 year

100% Max - 60% Min

Portfolio % >1 year <3 years

40% Max

Investment performance is benchmarked against the cash rate.

A monthly report will be provided to Council, in support of the monthly financial activity statement, which will detail the investment portfolio in terms of divestment of **fossil fuel** industry supported investments, performance, percentage exposure of total portfolio by rating category and maturity date framework.

If any of the investments are downgraded such that they no longer fall within the risk management guidelines, they will be divested as soon as practicable.

The table below details two rating agencies' credit ratings for short and long term investments. It includes a grade explanation for each credit rating, which can be substituted, if required, with similar categories of rating from other recognised ratings agencies.

The short term <365 days rating as defined by Standard & Poors (or Fitch) is:

A1+(F1+)	Superior, extremely strong degree of safety for timely payment
A1 (F1)	Superior, a strong degree of safety for timely payment
A2 (F2)	Strong, a satisfactory capacity for timely payment

The long term ratings as defined by Standard & Poors and Fitch is:

AAA	Highest quality, an extremely strong capacity to repay
AA+ to AA-	High quality, a very strong capacity to repay
A+ to A-	Above average quality, a strong capacity to repay

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/06/16
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.2.3



2.1.3 Purchasing

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Delegation:	DA35 Ordering Thresholds
Other Related Document:	Purchasing Procedures PRO2.1.3

Objective

The objectives of this Policy are to ensure that all purchasing activities:

- demonstrate that best value for money is attained for the Town;
- are compliant with relevant legislations, including the Act and Regulations;
- are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures of the Town;
- mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- are conducted in a consistent and efficient manner across the Town and that ethical decision making is demonstrated.

Policy Scope

This policy will affect all staff members.

Policy

The Town of East Fremantle (the “**Town**”) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “**Act**”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “**Regulations**”). Procurement processes and practices to be complied with are defined within this Policy and the Town’s prescribed procurement procedures.

Ethics and Integrity

Code of Conduct

All officers and employees of the Town undertaking purchasing activities must have regard for the Code of Conduct requirements and shall observe the highest standards of ethics and integrity. All officers and employees of the Town must act in an honest and professional manner at all times which supports the standing of the Town.

Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Town's policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Town's by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

Policy

Value for money is determined when the consideration of price, risk and qualitative factors that are assessed to determine the most advantageous outcome to be achieved for the Town.

As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision.

Application

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
- providing opportunities for businesses within the Town's boundaries to be given the opportunity to quote for providing goods and services wherever possible.

Purchasing Requirements

Legislative / Regulatory Requirements

The requirements that must be complied with by the Town, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Town.

Purchasing that is **\$150,000 or below in total value** (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 7 of this Purchasing Policy.

Purchasing that **exceeds \$150,000 in total value** (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under section 8 of this Policy is not deemed to be suitable.

Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);
2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Town will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.
3. Must incorporate any variation to the scope of the purchase and be limited to a 10% tolerance of the original purchasing value.

Purchasing from Existing Contracts

Where the Town has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Town must consult its Contracts Register in the first instance before seeking to obtain quotes and tenders on its own accord.

Purchasing Thresholds

The table below prescribes the purchasing process that the Town must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up to \$5,000 (exc GST)	<p>Purchase directly from a supplier using a Purchasing or Corporate Credit Card issued by the Town, or obtain at least one (1) oral or written quotation from a suitable supplier, either from:</p> <ul style="list-style-type: none">• an existing panel of pre-qualified suppliers administered by the Town; or• a pre-qualified supplier on the WALGA Preferred Supply Program (e-Quotes) or State Government Common Use Arrangement (CUA); or• from the open market. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none">• a brief outline of the specified requirement for the goods; services or works required; and• value for money criteria, not necessarily the lowest price.

	<ul style="list-style-type: none"> The procurement decision is to be represented using the Brief Evaluation Report Template.
Over \$5,001 and up to \$20,000 (exc GST)	<p>Request at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from:</p> <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Town; or a pre-qualified supplier on the WALGA Preferred Supply Program (e-Quotes) or State Government CUA; or from the open market. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> a written brief outline of the specified requirement for the goods; services or works required; and value for money criteria, not necessarily the lowest price. <p>The procurement decision is to be represented using the Brief Evaluation Report Template.</p>
Over \$20,001 and up to \$50,000	<p>Request at least three (3) written quotations from suppliers following a brief outlining the specified requirement, either from:</p> <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Town; or a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or from the open market. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> a written brief outline of the specified requirement for the goods; services or works required; and value for money criteria, not necessarily the lowest price. <p>The procurement decision is to be represented using the Brief Evaluation Report Template.</p>
Over \$50,001 and up to \$150,000 (exc GST)	<p>Request at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Town; or a pre-qualified supplier on the WALGA Preferred Supply Program (e-Quotes) or State Government CUA; or from the open market. <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Town through the WALGA preferred supply</p>

	<p>program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>
Over \$150,000 (exc GST)	<p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 8 of this Policy, conduct a public Request for Tender process in accordance with the Regulations, this policy and the Town's tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>The purchasing decision is to be based upon the suppliers response to:</p> <ul style="list-style-type: none"> • a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>

Quotation Exemptions

An exemption to Request for Quotations may apply in accordance with Regulation 11 of the *Local Government (Functions & General) Regulations 1996*.

Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;
 - the purchase is from a Regional Local Government or another Local Government;
 - the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money;
 - the purchase is acquired from an Australian Disability Enterprise and represents value for money;
 - within 6 months of no tender being accepted;
 - where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
 - the purchase is from a pre-qualified supplier under a Panel established by the Town; or
 - any of the other exclusions under Regulation 11 of the Regulations apply.
-

Inviting Tenders under the Tender Threshold

Where considered appropriate and beneficial, the Town may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$150,000 or less in value, the Town's tendering procedures must be followed in full.

Sole Source of Supply

Where the purchasing requirement is over the value of \$5,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Town is satisfied and can evidence that there is only one source of supply for those goods, services or works. The Town must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

From time to time, the Town may publicly invite an expression of interest to effectively determine that one sole source of supply still genuinely exists.

Anti-Avoidance

The Town shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Town in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

Record Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*; the Town's Records Keeping Plan and associated procurement procedures.

For each procurement activity, such documents may include:

- the Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
 - procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
 - request for Quotation/Tender documentation;
 - copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
 - copies of quotes/tenders received;
-

- evaluation documentation, including individual evaluators note and clarifications sought;
- negotiation documents such as negotiation plans and negotiation logs;
- approval of award documentation;
- all correspondence to respondents notifying of the outcome to award a contract;
- contract Management Plans which describes how the contract will be managed; and
- copies of contract(s) with supplier(s) formed from the procurement process.

Sustainable Procurement and Corporate Social Responsibility

The Town is committed to providing a preference to suppliers that demonstrate sustainable business practices and high levels of corporate social responsibility (CSR). Where appropriate, the Town shall endeavour to provide an advantage to suppliers demonstrating that they minimise environmental and negative social impacts and embrace CSR. Sustainable and CSR considerations must be balanced against value for money outcomes in accordance with the Town's sustainability objectives.

Local Economic Benefit

The Town encourages the development of competitive local businesses within its boundary and as much as practicable, the Town will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders
- avoid bias in the design and specifications for Requests for Quotation and Tenders
- provide adequate and consistent information to potential suppliers.

Purchasing from Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Town is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

Purchasing from Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Town is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

Panels of Pre-Qualified Suppliers

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the Town determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- the Town has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Town will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

Establishing a Panel

Should the Town determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Town.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

Where a Panel is to be established, the Town will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where less than three (3) suppliers are appointed to each category within the Panel, the category is not to be established.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Town must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the Town intends to:

- i. obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 20; or
 - ii. purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
-

- iii. develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 19 (b).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Town is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Town may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy. When a ranking system is established, the Panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications may be made through eQuotes, or any other electronic quotation facility or otherwise must all be captured on the Town's electronic records system. A separate file is to be maintained for quotation processes made under each Panel that captures all communications between the Town and Panel members.

Recordkeeping

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

- the Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
 - procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
 - request for Applications documentation;
 - copy of public advertisement inviting applications;
 - copies of applications received;
 - evaluation documentation, including clarifications sought;
 - negotiation documents such as negotiation plans and negotiation logs;
 - approval of award documentation;
-

- all correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- contract Management Plans which describes how the contract will be managed; and
- copies of framework agreements entered into with pre-qualified suppliers.

The Town is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the Town.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	16/8/16
Policy Amended/Reviewed:	19/6/18, 17/9/19, 19/11/19
Former Policy No:	4.2.4

Attachment

Purchasing Procedures

PURCHASING PROCEDURES (PRO2.1.3)

(Amended 20/11/18, 16/07/19)

1. Council purchase orders are to be signed only by Officers authorised by Council, namely the :
 - Chief Executive Officer; (unlimited)
 - Executive Manager Corporate Services; Limit \$50,000
 - Executive Manager Regulatory Services; Limit \$50,000
 - Principal Environmental Health Officer; Limit \$1,500
 - Operations Supervisor; Limit \$15,000
 - Operations Manager; Limit \$50,000
 - Manager Administration and Finance, Limit \$15,000
 - Projects Coordinator; Limit \$5,000
 - HR Coordinator; Limit \$5,000
 - Coordinator Capacity Building; Limit \$1,500
 - Executive Assistant Corporate Services; Limit \$1,500
 - Executive Assistant to CEO; Limit \$1000
 - Coordinator Planning and Building; Limit \$500
 - Coordinator CHSP (CHSP related purchases only); Limit \$1,500
 - Assistant Coordinator CHSP (CHSP related purchases only); Limit \$500
 - Administration Support Officer – Operations; Limit \$500or those Officers acting in the positions from time to time;
 2. Authority limitations apply to any purchase including signing of contracts in accordance with Delegation DA8 and DA9;
 3. An official purchase order must be placed for all goods or services (including consultants' opinions, eg legal, engineering, town planning, etc) ordered;
 4. Standing Purchase Order – these are commitments made against a particular supplier for good or services that are regularly procured over a specified period, usually one financial year. The full value of the commitment is restricted to the amount in the approved budget, allowing for a spread over more than one supplier. Standing order numbers will need to be quoted to the supplier for inclusion in their invoice. Do not provide a printed copy of "Standing Purchase Orders" to suppliers. Standing orders will be expedited by Finance at the end of each financial year and will need to be re-established in the new financial year.
 5. Emergency Order – emergency orders can only be processed outside the procurement process when any of the following events are likely to occur:
 - Possible cause of injury or loss of life
 - Potential to result in destruction of property
 - Possible loss or disruption to the Town's stakeholders or core functions
 - Will seriously impair the reputation of the Town in the local or wider communityIn such cases, the purchaser will initially make a purchase commitment with a third party without following all the processes in this procedure. The purchase order is to be raised as soon as possible following the initial commitment.
 6. When ordering by telephone a purchase order number must be quoted and the original of the order to be forwarded to the supplier endorsed "Confirmation of Telephone Order on "(date)";
-

7. All Officers are to ensure that when issuing a Council order for goods or services that a current account number (which will reflect the Budget estimate for those goods or services) be quoted on the Council order. This will ensure that:-
 - 7.1 expenditure is allocated to the correct Budget item (with the job number account being noted on the Council order); and
 - 7.2 that sufficient funds are identified against the job number account before expenditure is authorised;
 8. In order that costs are adequately controlled before issuing a Council purchase order Officers must check against their current Budget estimates for the current financial year and monthly expenditure reports to ensure that there are sufficient funds to cover the cost of the goods or services being ordered;
 9. Roles of Finance:
 - Finance Officers will provide initial training and support to Authorised Purchasing Officer;
 - Finance staff will review purchase orders prior to paying invoices to ensure compliance with the Purchasing Policy including ensuring that all relevant quotes are attached. Should there be any non-compliance, payment of the invoice will be placed on hold. An email will be sent to the Purchaser seeking a valid reason which will need to be confirmed by the CEO. Once this has been received, payment will be processed.
 - Goods receipt amounts will be matched to supplier's invoice and processed for payment in line with their terms. Any variance greater than 10% will be referred back to the Purchaser.
 - Purchase orders will be reviewed every three months to ensure obsolete orders are expedited.
 10. Where possible, Council use environmentally friendly paper products including recycled paper;
 11. All purchases must also comply with Policy 2.1.3 – Purchasing Policy.
-



2.1.4 Rates Exemption

Type:	Corporate Services – Financial Management
Legislation:	<i>Local Government Act 1995</i> <i>Charities Act 2013</i>
Delegation:	DA79 Determine Applications for Rate Exemption
Other Related Document:	

Objective

Establish a consistent approach to determine whether land is not ratable under Section 6.26 of the *Local Government Act 1995*.

Policy Scope

This policy is applicable to local organisations and ratepayers within the Town of East Fremantle who are eligible for a charitable rate exemption.

Definitions

Charity has the meaning given to it by the *Charities Act 2013 (Commonwealth)*;

Charitable purpose has the meaning given to it by the *Charities Act 2013 (Commonwealth)*.

Policy

Council is committed to adhering to the *Local Government Act 1995* and providing guidance to applicants who apply for an exemption of local government land rates charges for charitable purposes. This policy relates to the charitable rates exemption to charitable organisations based within the Town that provide assistance to the Town broader community.

Land Use

The land use for which the charitable organisation is applying for an exemption under section 6.26(2)9g) of the *Local Government Act 1995* must be for the exclusive use for charitable purposes as defined in the *Charities Act 2013* and these include:

- (a) the purpose of advancing health;
 - (b) the purpose of advancing education;
 - (c) the purpose of advancing social or public welfare;
 - (d) the purpose of advancing religion;
 - (e) the purpose of advancing culture;
 - (f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
 - (g) the purpose of promoting or protecting human rights;
 - (h) the purpose of advancing the security or safety of Australia or the Australian public;
 - (i) the purpose of preventing or relieving the suffering of animals;
 - (j) the purpose of advancing the natural environment; or
-

- (k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j); and

must not be a disqualifying purpose under the meaning given by the *Charities Act 2013* (Commonwealth).

Land Used Exclusively for Charitable Purposes

Property must be used exclusively by the charitable organisation for charitable purposes defined by the *Charitable Uses Act 1601* as generally for the following purposes:

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; and
- (d) other purposes beneficial to the community

Application for Rate Exemption

To be considered by the Town for approval, each application for a charitable rate exemption under *section 6.26(2)(g) of the Local Government Act 1995* must be made in writing by completing an Application for Rate Exemption form.

Delegation

In accordance with this policy it is a requirement for organisations who have been approved for rates exemption, to reapply for a rate exemption each financial year. This policy allows the Council of the Town of East Fremantle to delegate to the Chief Executive Officer and any of its powers under the Act to approve applications for Rates Exemptions.

Review of Policy

All exemptions will be reviewed every two years and confirmation from the charitable organisation that the above purposes still apply will be required to continue receiving the exemption.

Correct forms must be used and these can be acquired by contacting the Town of East Fremantle Rates Section.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/08/18
Policy Amended/Reviewed:	16/07/19, 17/9/19
Former Policy No:	4.2.9



2.1.5 Donations

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995
Delegation:	DA51 Donations to Community Groups and Individuals
Other Related Document:	Community Grants & Sponsorship Policy 2.1.11

Objective

To ensure that funds allocated within the budget for donations to the community and recreation clubs are allocated in a rational manner without Council being required to consider such requests in what might be considered an emotive atmosphere.

Council shall adopt a schedule of donations to organisations for inclusion in the annual budget and when an application is received from such an organisation then administrative action shall be taken in accordance with the amounts stated in the policy.

Policy

Council will make an allocation in the annual budget of an amount for donations requested on an adhoc basis during the year. The criteria for allocating to requests will be on the following basis:

(a) **Charitable and Community Benefit Organisations**

Public Appeals from organisations that provide a service to persons resident in the community of East Fremantle – Limit \$200

(b) **Youth Sponsorship**

i. Applications from individuals who are representing the State or competing at national or international level whether as an individual or as part of a team.

ii. Applications for intellectual and cultural representation will be considered with this item.

Limit interstate \$300 and international \$500 as a contribution to travel costs.

Applications cannot be considered from persons who previously received a sponsorship in the current or previous financial year.

(c) **Amounts Determined by Council**

i. Funding for appeals, which arise from major events or catastrophes and are usually part of a Lord Mayor's Appeal such as Floods, Fire, Cyclones etc.

ii. Council may determine contribution in excess of the limits specified above where there are extraordinary costs involved in the funding application.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/12/1997
Policy Amended:	18/3/2008, 20/11/2018, 17/9/19
Former Policy No:	4.2.11



2.1.6 Supplier Payments

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996 Local Government (Functions and General) Regulations 1996
Delegation:	
Other Related Document:	Purchasing Policy 2.1.3 Corporate Purchasing Card Policy 2.1.8 General Conditions of Contract for the Supply of Goods & Services under a Purchase Order PRO2.1.6

Policy Statement

This Policy, which is **mandatory**, allows the CEO to make payments to creditors in order to carry out the ordinary course of business with respect to the payment of accounts for the Town of East Fremantle.

Policy Scope

This Supplier Payments Policy outlines the manner in which creditor payments are to be made to a supplier. This policy should be read in conjunction with section 6.5 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, specifically:

- regulation 5, which specifies the CEO's duties as to financial management
- regulation 11, which specifies that procedures are to be made for the correct authorisation and payment of accounts, and
- regulation 13, which specifies that a list of payments made is required to be presented at ordinary council meetings.

Local Government (Functions and General) Regulations 1996 are also complied with in relation to adhering to the Town of East Fremantle's purchasing policy (*Regulation 11A*).

This policy will also specify the manner in which creditors are to be established and to ensure that the payment of creditor invoices are made in a timely manner and in accordance with the Town of East Fremantle's terms of trade.

The policy will also specify how the timely payment of invoices will be measured and monitored.

This policy does not cover payments made via the use of a Corporate Purchasing Card. Please refer to Policy 4.3.6 for compliance with the Corporate Purchasing Card Policy.

Policy

Creation of a new creditor or the updating of an existing creditor

Before a creditor is paid, all staff members liaising with creditors must provide the creditor with a "New / Update Creditor Details" form. This form is completed by the creditor and returned to the Finance Officer so that the creditor master file can be established in the finance system. The Finance Officer will allocate the creditor with a new Creditor Code, which is a sequential number that follows the creditor number file list. This form is also used when a change is required to a creditor's master file details.

This form details the creditor/supplier details, including their bank account details. Once entered by the Finance Officer into the finance system the form is reviewed by the Manager Finance and Administration, and authorised by the Executive Manager Corporate and Community Service.

The correct completion of the “New / Update Creditor Details” form will ensure that there is no delay in the payment of a creditor’s invoice.

All creditors will also receive a *General Conditions of Contract for the Supply of Goods and Services Under a Purchase Order* document. This document details the terms and conditions that the Town of East Fremantle (the Principal) and the supplier (the Contractor) must adhere to in the provision of goods and services.

Receipt of invoices for payment

All invoices received for payment by the Town of East Fremantle are to be submitted to the Finance Officer. On receipt of an invoice the Finance Officer date stamps the invoice. The Finance Officer will then begin the process to ensure that an invoice is correctly certified and authorised, data entered correctly into the finance system, and paid within its credit terms or in accordance with any contractual agreement.

Responsibilities of the Certifying Officer and Authorising Officer

Once an invoice has been received, the Finance Officer stamps the invoice with the Certifying Stamp and delivers the invoice to the certifying officer for signing.

The invoice is then certified by the staff member incurring the expenditure on behalf of the Town of East Fremantle to ensure the following:

- that the receipt of the goods and services is in accordance with the conditions of the Town’s purchase order/contract, and
- that any variations to works or price has been minor in nature.

The Finance Officer also stamps the invoice with the “Authorisation for Payment” stamp. The staff member responsible for authorising the payment signs the invoice to ensure the following:

- that the quantity and price per item match the quotation
- that the nominated account to be charged is valid, appropriate and that there are sufficient funds available to cover the allocation of costs associated with the invoice, and
- that the staff member is duly authorised to approve the expenditure.

Duties of the Finance Officer prior to making payment

The Finance Officer then checks the validity of the invoice to ensure that it is in accordance with ATO requirements, details of which are as follows:

- the invoice is addressed to The Town of East Fremantle
- the creditor’s identity – their name and business address
- the creditor’s Australian Business Number
- the date the invoice was issued
- a description of the goods and services, including the quantity (if applicable) and the price, and
- The GST amount (if any) payable.

Should the invoice received not be a valid tax invoice the Finance Officer is required to withhold 46.5% withholding tax from the payment of the creditor. An exception to this is where an ATO *Statement by a Supplier* form is completed and provided with the invoice.

Payment of Accounts Payable Invoices

Once the invoice has been duly certified and authorised, the Finance Officer enters the invoice into the finance system and matches the invoice to the authorised purchase order recorded against the

creditor that has been established in accordance with the Town of East Fremantle's *Purchasing Policy No. 4.2.4*.

For invoices that do not have a purchase order, a *Creditor Processing Form* is required to be completed. This form ensures that invoice is duly certified and authorised, is a valid tax invoice, is within budget and the nominated general ledger account to be charged is correct.

The payment of utilities to do not require a purchase order or a *Creditor Processing Form*, however, the payment of these expenditures is monitored against budget.

The Finance Officer ensures that Council purchase orders or "Creditor Processing Form" are signed only by Officers authorised by Council, namely the:

- Chief Executive Officer; (as per Budget)
- Executive Manager Corporate Services; Limit \$50,000
- Executive Manager Regulatory Services; Limit \$50,000
- Principal Environmental Health Officer; Limit \$1,500
- Operations Supervisor; Limit \$15,000
- Operations Manager; Limit \$50,000
- Manager Administration and Finance, Limit \$15,000
- Projects Coordinator; Limit \$5,000
- HR Coordinator; Limit \$5,000
- Coordinator Capacity Building; Limit \$1,500
- Executive Assistant to CEO; Limit \$1,000
- Coordinator Planning and Building; Limit \$500
- Coordinator CHSP (CHSP related purchases only); Limit \$1,500
- Assistant Coordinator CHSP (CHSP related purchases only); Limit \$500
- Operations Administrative Support Officer; Limit \$500

or those Officers acting in the positions from time to time.

The Town will comply with any agreed payment terms and endeavours to take advantage of discounts offered for prompt payment.

If no payment terms are specified on the invoice, the invoice will pay within 30 days of receipt.

EFT and cheque payments are processed fortnightly on Wednesdays, unless a prompt payment is required.

The Finance Officer prepares a batch of invoices for payment from the finance system together with the *Creditors to be Paid* listing, and an *Authorisation Form* that must be authorised by any two (2) of the following:

- (1) Chief Executive Officer
- (2) Executive Manager Corporate Service
- (3) Manager Finance

Once the batch is reviewed and authorised the payment of the invoices can be prepared. Payments are generally made via EFT or when required by cheque.

Two signatories are required to authorise an EFT and to sign a cheque.

Cheques are pre-printed on Council stationery, pre-numbered and issued in numerical sequence. Unused cheques are stored securely.

Monthly Council Meetings - submission of accounts paid

Each month the Finance Officer prepares a listing of payments made by the Town of East Fremantle. The listing is reviewed by the Manager Finance & Administration and Executive Manager Corporate Services and presented to Council for approval.

Record Keeping

On completion of a payment run the Finance Officer attaches the invoices to the EFT remittance or plain paper copy of the cheque (as appropriate) and files the batches sequentially in folders stored securely.

Measuring and monitoring the performance of supplier payments

The Finance Officer maintains a *Creditors Non Compliance and Improvements Register*. This register monitors issues of non-compliance between the approval of purchase orders and the approval of invoices for payment. The following supplier payment issues are monitored:

- invoices that vary greater than 10% above the purchase order amount
- purchase orders that are dated after the invoice date
- purchase orders that do not follow the correct quote procedure in accordance with the Purchasing Policy
- the justification for a sole supplier arrangement
- purchase orders have a request for tender or a request for quote number state when applicable
- purchase orders have a WALGA or Common Use Arrangement contract number stated when applicable

On completion of a payment run the Finance Officer enters the details of any invoice which has been paid after 30 days or after its terms of trade (if less than 30 days) into the *Late Creditor Payments Register*.

The maintenance of these registers detail any non-compliance, measures the number of invoices that are non-compliant and allows the Finance team to improve the performance of the Town of East Fremantle in paying its invoices.

The use of these registers will also assist in identifying any breaches of this policy.

Consequences of Breaching this Policy

The policy constitutes a lawful instruction to staff members involved in administering accounts payable transactions. Any breaches of the policy may lead to disciplinary action.

Variation to this Policy

This policy may be varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Directorate:	Finance and Administration
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	19/03/19
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.2.12

Attachment

General Conditions of Contract for the Supply of Goods and Services under a Purchase Order

GENERAL CONDITIONS OF CONTRACT FOR THE SUPPLY OF GOODS AND SERVICES UNDER A PURCHASE ORDER (PRO2.1.6)

1 SUPPLY OF GOODS AND SERVICES

- 1.1 The Contractor must supply the Goods or Services to the Principal in accordance with the Contract.
- 1.2 Unless expressly agreed to in writing by the Principal and referenced in the Contract, to the extent permitted by Law, no other terms or conditions, including the Contractor's own terms and conditions even where they have been provided to the Principal or signed by a representative of the Principal, will apply or have any legal effect in connection with the supply of the Goods, the performance of the Services or the Contract.
- 1.3 Where the Contract relates to Goods or Services the subject of a separate contract between the Contractor and the Principal, the terms of the separate contract also apply to the extent of any inconsistency with the Contract unless the Principal has clearly stated otherwise on the Purchase Order.

2 CONTRACTOR'S OBLIGATIONS

- 2.1 The Contractor must ensure that it and the Contractor's Personnel, in performing the Contractor's Obligations under the Contract:
 - (a) comply with all applicable Laws, any standards and procedures made available by the Principal to the Contractor, and any reasonable instructions given by the Principal;
 - (b) do not interfere with the Principal's activities or the activities of any other person at the Delivery Point or any place the Contractor provides the Services;
 - (c) carry out and perform the Contractor's Obligations in a safe manner in a way which does not prejudice safe working practices, safety and care of property or continuity of work;
 - (d) unless otherwise set out in the Contract, supply all plant, resources and equipment necessary to perform the Services; and
 - (e) provide all such information and assistance as the Principal reasonably requires.

3 RECEIPT, INSPECTION AND ACCEPTANCE OF GOODS AND SERVICES

- 3.1 The Contractor must deliver the Goods in full to the Delivery Point and perform the Services at the times stated in the Contract. In this respect, time will be of the essence of the Contract.
 - 3.2 Acceptance of the Goods or Services by the Principal does not constitute approval of the Goods or Services or prejudice any claim the Principal may have in connection with the Goods or Services.
 - 3.3 Acceptance of the Goods or Services occurs on the earlier of:
 - (a) a representative of the Principal notifying the Contractor in writing that the Goods or Services have been accepted; or
 - (b) the lapse of 14 days after delivery of the Goods to the Delivery Point without the Principal notifying the Contractor in writing that the Goods have been rejected.
-

- 3.4 The Contractor must allow the Principal or a representative of the Principal, upon 2 Business Days' written notice from the Principal and during standard business hours, to inspect, examine, review and witness tests of the Goods or Services, or the performance of the Goods or Services and to carry out site inspections at the Contractor's premises.

4 TITLE AND RISK

- 4.1 Title in the Goods will pass from the Contractor to the Principal upon payment of the Contract Price. The Contractor warrants that title in the Goods will be transferred to the Principal without any encumbrances or liens.
- 4.2 Risk in the Goods will pass to the Principal on acceptance of the Goods in accordance with clause 3.3.

5 VARIATIONS

The Contractor must not change the Goods or Services, including an addition, reduction or omission to any part of the Goods or Services except in accordance with a written direction of the Principal in which case the Contractor must comply with that direction and the Contract Price will be adjusted by an amount agreed in writing by the parties.

6 INVOICING AND PAYMENT

- 6.1 The Principal must pay the Contract Price to the Contractor for the Goods and the Services.
- 6.2 The Contract Price is inclusive of all costs and expenses including packaging, freight, delivery, insurance, the cost of any miscellaneous services, compliance with the Contract and Taxes and, subject to clause [5](#), no additional amounts will be payable by the Principal.
- 6.3 Subject to clause [6.4](#), on or promptly after the later of the Date of Delivery of the Goods or the Date of Completion of the Services (as applicable), the Contractor must submit an Invoice to the Principal for the amount due to the Contractor.
- 6.4 If agreed in writing by the Principal, the Contractor may submit an Invoice to the Principal at the end of each month for any Services performed during that or previous months provided those Services have not already been included in a previous Invoice issued to the Principal.
- 6.5 An Invoice must include:
- (a) the Purchase Order number;
 - (b) a description of the Goods delivered, including the quantity of Goods and the Date of Delivery; or
 - (c) a description of the Services performed;
 - (d) the amount being claimed for the Goods and the Services;
 - (e) the amount of any applicable GST;
 - (f) if applicable, Include the Walga Preferred Supplier discount associated with the purchase and
 - (g) any further information reasonably requested by the Principal.
- 6.6 If an Invoice does not contain the information required in clause 6.5, the Principal may, at its option, complete the missing details or return the incomplete Invoice to the Contractor, in which case the Contractor must submit a replacement Invoice compliant with clause 6.5.
-

- 6.7 Subject to the Contractor submitting an Invoice in accordance with clause 6.5 or a compliant Invoice in accordance with clause 6.6, the Principal must pay the amount payable within 30 days or as otherwise agreed by the parties.
- 6.8 Payment under this clause 6 will not be taken as proof or admission that all, or any part of, the Goods or the Services have been delivered or performed (as the case may be) to the satisfaction of the Principal, but will be taken to be payment on account only.
- 6.9 The Contractor agrees that the Principal may:
- (a) deduct from moneys due to the Contractor any money due or which may become due from the Contractor to the Principal under, or in connection with, the Contract; and
 - (b) withhold payment of any amounts payable under the Contract pending resolution of any dispute.

7 GOODS AND SERVICES TAX

- 7.1 If GST is imposed on any supply made by the Contractor in connection with the Contract, the Contractor may recover from the Principal, in addition to the Contract Price, an amount equal to the GST payable in respect of that supply.
- 7.2 The Contractor must first provide the Principal with an Invoice before the Principal will pay the GST amount to the Contractor.

8 QUALITY OF GOODS AND SERVICES

- 8.1 The Contractor must ensure that:
- (a) all Goods or Services conform to the description of the Goods or Services set out in the Contract;
 - (b) all Goods and Services are fit for their intended purpose and to the extent Services performed are design Services, the works being designed will be fit for their intended purpose;
 - (c) if the Contractor provided the Principal with a demonstration of the Services or represented that a result could be achieved by the Services before the Principal issues the Purchase Order, the Services correspond in nature and quality with the services demonstrated or the services that achieved that result (as the case may be); and
 - (d) any Goods are new and of merchantable quality.
- 8.2 The Contractor warrants that the Contractor's Personnel engaged to perform the Services have all the necessary skills, training and qualifications to carry out the Services in accordance with the Contract.
- 8.3 The Contractor must ensure that the Principal has the full benefit of any manufacturer's warranties that may be applicable to the Goods (and the Contractor must, at its cost, pursue any manufacturer's warranties on the Principal's behalf).
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9 DEFECTS

- 9.1 At any time prior to the expiry of the Defects Liability Period, the Contractor must, at its cost and at the Principal's direction, promptly rectify all Defects other than a Defect caused by the negligence of the Principal.
- 9.2 Nothing in this clause [9](#) prejudices any other right that the Principal may have against the Contractor arising out of the failure of the Contractor to supply the Goods or perform the Services in accordance with the Contract.
- 9.3 If the Principal directs the Contractor to rectify a Defect and the Contractor fails to rectify that Defect within a reasonable time specified by the Principal:
- (a) the Principal may, without prejudice to any other rights the Principal may have against the Contractor, rectify the Defect itself; and
 - (b) the rectification costs incurred by the Principal will be a debt due and payable on demand from the Contractor to the Principal.
- 9.4 Where any Defect has been rectified under the Contract, the rectification work will be the subject of an additional Defects Liability Period commencing on the date the relevant rectification works are completed.

10 CONFIDENTIAL INFORMATION

The Contractor must not use any Confidential Information or disclose any Confidential Information other than to any of the Contractor's Personnel who need the information to perform the Services or deliver the Goods, to the Contractor's legal advisers or where required by Law.

11 INTELLECTUAL PROPERTY

- 11.1 Subject to clause 11.3, the Contractor IP remains vested in the Contractor and the Principal IP remains vested in the Principal.
- 11.2 The Principal will own all Intellectual Property that the Contractor creates in the performance of the Services and the supply of the Goods.
- 11.3 The Contractor grants to the Principal a non-exclusive, perpetual, royalty-free, irrevocable, transferable, sub- licenseable licence (with the right to grant sub-licenses on the same terms) to use the Contractor IP to the extent necessary to use the Goods and the Services.

12 INSURANCE

- 12.1 Where the Contract is for Goods, the Contractor must effect and maintain with a reputable insurer *goods insurance* covering insurance of the Goods against all risks to the point of delivery at the Delivery Point and, if the Goods are rejected by the Principal, from the time the Contractor collects the Goods from the Principal, for an amount not less than the full replacement costs of the Goods.
- 12.2 Where the Contract is for Services, the Contractor must effect and maintain with a reputable insurer the following insurance policies for the entirety of the term of the Contract:
- (a) *public and products liability insurance* covering liability for damage to property and the death of or injury to any person (other than as covered under a workers compensation policy) in an amount of not less than \$10 million in respect of each and every claim, unlimited as to the number of occurrences for public liability;
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- (b) workers compensation insurance as required by Law, including cover for common law liability for an amount of not less than \$50 million for any one occurrence;
- (c) *motor vehicle insurance* covering all vehicles, plant and equipment (whether owned, hired or leased) used in connection with the Contract for loss or damage of not less than the market value and third party liability of not less than \$20 million in respect of each and every claim;
- (d) insurance covering the Contractor's own property, goods, materials owned, hired, leased or used by the Contractor, for an amount not less than the market value of those insured items; and
- (e) any additional insurance required by an applicable Law or reasonably requested by the Principal; and
- (f) where the Contractor is providing professional services, *professional indemnity insurance* of not less than \$2 million for each claim and in the aggregate for all claims arising in the same insurance period, covering the liability of the Contractor for any professional services provided by the Contractor and the Contractor's Personnel under the Contract. Where this insurance is effected on a 'claims made' basis, the policy must be maintained for a period of at least 7 years after the Completion Date or the earlier termination of the Contract.

12.3 The Contractor must provide to the Principal, within 3 business days of a written request, certificates of currency for each of the insurance policies required under clauses 12.1 or 12.2 (or both, as applicable).

12.4 Subject to clause 17.4, if the Contractor subcontracts any part of the Contractor's Obligations, then the Contractor must ensure that every subcontractor effects and maintains all of the insurances required under clause 12.1 or 12.2 (or both, as applicable), as appropriate for the work being performed by that subcontractor, before the subcontractor commences any of the Contractor's Obligations.

13 INDEMNITY AND LIMITS OF LIABILITY

13.1 The Contractor indemnifies the Principal and the Principal's officers, employees, agents and contractors for and against any claims (including third party claims) and losses suffered or incurred by any of them arising out of, or in connection with, any wrongful act or omission of the Contractor or any of the Contractor's Personnel. This indemnity will be reduced to the extent that the claim or loss is caused by the negligence of the Principal or the Principal's personnel.

13.2 Neither party is liable to the other for Consequential Loss.

14 TERMINATION

14.1 The Principal may terminate the Contract by notice to the Contractor:

- (a) at any time and in its absolute discretion by giving 7 days' notice to the Contractor;
- (b) if the Contractor commits a breach of the Contract and fails to remedy that default within 14 days of the Principal giving notice of the breach; or
- (c) immediately if an Insolvency Event occurs.

14.2 On termination of the Contract, the Contractor must promptly return to the Principal any of the Principal's Confidential Information, property and documents which the Principal owns or in which the Principal has an interest.

14.3 If the Contract is terminated under clause 14.1(a):

- (a) the Principal must pay the Contractor that part of the Contract Price for any Contractor's Obligations performed prior to termination that have not already been paid by the Principal; and
- (b) the Contractor is not entitled to, and the Principal is not liable for, any additional amounts whatsoever.

14.4 Subject to clause 14.3, termination of the Contract, however it may occur, does not prejudice any claim that either party may have against the other under the Contract on termination.

15 NOTICES

Any notice or other communication relating to the Contract must be in writing, signed by the sender or its agent, and either hand delivered, sent by pre-paid post, faxed or emailed to the other party at the address, fax number or email address set out in the Purchase Order.

16 DISPUTES

16.1 Neither party may commence any action, bring any proceedings or seek any relief or remedy in a court, except interlocutory or equitable relief, from a court in respect of a dispute until they have complied with the dispute resolution process in accordance with this clause [16](#).

16.2 If any dispute arises between the parties in relation to the Contract, either party must give notice of the dispute to the other party.

16.3 A senior representative of each of the parties must promptly meet and attempt to resolve the dispute. If the parties are unable to resolve a dispute within 21 days of the notice referred to in clause [16.2](#), then either party may issue court proceedings.

17 GENERAL

17.1 The Contract states all the express terms of the agreement between the parties in respect of its subject matter. It supersedes all prior representations, discussions, negotiations, understanding and agreements in respect of its subject matter.

17.2 The Contract is governed by the law in force in Western Australia and each party irrevocably submits to the non-exclusive jurisdiction of courts exercising jurisdiction in Western Australia.

17.3 The Contractor must not assign or novate the Contract or assign any other right, benefit or interest under the Contract to any person or entity without the prior written consent of the Principal.

17.4 The Contractor must not, without the prior written consent of the Principal, which consent must not be unreasonably withheld, subcontract any of the Contractor's Obligations.

17.5 No term or provision of the Contract will be construed against a party on the basis that the Contract or the term or provision in question was put forward or drafted by that party.

17.6 The Contract is a non-exclusive contract for the supply of Goods or Services and it does not prevent the Principal from entering into other contracts for the supply or performance of the same or similar goods or services with other contractors.

17.7 Any provision of the Contract which is illegal, void or unenforceable will be ineffective to the extent only of that illegality, voidness or unenforceability without invalidating the remaining provisions. If the Principal is restructured by Law, then the rights and obligations of the Principal under the Contract are novated to and assumed by the appropriate legal entity as determined by the Principal or the successors of the Principal under the restructure.

17.8 Clauses 4, 6.8, 6.9, 10, 11, 12.2(f), 13, 14.4 and 17 survive the termination or expiry of the Contract.

18 DEFINITIONS

Completion Date means the date on which performance of the Services is completed.

Conditions of Contract means these general conditions of contract for the supply of goods and services under a purchase order.

Confidential Information means the Contract and information (regardless of its form) which is disclosed directly or indirectly by the Principal to the Contractor or Contractor's Personnel which is treated or designated as confidential, or which the Contractor or the Contractor's Personnel ought to know is confidential, but does not include information which is or becomes public knowledge (other than by the Contractor's disclosure or breach of the Contract).

Consequential Loss means any loss of production, loss or revenue, loss of profit, loss of business reputation, business interruptions, loss of opportunities, loss of anticipated savings or wasted overheads.

Contract means the Conditions of Contract and the relevant Purchase Order.

Contract Price means the price for the Goods or Services (exclusive of GST) set out in the Purchase Order.

Contractor means the contractor specified in the Purchase Order.

Contractor IP means any Intellectual Property of the Contractor (or Intellectual Property licensed to the Contractor by a third party) which:

- (a) is in existence before the date of the Contract or comes into existence after the date of the Contract other than in connection with the Contract, the Goods or the Services; and
- (b) which the Contractor makes available, contributes, brings to or uses in connection with the Contract.

Contractor's Obligations means all of the Contractor's obligations under the Contract.

Contractor's Personnel means the Contractor's officers, employees, agents and subcontractors and their respective employees and agents.

Date of Delivery means the date on which the Goods are delivered to the Delivery Point.

Day means a business day that is not a Saturday, Sunday, a public holiday in Western Australia or 27, 28, 29, 30 or 31 December.

Defect means any defect, error, damage, deficiency, fault or inadequacy in the design, performance, workmanship, quality or makeup of the Goods or Services.

Defects Liability Period means a period of 12 months commencing:

- (a) in respect of the Goods, on the Date of Delivery; and
- (b) in respect of the Services, on the Completion Date,

and, where relevant, any additional period of time specified in accordance with clause 9.4.

Delivery Point means the place set out in the Purchase Order for delivery of the Goods or otherwise notified by the Principal in writing.

Goods means any goods, materials, supplies, equipment or other items set out in the Purchase Order.

GST means goods and services tax or similar value added tax levied or imposed in Australia pursuant to *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Insolvency Event means in respect of the Contractor, the following events: appointment of an administrator, appointment of a liquidator, appointment of a provisional liquidator, appointment of a controller (including any receiver or receiver and manager), insolvency, bankruptcy, winding up or any event analogous to these events.

Intellectual Property means all intellectual and industrial property rights, including trade marks, copyright (including future copyright), inventions, patents, designs, circuits and other eligible layouts, database rights, including any application or right to apply for registration of any of these rights.

Invoice means any document or record treated by the Commissioner of Taxation as an invoice or as a document entitling a recipient to an input tax credit.

Law means any law in force in Australia, whether common law, equity or any law under any statute, subordinate legislation, ordinance or code.

Principal means the party ordering or receiving the Goods or Services in accordance with the Contract, being that party specified in the Purchase Order.

Principal IP means any Intellectual Property of the Principal (or licensed to the Principal by a third party) which the Principal makes available, contributes, brings to or uses in connection with the Contract.

Purchase Order means the Principal's purchase order form for the Goods or Services.

Services means any services set out in the Purchase Order, including the delivery of any goods and performance of services ancillary to the Services.

Tax means any income, land, indirect and other taxes, levies, imposts, deductions, charges, duties, compulsory loans and withholdings, including financial institutions duty, debits tax or other taxes whether incurred by, payable by return or passed on to another person and includes any interest, penalties, charges, fees, fines or other amounts imposed in respect of any of the above, but does not include GST.

19 INTERPRETATION

In the Contract:

- (a) a reference to "Goods or Services" is to be read as "Goods or Services, or both of them, as applicable";
 - (b) the singular includes the plural and the plural includes the singular;
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- (c) a reference to a clause or party of the Contract is a reference to a clause of, and a party to, the Contract;
 - (d) a reference to legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them;
 - (e) the words 'include', 'includes' and 'including' must be construed without limitation as to what else might be included; and
 - (f) Part 1F of the Civil *Liability Act 2002* (WA) does not apply to the Contract.
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2.1.7 Debt Collection

Type:	Corporate Services – Financial Management
Legislation:	Refer to References
Delegation:	DA76 Write Off Debt
Other Related Document:	

Objective

The purpose of this policy is to outline the Town of East Fremantle process for efficient and effective collection of outstanding debtor amounts including rates and service charges.

Policy Scope

The Town of East Fremantle will exercise its debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995*, in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- ensuring that debt collection procedures are carried out in a fair and equitable manner;
- making the processes used to recover outstanding debt clear, simple to administer and cost effective;
- transparency by making clear the obligations of its ratepayers and sundry debtors to the processes used by Council in ensuring that they meet their financial obligations;
- equity by having regard to providing the same treatment for ratepayers and sundry debtors with similar circumstances;
- flexibility by responding where necessary to changes in the local economy;
- ensuring the Town of East Fremantle is compliant with all regulatory obligations;
- promoting effective governance and definition of roles and responsibilities;
- upholding recognition from the public and industry for the Town of East Fremantle practices that withstand probity.

Definitions

Debtor an individual, organisation or other party that transacts with the Town where goods or services are provided, use of facilities are made available, fines and license fees are levied and any other transaction that results in an expected future payment to the Town.

General Procedure Claim (GPC) means the claim lodged with the Magistrates Court where the value of the claim or the relief claimed does not exceed \$75,000.

Property Seizure and Sale Order (PSSO) is a court order that authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.

Policy

1. Recovery of Sundry Debtor Accounts

The recovery of outstanding sundry debtors will be collected in a fair and timely manner. Sundry debts are due for payments 30 days from date of issue. The process for sundry debt collection is as follows:

- a) Sundry debtors will be issued an invoice as soon as possible after the amount is known, providing 30 day payment terms.
- b) A statement will be issued at the end of the subsequent month following the initial 30 day payment term, requesting payment, with a reminder sticker/stamp to be affixed to the Statement requesting payment within 14 days.
- c) At the end of 14 days, a Final Notice letter will be issued advising that legal action may be taken without further warning should the debt remain outstanding beyond 7 days.

Where the customer fails to pay in full by the expiry of the period defined above, credit may be suspended or services limited and legal action may be commenced.

Legal action – debts will be assessed to ascertain the ability to recover. If the cost of legal action exceeds the amount of the debt, the amount may be considered for write off, subject to Council delegation, once all non-legal recovery actions have been exhausted.

2. Recovery of Rate and Service Charges

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

Amounts that remain outstanding past the prescribed due date will have interest applied.

Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Town of East Fremantle. This includes overdue amounts where the rate payer has elected to pay by an instalment option.

Accounts unpaid by the due date shown on the Rate Notice

Where accounts remain outstanding after the prescribed due date, a Final Notice shall be issued requesting full payment within fourteen (14) days unless the rate payer has entered into a payment arrangement which has been agreed upon by both parties.

Final Notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992*, as such persons have until 30 June of the current financial year to make payment, without incurring any penalty interest. Final notices will, however, be issued to registered pensioners or seniors where there are unpaid charges which are not subject to a rebate or deferment eg: rubbish collection charges.

Accounts unpaid after the expiry date shown on the Final Notice

Where amounts remain outstanding after the expiry date shown on the Final Notice, recovery action will commence based upon a risk management approach as determined by the value and type of debt and may include such action as referral to Council's debt collection agency. As a minimum, a letter of demand on Solicitor letterhead will be sent to all overdue rate accounts where a final notice has not been paid, and the amount of rates outstanding is more than \$500.

Seizure of Rent for Non Payment of Rates

Where the property owner of a leased or rented property on which Rates and Service Charges are outstanding cannot be located or refuses to settle Rates and Service Charges owed, a Notice may be served on the lessee or tenant under the provisions of Section 6.60 of the *Local Government Act 1995* requiring the lessee or tenant to pay to the Town the rent due that they

would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

Options to recover rates debt where rates are in arrears for in excess of (3) years

Under the guidance of the Towns debt collection service provider, legal action may be undertaken to recover outstanding rates and charges. This action may include General Procedure Claims and Property Seizure and Sale Orders (Goods). Any costs incurred in undertaking legal action in a Court of competent jurisdiction are recoverable from ratepayers under *section 6.56 of the Local Government Act 1995*.

Alternative payment arrangement

Where ratepayers are unable to make payment of their rates by one of the prescribed instalment options, they may apply for a special payment arrangement in order to avoid legal action for recovery. Special payments arrangements are to involve regular weekly, fortnightly or monthly repayments of a fixed amount, and are to achieve full payment of outstanding rates by the end of the financial year. A minimum payment of an equivalent of \$50 per week is to apply. Special payment arrangements will incur a one-off Administration Fee in accordance with Council's adopted Fees and Charges. Interest on overdue amounts accrues at the prevailing interest rate as set out in the adopted Fees & Charges.

Each Alternative Payment Arrangement requires the approval of the Executive Manager Corporate Service in accordance with Delegation DA14 – Rates and Services Charges.

Options to recover rates debt where rates are in arrears for in excess of three (3) years.

(i) Lodging a Caveat on the Title for Land

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years a caveat may be registered on the title for the land, under the provisions of *Section 6.64 (3) of the Local Government Act 1995*. The approval of Council is required before this course of action is undertaken.

(ii) Sale of Property

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least five (5) years, Council may take possession of the land under the provisions of *Section 6.64 of the Local Government Act 1995*. The approval of Council is required to be obtained before this course of action is undertaken.

3. Write off Debts and Financial Hardship

The Chief Executive Officer and the Executive Manager Corporate Services have the authority to write-off individual debts up to \$500.00 in accordance with Delegation DA76 – Write off Debt.

Where a person is experiencing financial hardship and is unable to pay their outstanding debt, the Town may assist the applicant, where applicable, to negotiate an Alternative Payment Arrangement.

Pursuant to section 6.49 of the Local Government Act 1995, where a person is assessed to be under financial hardship, a special payment arrangement will be offered, and Council resolves to waive all administration charges and penalty interest associated with the assessment, on the proviso that all rates and charges (arrears plus current) and paid in full by the end of the current financial year.

Rate payers who are requesting a payment arrangement and to waive all administration charges and penalty interest associated with their rates assessment by claiming financial hardship will be required to provide evidence.

Types of evidence required include:

- Loss of employment
- The unexpected death of family member
- Loss of income or failure of a business
- Adversely effected by a major disaster
- Destruction or severe damage to your home, necessitating relocation of the family
- Victim of domestic violence
- Other evidence to support the link between the above circumstance and financial hardship

All write-offs above \$500.00 will be reported to Council on a bi-annual basis and will include:

- Name of Debtor / Rate Payer
- Amount to be written off
- Description of invoice / Assessment Number
- Reason for write-off.

For a debt to be written off one of the following conditions must be satisfied:

- The debtor cannot be located
- Uneconomical to pursue the debt
- The hardship circumstances of the debtor do not warrant the taking or continuation of recovery action
- Legal proceedings through the courts have proved, or on legal advice would prove, unsuccessful.

4. Management Reporting

Rates Debtors:

The Town has adopted a benchmark target of 5% for its outstanding rates ratio. The monthly financial report to Council is to include a receivables note detailing the total amount of rates outstanding, and a breakdown of rates outstanding between one and two years, two and three years, and more than three years. Management are required to maintain a status report of recovery action against all rates in arrears of more than one year.

Sundry Debtors:

The Town has adopted a benchmark of less than 10% of sundry debtors exceeding 90 days outstanding. The monthly financial report to Council is to include an aged receivables note detailing the total amount outstanding against current, 30 days, 60 days and 90+ days. Management are required to maintain a status report of recovery action against all sundry debts in arrears of more than 90 days.

Roles and Responsibilities

- The Chief Executive Officer shall be responsible for the application of delegations of authority in regards to the Policy.
- The Executive Manager Corporate Services shall be responsible for referring matters to Council in regards to this Policy and the collection of outstanding debts.
- The Manager Administration and Finance shall be responsible for the review and monitoring of the operations of the Policy.
- The Corporate Service Team shall be responsible for the day to day operations of the Policy.

5. Legislation

- Local Government Act 1995: Part 6, Division 4, Clause 6.13 - Interest on money owing to local governments
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- Local Government Act 1995: Part 6, Division 6, Subdivision 4, Clause 6.45 – Options for payment of rates and service charges
- Local Government Act 1995: Part 6, Division 6, Subdivision 4, Clause 6.51 - Accrual of interest on overdue rates or service charges
- Local Government Act 1995: Part 6, Division 6, Subdivision 5, Clause 6.56 - Rates or service charges recoverable in court
- Local Government Act 1995: Part 6, Division 6, Subdivision 5, Clause 6.60 - Local government may require lessee to pay rent
- Local Government Act 1995: Part 6, Division 6, Subdivision 6, Clause 6.64 - Actions to be taken
- Local Government (Financial Management) Regulations 1996
- Rates and Charges (Rebates and Deferments) Act 1992

Responsible Directorate	Corporate Services
Reviewing Officer	Executive Manager Corporate Services
Decision Making Authority	Council
Policy Adopted	18/9/18
Policy Amended/Review:	19/2/19, 17/9/19
Former Policy No:	4.4.2



2.1.8 Corporate Credit Card

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996 Local Government (Functions and General) Regulations 1996
Delegation:	
Other Related Document:	Purchasing Policy 2.1.3 Supplier Payments Policy 2.1.6 Corporate Credit Card Procedures (PRO2.1.8) Request to use Town Credit Card Credit Card Acquittal

Policy Statement

This Policy, which is **mandatory**, allows the CEO to pay for expenditure, incurred in carrying out the ordinary course of business for the Town of East Fremantle, via the use of a Corporate Credit Card.

Policy Scope

This Corporate Credit Card Policy outlines the manner in which the corporate credit card can be used and provides clear guidance and responsibilities of the card users and ensures protection of the Town of East Fremantle's funds. This policy should be read in conjunction with section 6.5 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, specifically:

- regulation 5, which specifies the CEO's duties as to financial management
- regulation 11, which specifies that procedures are to be made for the correct authorisation and payment of accounts, and
- regulation 13, which specifies that a list of payments made is required to be presented at ordinary council meetings.

Local Government (Functions and General) Regulations 1996 are also complied with in relation to adhering to the Town of East Fremantle's Purchasing Policy (*Regulation 11A*).

A purchase order is not required when a corporate credit card is used. However, in order to adhere to the *Local Government Act and Regulations*, a *Request to Use Town Credit Card* form must be completed by staff members who are not cardholders. This form ensures that the expenditure is duly authorised, that a valid tax invoice is obtained, is within budget and the nominated general ledger account to be charged is correct. A reason must also be given as to why a purchase order has not been raised.

As the cardholders are part of the Executive Management Team of the Town of East Fremantle, and individual credit card limits are below their delegated purchasing authority limits, expenditure incurred via credit card is therefore in accordance with appropriate delegated authority.

Each month the cardholder is required to prepare a *Credit Card Acquittal* form. The acquittal ensures that the expenditure is duly authorised, valid tax invoices/receipts are attached, is within budget and the nominated general ledger account to be charged is correct.

Each month a listing of payments made via Corporate Credit Cards is required to be presented to Council for approval.

Policy

Eligibility

The provision of a Corporate Credit Card is a facility offered by Council to Management occupying certain positions which must be authorised by the CEO.

If a staff member is not an authorised cardholder and requires the use of a Corporate Credit Card for purchasing purposes, the staff member on approval from their Manager is required to complete a *Request to Use Town Credit Card* form, (held with the Finance Officer or Customer Service Officer) which includes showing the applicable general ledger account and IE code of the purchase. Once completed, the staff member must obtain the signature of the credit cardholder. Once authorised, the staff member can complete the purchase.

Guidelines for credit card usage

- The card must be used for Council business expenditure only. The monthly limit assigned to each card holder is \$5,000 and the card holder must ensure there are sufficient funds in the budget prior to usage;
 - The card must not be used for personal use;
 - The card must not be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility;
 - The card must not be used by officers' other than the cardholder, unless the cardholder has given prior approval on the Credit Card Request form, held by the Finance Officer;
 - The card must not be used for fuel purchases in instances where the cardholder has a Fuel Card facility available;
 - The cardholder must obtain all tax invoices and/or receipts from the Creditor and maintain any other records of their transactions to facilitate the reconciliation and costing of transactions for that card. These invoices/receipts must be handed to the Finance Officer as soon as they are received from the Creditor;
 - The cardholder must practice due diligence and strict care to maintain the security of their card, ensuring that it is kept in their possession at all times;
 - The card must be returned to the Manager Finance and Administration, prior to leave periods in excess of four weeks. The card must also be returned if the cardholder is reassigned to a new position where the use is not required or where their employment is terminated;
 - Cards must not be used to obtain personal rewards such as frequent flyer points or any other rewards, including flight point awards;
 - The card shall not be used for payment of fines, for example a parking or a speeding offence which was incurred whilst on Council business;
 - No direct debits are to be utilised;
 - The card should only be used in limited circumstances when a Creditor will not accept payment via EFT or cheque, otherwise a purchase order must be raised and the Creditor paid in accordance with the Towns Supplier Payments Policy.
 - The card is permitted to be used when payment is expected COD.
 - No "tips" shall be paid using a Corporate Credit Card.
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Where an inappropriate expense occurs

Where an inappropriate expenditure occurs, the value of the expenditure shall be recovered from the cardholder. Should there be an accidental contravention, the Manager of Finance and Administration is to be notified and the Council reimbursed immediately.

Formal acknowledgement of procedure conditions

Managers issued with Corporate Credit Cards are in a position of trust with regard to the use of public funds. Improper use of that trust may render the cardholder liable to disciplinary action, legal action or criminal prosecution.

All Corporate Credit Card holders are to acknowledge receipt of their corporate credit card by signing a *Corporate Credit Card Acknowledgment and Conditions of Use* form (attachment A).

All Corporate Credit Cards issued will be recorded on the Credit Card holders Personnel file. (Human Resources)

Cardholder responsibilities

Cardholders are required to abide by the Town's internal procedures as follows:

- The Corporate Credit Card must be signed with the card holder's signature immediately upon receipt;
- Card holders are to ensure that the proposed transactions will not cause the credit limit to be exceeded;
- A compliant Tax Invoice/receipt must be obtained for all purchases and lodged with the Finance Officer;
- Should a cardholder fail to obtain a Tax Invoice, they must make all reasonable attempts to obtain a copy. If they cannot obtain a copy, the cardholder will be required to immediately lodge a written explanation advising as to the reason;
- Tax invoices must be authorised with a Council stamp showing the general ledger account number, IE code, description of the purchase and the card holder's signature; and
- The banks Credit Card Monthly Statements will be issued to the cardholders for review and signatory (must be returned within one business day) and for approval by the CEO.

Each month the cardholder is required to prepare a *Credit Card Acquittal* form. The acquittal ensures that the expenditure is duly authorised, valid tax invoices/receipts are attached, is within budget and the nominated general ledger account to be charged is correct.

Repeat failure to acquit monthly statements in a timely manner may result in the Corporate Credit Card being cancelled.

Where cardholders fail to fulfil the above requirements, the CEO may cancel the card and revoke purchasing delegations.

Procedure for lost, stolen or damaged cards

Cardholders are personally responsible and accountable for the safe custody of the issued card. Cardholders must:

- keep the Corporate Credit Card with them at all times. This will ensure the card is secure at all times to safeguard against theft or loss;
 - report the loss or theft of a card to the supplying bank immediately in accordance with the bank's
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terms and conditions, and notify the Manager Finance and Administration;

- not disclose or carry with the card any PIN that has been issued with the card.

Procedures for cessation of employment

Upon cessation of employment with the Town, the card holder must ensure that:

- all outstanding transactions are cleared and properly accounted for;
- the card is returned to the Manager Finance and Administration for cancellation and destruction; and
- sign off the return of the Credit Card from Human Resources.

Duties of the Finance Officer

The Finance Officer is responsible for the data entry of corporate credit card transactions into the finance system and checks the validity of all tax invoices attached to ensure that they are in accordance with ATO requirements.

Payment of Credit Card Balance

On a monthly basis the Commonwealth Bank draws on the Town's General Municipal Account to pay for the balance outstanding on the Corporate Credit Card.

Monthly Council Meetings - submission of payments made via credit card

Each month the Finance Officer prepares a listing of payments made by the Town of East Fremantle via credit card. The listing is reviewed by the Manager Finance & Administration and Executive Manager Corporate and Community Service and presented to Council for approval.

Record Keeping

On completion of monthly processing the Finance Officer attaches the invoices to the Credit Card Acquittal form and Credit Card Statement and files the batches sequentially in folders stored securely.

Consequences of Breaching this Policy

The policy constitutes a lawful instruction to staff members involved in administering corporate credit card transactions. Any breaches of the policy may lead to disciplinary action.

Variation to this Policy

This policy may be varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Directorate:	Finance and Administration
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	19/03/19
Policy Amended/Reviewed:	17/9/19
Next Review Date:	4.3.6

ATTACHMENT A

Corporate Credit Card Acknowledgment and Conditions of Use

To the CEO

I.....(position).....

acknowledge receipt of a Town of East Fremantle Corporate Credit Card and acknowledge that:

1. I am aware of my responsibilities and duties as a Corporate Credit Card holder;
2. I will only use the Corporate Credit Card within the approved financial limits and for approved purposes;
3. I am aware that transactions made with the card are subject to authorisation and audit procedures;
4. I will reimburse the Town of East Fremantle for the cost of purchases that are deemed not for the use of the Town, or Town related business;
5. I will keep the card safe from unauthorised use at all times;
6. I will return the card to the Manager of Administration and Finance:
 - (i) on request of the CEO;
 - (ii) if required by the CEO, prior to my assuming duties in another position within the Town of East Fremantle; or
 - (iii) on termination of employment with the Town of East Fremantle;
 - (iv) once it has been deemed by the CEO that I no longer require a Corporate Credit Card.
7. I will advise the Manager Administration and Finance and the Commonwealth Bank immediately if the Corporate Credit Card has been lost, mislaid, stolen or misused;
8. I am aware that when no documentation is available to support a particular transaction, I will provide a written explanation detailing the reason and detail the nature of the expense. I will also acknowledge that the expense is business related and also show the general ledger account and IE code for the purchase;
9. I will not use the Corporate Credit Card for any personal or private use;
10. I will not use the Corporate Credit Card to obtain cash;
11. I will not use the Corporate Credit Card for the purchase of fuel when I have been provided with a fuel card;
12. The card should only be used when a Creditor will not accept payment via EFT or cheque. It is to be used when payment is expected COD;
13. No direct debits are to be utilised.

Corporate Card holder's Signature.....

Date.....

CEO Signature.....Date.....

CORPORATE CREDIT CARD USE PROCEDURE (PRO2.1.8)

1.0 OBJECTIVE

This procedure aims to create a sound framework for the use of Corporate Credit Cards and provides clear guidance and responsibilities of the card users and ensures protection of the Town's funds.

2.0 RELATED POLICIES

- Purchasing Policy (No 2.1.3)
- Corporate Credit Card Policy (No 2.1.8)

3.0 ELIGIBILITY

The provision of a Corporate Credit Card is a facility offered by Council to Management occupying certain positions which must be authorised by the CEO.

If you are not an authorised cardholder and require the use of a Corporate Credit Card for purchasing purposes, please advise your Manager and complete a Credit Card Request form, (held with the Finance Officer) which includes showing the applicable general ledger account and IE code of the purchase. Once completed, you must obtain the signature of the credit card holder of which you are using. Once authorised, you can complete the purchase.

4.0 GUIDELINES FOR CREDIT CARD USAGE

- The card must be used for Council business expenditure only. The monthly limit assigned to each card holder is \$5,000 and the card holder must ensure there are sufficient funds in the budget prior to usage;
 - The card must not be used for personal use;
 - The card must not be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility;
 - The card must not be used by officers' other than the cardholder, unless the cardholder has given prior approval on the Credit Card Request form, held by the Finance Officer;
 - The card must not be used for fuel purchases in instances where the cardholder has a Fuel Card facility available;
 - The cardholder must obtain all tax invoices and/or receipts from the Creditor and maintain any other records of their transactions to facilitate the reconciliation and costing of transactions for that card. These invoices/receipts must be handed to the Finance Officer as soon as they are received from the Creditor;
 - The cardholder must practice due diligence and strict care to maintain the security of their card, ensuring that is kept in their possession at all times;
 - The card must be returned to the Manager Administration and Finance, prior to leave periods in excess of four weeks. The card must also be returned if the cardholder is reassigned to a new position where the use is not required or where their employment is terminated;
 - Cards must not be used to obtain personal rewards such as frequent flyer points or any other rewards, including flight point awards;
 - The card shall not be used for payment of fines, for example a parking or a speeding offence which was incurred whilst on Council business;
 - No direct debits are to be utilised;
-

- The card should only be used when the Creditor will not accept payment via EFT or cheque. It is to be used when payment is expected COD.
- No “tips” shall be paid using a Corporate Credit Card.

4.1 Where an Inappropriate Expense Occurs

Where an inappropriate expenditure occurs, the value of the expenditure shall be recovered from the card holder. Should there be an accidental contravention, the Manager of Administration and Finance is to be notified and the Council reimbursed immediately.

5.0 FORMAL ACKNOWLEDGEMENT OF PROCEDURE CONDITIONS

Managers’ issued with Corporate Credit Cards are in a position of trust with regard to the use of public funds. Improper use of that trust may render the cardholder liable to disciplinary action, legal action or criminal prosecution. All Corporate Credit Card holders are to acknowledge receipt of the Corporate Credit Card and instructions for use. The acknowledgement will include a signed agreement to abide by all Town of East Fremantle card supplier guidelines including conditions of use (attachment A).

All Corporate Credit Cards issued will be recorded on the Credit Card holders Personnel file. (Human Resources)

6.0 CARD HOLDER RESPONSIBILITIES

Card holders are required to abide by the Town’s internal procedures as follows:

- The Corporate Credit Card must be signed with the card holder’s signature immediately upon receipt;
- Card holders are to ensure that the proposed transactions will not cause the credit limit to be exceeded;
- A compliant Tax Invoice/receipt must be obtained for all purchases and lodged with the Finance Officer;
- Should a card holder fail to obtain a Tax Invoice, they must make all reasonable attempts to obtain a copy. If they cannot obtain a copy, the cardholder will be required to immediately lodge a written explanation advising as to the reason;
- Tax invoices must be authorised with a Council stamp showing the general ledger account number, IE code, description of the purchase and the card holder’s signature; and
- The banks Credit Card Monthly Statements will be issued to the card holders for review and signatory (must be returned within one business day) and also approval by the CEO.

As part of the acquittal process (as per above), the card holder is to certify that all charges shown are correct. Repeat failure to acquit monthly statements in a timely manner may result in the Corporate Credit Card being cancelled.

Where card holders fail to fulfil the above requirements, the CEO may cancel the card and revoke purchasing delegations

7.0 PROCEDURE FOR LOST, STOLEN OR DAMAGED CARDS

Card holders are personally responsible and accountable for the safe custody of the issued card. Card holders must:

- keep the Corporate Credit Card with them at all times. This will ensure the card is secure at all times to safeguard against theft or loss;

- report the loss or theft of a card to the supplying bank immediately in accordance with the bank's terms and conditions, and notify the Manager Administration and Finance;
- not disclose or carry with the card any PIN that has been issued with the card.

8.0 PROCEDURES FOR CESSATION OF EMPLOYMENT

Upon cessation of employment with the Town, the card holder must ensure that:

- all outstanding transactions are cleared and properly accounted for;
 - the card is returned to the Manager Administration and Finance for cancellation and destruction; and
 - sign off the return of the Credit Card from Human Resources.
-



2.1.9 Parking Infringement Appeals

Type:	Corporate Services – Financial Management
Legislation:	
Delegation:	DA62 Withdrawal, Amendment & Collection of Infringement Notices
Other Related Document:	Town of East Fremantle Parking Local Law 2016

Objective

The objectives of this policy are to provide:

1. a consistent approach to the review of parking infringement notices issued under Town of East Fremantle Parking Local Law 2016; and,
2. a clear framework for assessing parking infringement notice appeals.

Policy Scope

This policy relates to all parking infringements issued within the Town of East Fremantle.

Policy

The following general principles will be considered when determining the outcome of appeals against parking infringement notices:

- Were the elements of the offence met?
- Was the customer unable to comply with the relevant provisions of the law for a reason or due to a significant circumstance that was out of their control?

All parking infringement appeals must be received within 28 days of the issue of the infringement notice and will be assessed on their individual merit.

Methods for lodging an appeal are as follows:

1. All appeals must be in writing
2. Appeals can be submitted via:
 - (a) email to admin@eastfremantle.wa.gov.au
 - (b) completing the hard copy appeals form available in person, from Customer Service
 - (c) using the online form via the Town of East Fremantle website.

Officers will apply a 15 minute leniency prior to issuing a parking infringement notice for exceeding a time limit.

In exceptional circumstances or in circumstances of repetitive offences by the same person, it may be appropriate for officers to make a decision that varies from the position outlined in this policy.

The following tables outline the circumstances under which parking infringement notices that are subject to an appeal will, may be or will not be withdrawn:

*Table 1. Circumstances under which an infringement **will** be withdrawn*

Circumstances	Evidence required
Vehicle breakdown due to mechanical fault.	<ul style="list-style-type: none"> • Statutory declaration outlining the nature of the breakdown, why the vehicle couldn't be moved and how the vehicle was moved; or • Receipts from a vehicle towing company; or • Receipts from a reputable mechanic.
Medical Emergency.	<ul style="list-style-type: none"> • Doctor's certificate; or • Correspondence from St John Ambulance, a hospital, medical surgery, doctor; or • Statutory declaration.
Infringement issued in error or to the wrong person.	<ul style="list-style-type: none"> • Evidence demonstrating the error such as; a valid ticket (and appropriately displayed), or photograph, or correctly parked vehicle; or • Proof that the vehicle did not belong to the nominated driver/owner at the time the infringement was issued; • Registration papers; or • Statutory declaration.
Town of East Fremantle ticket machine, pay by phone software (if available) or equipment fault.	Evidence demonstrating the Town of East Fremantle ticket machine, pay by phone software, or equipment was faulty; e.g. photograph or screenshot.
Person is not the driver at the time of the offence.	Correctly filled out nomination form submitted within 28 days of the infringement date.
Directed by a Town Officer or Law Enforcement Officer to park contrary to signs and/ limitations.	<ul style="list-style-type: none"> • Statutory declaration outlining the nature of the direction, why the vehicle couldn't be moved; and • Evidence from the Law Enforcement Officer indicating the nature of the direction.

*Table 2. Circumstances under which an infringement **may** be withdrawn*

Circumstances	Evidence required
A valid ticket was purchased (Failure to display a valid parking ticket)	<ul style="list-style-type: none"> • A copy of the valid ticket that relates to the parking infringement notice under appeal, including correct vehicle registration details; or • Extract from bank statement confirming payment details.
Compassionate grounds; including but not limited to family bereavement, genuine financial hardship and diagnosed mental illness.	Evidence specific to the matter at hand, which may include, but not be limited to, a Statutory declaration, Centrelink documentation, Health care card, Doctors certificate, letter from a hospital/surgery/doctor.
The signage in the area was missing, obscured or damaged to the point where it could not be read.	Photographic evidence of missing, obscured or damaged sign at the time of the offence.

Infringement issued to a person parked in a designated ACROD bay but did not display a valid ACROD permit.	Proof of valid ACROD permit.
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*Table 3. Circumstances under which an infringement **will not** be withdrawn:*

Circumstances
• Exceeding a time limit.
• Forgot to purchase and display a valid parking ticket.
• Lack of available parking bays.
• Arranging payment or getting change.
• Appointment or a meeting ran over time.
• Transportation services were late.
• Had to make or take an important phone call.
• Did not see or did not understand the parking restrictions.
• Did not see or did not understand how to use a ticket machine.
• Where a vehicle is parked in a dangerous or obstructive location that has the potential to cause nuisance, injury or damage.
• Where an unauthorised vehicle is parked in a designated ACROD parking bay.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	19/06/18
Policy Amended/Reviewed:	16/10/18, 20/08/19, 17/9/19
Former Policy No:	4.2.7



2.1.10 Infringement Debt Management

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	Parking Infringement Appeals Policy 2.1.9

Objective

The objective of this policy is to outline the process for collection of infringements, the referral process to the Fines Enforcement Registry, and the process to write off debt for unpaid infringements.

Policy Scope

This Policy applies to all infringements issued by the Town of East Fremantle under delegated State Government legislation and the Town's Local Laws. Council is committed to ensure that enforcement is carried out in the public interest and is transparent, fair, efficient and consistent.

Policy

Parking Infringement Notices Process

Infringement notice is issued - 28 days to pay.

Issue of a Final Demand letter - 14 days to pay.

Appeals must be lodged within the 28 day period being the due date on the original infringement notice. The due date will not be amended irrespective of the appeal being received. If the appeal is received after the 28 day period, it will not be considered.

Unpaid Infringement Notices will be forwarded to the Fines Enforcement Registry (FER) to recover the outstanding infringement following the non-payment of a Final Notice. Prior to an infringement being referred to FER, a list (generally monthly) will be prepared for the Senior Ranger to review and authorise.

Fines Enforcement Registry (FER)

Amounts that remain outstanding past the prescribed due date of the Final Demand letter will be referred to the Fines Enforcement Registry, and will result in additional fees and charges. The debt will remain active with Fines Enforcement for a period of three (3) years, after which it will be written off under delegated authority. Infringements are required to be manually written off via the FER portal.

Interstate and International Drivers

If an infringement remains unpaid within a financial year, the infringement notices may be withdrawn by delegated authority if the driver of the vehicle has been identified as being from interstate or overseas.

Management Reporting

The monthly financial report to council is to include the balance of Parking Infringements receivable.

Each year a report (including the Parking Infringements Status Summary Report) is to be submitted to the Audit Committee identifying total infringements outstanding by 1, 2 and 3 years. Fines

outstanding greater than three years will be referred to Council for information advising the amount written off by the Chief Executive Officer under delegation.

Financial Hardship

1. Financial hardship is not a ground for review.
2. Where a person is experiencing financial hardship and is unable to pay their outstanding infringement, the Town may assist the applicant, where applicable, to negotiate a payment plan.
3. To be eligible for a payment plan, the applicant must not have been referred to fines enforcement previously.
4. If the payment plan is requested after the fine has been registered with FER, the applicant will be responsible for an additional payment of the registration fee for the withdrawal.
5. The payment plan must not include more than 3 payments and must result in the outstanding amount being paid in full within 90 days of the date of Final Notice.

Each payment arrangement requires the approval of the Executive Manager Corporate and Community Service in accordance with Delegation DA14 – Rates and Services Charges Agreements.

Roles and Responsibilities

- Ranger Services shall be responsible for the issuance of Infringement Notices under Delegation Authority DA21.
- The Rates Officer shall be responsible for the issuance of the Final Demand Letter.
- The Executive Manager Corporate Services shall be responsible for referring matters to Council in regards to this Policy and the collection of outstanding Infringements.
- The Manager Administration and Finance shall be responsible for the review and monitoring of the operations of this Policy.
- The Corporate Service Team shall be responsible for the day-to-day operations of this policy.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Administration and Finance
Decision making Authority:	Council
Policy Adopted:	18/9/18
Policy Amended/Reviewed:	20/8/19, 17/9/19
Former Policy No:	4.4.3



2.1.11 Community Grants & Sponsorship

Type:	Corporate Services – Financial Management
Legislation:	
Delegation:	
Other Related Document:	Community Assistance Grants & Sponsorship Funding Guidelines Community Grants & Sponsorship Process

Objective

To provide financial assistance to community groups and individuals that will build capacity within the community, stimulate volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

Policy Scope

Funding for individuals and incorporated not-for-profit organisations/associations that are resident-based or those providing services within the East Fremantle community.

Policy

The Community Grants Assistance Program aims to provide assistance to individuals and incorporated associations that can deliver meaningful benefits and outcomes in the following target areas:

- Community Development
- Sport and Recreation
- Economic Development
- Environment and Heritage
- Culture and the Arts
- Emergency Services

Grant Categories

“Community Assistance Grants” refers to funding towards infrastructure and equipment. Examples of this type of funding are uniforms or equipment.

“Sponsorships” refers to funding towards events, projects (annual or one off), Community Bus use and Photocopying/Printing.

Funding of up to \$5,000 will be considered for Community Assistance Grants.

Funding of up to \$3,000 will be considered for Sponsorship Funding.

Council contributions will generally be limited to:

\$0 - \$1,000	100% funded
\$1,001 - \$3,000	50% matching contribution (dollar for dollar up to \$3,000)
\$3,001 - \$5,000	1/3 matching contribution

The value of in-kind work undertaken by volunteers may not exceed one third of the completed value of the project. The voluntary work should be described and valued at a rate of \$20 per hour (generally \$15 per hour for unskilled works and \$20 per hour for skilled labour).

Minor grants are to be considered by the Mayor. Formal acquittal processes are not mandatory but may be requested if considered appropriate.

Funding Application Assessment Criteria

Consideration will be given to priority areas, not limited to, emergency services, education, youth, sports, recreation, heritage and culture within the Town of East Fremantle.

Only one application for assistance towards one project will be assessed for the provision of minor sporting, recreation, cultural or other project.

The applicant organisation must operate from the Town of East Fremantle and beneficiaries must be residents of the Town of East Fremantle. If managed by an outside group, demonstrated evidence that a high percentage of members/users reside in the Town of East Fremantle must be included in the application.

Only groups who can demonstrate that they are a not-for-profit community organisation will be considered eligible for funding.

Community Grants Committee

The Community Grants Advisory Group will consist of the following membership;

- Mayor (or his/her representative) & two Councillors
- 2 x staff members
- 2 x Community members.

Retrospective Funding

No application for retrospective projects will be considered as part of this grant/funding scheme.

Projects may not materially commence before the announcement of successful applicants.

Ineligibility

State and Federal Government agencies, incorporated associations whose members derive individual benefit or financial return from their activities, individuals outside of Travel Subsidy and Youth Encouragement grants.

Perception of Bias

In accordance with best practice public sector transparency and accountability principles, all committee members and staff who are, or have in the last three years, been a board member, committee member, executive member or life member of an association applying for funds, shall disqualify themselves from all aspects of the consideration process from receipt of application through to consideration at the Community Grants Committee.

Responsible Directorate:	Corporate Services
Reviewing Officer:	CEO
Decision making Authority:	Council
Policy Adopted:	21/06/16
Policy Amended/Reviewed:	17/9/19, 19/11/19
Former Policy No:	1.2.2



2.1.12 Leeuwin Carpark (No 1) & Launching Ramp – Parking for Ratepayers

Type:	Corporate Services – Financial Management
Legislation:	LGA 1995
Delegation:	N/A
Other Related Document:	Parking and Parking Facilities Local Law Leeuwin Carpark & Launching Ramp – Parking for Ratepayers Procedure PRO2.1.12

Objective

To provide subsidised parking for East Fremantle ratepayers using the Leeuwin (No 1) carpark and launching ramp.

Policy Scope

This policy will affect:

- resident/owners of the Town who own a boat and trailer
- reception staff in checking documentation for issue of a parking permit
- Council's Ranger Services in administering the use of parking permits

Policy

To issue a permit to eligible East Fremantle ratepayers who are occupiers of their rateable property to park their vehicle and boat trailer in the Leeuwin (No 1) Carpark.

Permits are available to East Fremantle owner/occupiers who are required to produce evidence that the motor vehicle, boat and trailer are registered at their normal abode. Originals of driver's licence, motor vehicle, trailer and boat registrations must be presented when making application.

Attachment:

Leeuwin Carpark & Launching Ramp – Parking for Ratepayers Procedure

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Finance & Administration
Decision making Authority:	Council
Policy Adopted:	18/11/97
Policy Amended/Reviewed:	21/3/00, 16/2/16, 11/12/18, 17/9/19
Former Policy No:	2.2.1

LEEWIN CARPARK & LAUNCHING RAMP – PARKING FOR RATEPAYERS PROCEDURE (PRO2.1.12)

Objective

To ensure permits for subsidised parking for East Fremantle ratepayers using the Leeuwin (No 1) carpark and launching ramp are issued as per the Policy.

Procedure

1. For renewal, owner/occupiers of the Town of East Fremantle are to produce evidence that the motor vehicle, boat and trailer are registered at their normal abode. Originals of driver's licence, motor vehicle, trailer and boat registrations must be presented every year when making application.
 2. Provide a permit in the form of a sticker that is required to be placed on the driver's side of the front window (bottom right). If the permit is not displayed correctly, a parking infringement notice may be issued.
 3. The permit is only valid when both the authorised vehicle and trailer are attached and parked within the No 1 (Leeuwin) car park.
 4. The holder of the permit is required to comply with all other local laws in the parking area. It does not entitle the holder to a reserved parking bay.
 5. Maximum of one permit per owners of rateable property, regardless of additional properties owned.
 6. All permits expire on 31 August each year and only one permit is to be issued per year.
 7. Any breach of condition may result in revocation of parking permit and a refusal of future applications.
 8. Council staff maintain a register of all permits.
-



2.1.13 Rubbish Collection Charge – Domestic Service – No Separate Charge

Type:	Corporate Services – Financial Management
Legislation:	LGA 1995
Delegation:	N/A
Other Related Document:	

Objective

To record Council's determination regarding the levying of domestic rubbish charges.

Policy Scope

This policy will affect all ratepayers (residential) of the Town.

Policy

Council will not levy separate charges for rubbish or recycling collections for household/domestic properties.

Responsible Directorate:	Finance & Administration
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	16/12/97
Policy Amended/Reviewed:	18/03/08, 17/9/19
Former Policy No:	F2.2



2.1.14 Motor Vehicle Acquisition & Usage

Type:	Corporate Services – Financial Management
Legislation:	LGA 1995
Delegation:	N/A
Other Related Document:	

Objective

To provide effective asset management in respect of Council owned vehicles.

Policy Scope

This policy applies to employees who gain benefit from the use of Town owned motor vehicles b either private or commuter use of such vehicles.

Policy

The primary purpose of the acquisition of motor vehicles by the Town of East Fremantle is to meet Council's transportation requirements associated with business needs. A secondary and subservient purpose is to acknowledge the current marketplace environment and to make vehicles available for private and commuting purposes for designated employees as part of an employee's overall salary package.

Vehicle value

The value of vehicle use by an employee will be determined on an annual basis and published annually in association with the Town's annual budget.

Chief Executive Officer

At this level it is considered that the type of vehicle and hence the upper vehicle value will be set as part of the approved contract of employment.

Executive Managers/Managers

Vehicle purchases for Executive Managers and Managers will be in accordance with best overall value to the Town and in accordance with contract of employment.

Operational Staff Vehicles

These vehicles are selected on the best overall value to the Town based on the operational requirements of that vehicle. These vehicles are on occasion allocated to employees for Commuter Use only, in line with the Vehicle Allocation Policy.

Vehicle Specification

The Town's fleet vehicle specification includes a minimum Australian Greenhouse Office rating of 4 stars for fuel efficiency and greenhouse gas emissions and a 3 star rating for air pollution.

Cars are normally to be 4 cylinder. Utility vehicles are to be 4 or 6 cylinder vehicles depending on operational requirements.

The vehicles are also required to have an Australian New Car Assessment Program (ANCAP) 4 star rating for safety for all sedans, wagons and utilities (sedan based), and 3 star rating for other commercial vehicles.

All vehicle prices are determined utilising the Council Purchasing Services of the Western Australian Local Government Association (WALGA) using the State Government Regulations 1996, Part 4, Section 111 (2b) and (2d). The vehicle must be available to be purchased from the vehicles listed in this contract.

Replacement of vehicles

All vehicles are to be replaced at the optimum period for changeover (see table below) , in order to achieve the lowest possible operating costs for each vehicle and as per the Town's plant and equipment replacement program and budgets.

Sedans 2 years or 40,000km
Utilities (Petrol) 3 years or 60,000km
Utilities (Diesel) 4 years or 80,000km
Trucks and heavy plant 3 to 8 years

Maintenance

- (a) All repairs, maintenance and replacements are to be at the Town's cost.
- (b) Insurance and licensing of vehicles is arranged by the Town of East Fremantle for both business and private use.
- (c) The authorised employee is responsible for ensuring the vehicle is made available for service in accordance with the manufacturer's recommended service schedules.
- (d) Vehicle faults which occur between services are to have repairs arranged immediately.

Business Use of Vehicles

The only business use a Town vehicle is permitted to be used for, is business directly related to the Town.

Responsible Directorate:	Finance & Administration
Reviewing Officer:	Manager Finance & Administration
Decision making Authority:	Council
Policy Adopted:	18/03/08
Policy Amended/Reviewed:	17/9/19
Former Policy No:	F8.5



2.2 RISK MANAGEMENT

2.2.1 Legal Representation for Council Members and Employees

Type:	Corporate Services – Risk Management
Legislation:	LGA 1995 s6.7(2) Municipal fund & s9.56 Certain persons protected from liability for wrongdoing
Delegation:	DA44 Legal Representation Costs for an Elected Member or Employee
Other Related Document:	

Objective

To provide legal and financial protection for elected members and staff in carrying out their legislative functions or responsibilities in a correct and appropriate manner.

Policy Scope

This policy will affect elected members and employees.

Policy

Explanation of Key Terms

approved lawyer is to be –

- (a) A ‘certified practitioner’ under the Professions Act 2008;
- (b) from a law firm on the Town’s panel of legal service providers, if relevant, unless the Council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
- (c) approved in writing by the Council or the CEO under delegated authority.

council member or employee means a current or former commissioner, council member, non-elected member of a council committee or employee of the Town.

legal proceedings may be civil, criminal or investigative.

legal representation is the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that are in respect of –

- (a) a matter or matters arising from the performance of the functions of the council member or employee; and
- (b) legal proceedings involving the council member or employee that have been, or may be, commenced.

legal representation costs are the costs, including fees and disbursements, properly incurred in providing legal representation.

legal services includes advice, representation or documentation that is provided by an approved lawyer.

payment by the Town of legal representation costs may be either by –

- (a) a direct payment to the approved lawyer (or the relevant firm); or
- (b) a reimbursement to the council member or employee.

1. Payment Criteria

1.1 There are four major criteria for determining whether the Town pay the legal representation costs of a council member or employee. These are –

- (a) the legal representation costs relate to a matter that arises from the performance, by the council member or employee, of his or her functions;
- (b) the legal representation cost are in respect of legal proceedings that have been, or may be, commenced;
- (c) in performing his or her functions, to which the legal representation relates, the council member or employee have acted in good faith, and have not acted unlawfully or in a way that constitutes improper conduct; and
- (d) the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of Legal Representation Costs That May Be Approved

2.1 If the criteria in clause 1 of this policy are satisfied, the Town may approve the payment of legal representation costs –

- (a) where proceedings are brought against a council member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the council member or employee; or
- (b) to enable proceedings to be commenced and/or maintained by a council member or employee to permit him or her to carry out his or her functions – for example, where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee; or
- (c) where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members or employees.

2.2 The Town does not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member or employee.

3. Application for Payment

3.1 A Council member or employee who seeks assistance under this policy is to make an application(s), in writing, to the Council or the CEO.

3.2 The written application for payment of legal representation costs is to give details of

- (i) the matter for which legal representation is sought;
 - (ii) how that matter relates to the functions of the council member or employee making the application;
 - (iii) the lawyer (or law firm) who is to be asked to provide the legal representation;
-

- (iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
- (v) an estimated cost of the legal representation; and
- (vi) why it is in the interests of the Town for payment to be made.

3.3 The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

3.4 As far as possible, the application is to be made before commencement of the legal representation to which the application relates.

3.5 The application is to be accompanied by a signed written statement by the applicant that he or she –

- (a) has read, and understands, the terms of this policy;
- (b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
- (c) undertakes to repay to the Town any legal representation costs in accordance with the provisions of clause 7.

3.6 In relation to clause 3.5(c), when a person is to be in receipt of such monies the person should sign a document which requires repayment of those monies to the local government as may be required by the local government and the terms of the policy.

3.7 An application is also to be accompanied by a report prepared by the CEO or, where the CEO is the applicant, by an appropriate employee.

4. Legal Representation Costs - Limit

4.1 The Council in approving an application in accordance with this policy sets a limit on the costs to be paid based on the estimated costs in the application.

4.2 A council member or employee may make a further application to the Council in respect of the same matter.

5. Council's Powers

5.1 The Council may –

- (a) refuse
 - (b) grant; or
 - (c) grant subject to conditions,
- an application for payment of legal representation costs.

5.2 Conditions under clause 5.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

- 5.3 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Town's council members "or employees" insurance policy or its equivalent.
- 5.4 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.5 The Council may, subject to clause 5.6, determine that a council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –
- (a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - (b) given false or misleading information in respect of the application.
- 5.6 A determination under clause 5.5 may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 5.7 Where the Council makes a determination under clause 5.5, the legal representation costs paid by the Town are to be repaid by the Council member or employee in accordance with clause 7.

6. Delegation to the Chief Executive Officer

- 6.1 In cases where a delay in the approval of an application may be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, to a maximum of \$10,000 in respect of each application.
- 6.2 An application approved by the CEO under clause 6.1, is to be submitted to the next ordinary meeting of the Council. Council may exercise any of its powers under this policy, including its powers under clause 5.4.

7. Repayment of Legal Representation Costs

- 7.1 A council member or employee whose legal representation costs have been paid by the Town is to repay the Town –
- (a) all or part of those costs – in accordance with a determination by the Council under clause 5.7;
 - (b) as much of those costs as are available to be paid by way of set-off – where the council member or employee receives monies paid for costs, damages or settlement, in respect of the matter for which the Town paid the legal representation costs.
- 7.2 The Town may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

Responsible Directorate:	Chief Executive Officer's Office
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	20/10/15
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.3.1



2.2.2 Use of Information Technology

Type:	Corporate Services - Risk Management
Legislation:	Copyright Act 1968 Censorship Act 1995
Delegation:	
Other Related Document:	Acceptable internet Use Procedures PRO2.2.2

Objective

This policy provides guidelines for the proper usage of all information technology facilities, including electronic data exchange, via internal and external data networks. It includes: internet access, internet Email, internal Email (Exchange), facsimile and any other electronic data transfer using the Town of East Fremantle information technology facilities.

Policy Scope

This Policy sets the conditions of use for the Town of East Fremantle information technology facilities, including the use of the internet and electron mail (Outlook) for all employees, volunteers, contractors and Elected Members.

For the purpose of this Policy 'employees' denotes employees, volunteers, contractors and if applicable Elected Members.

Policy

1. Purpose

This Policy applies to:

- a) All employees of the Town of East Fremantle, whether they are permanent, temporary or contracted;
- b) All contractors and volunteers; and
- c) Elected Members using Council equipment.

It is important therefore that all persons understand and acknowledge their obligations in this area.

Town of East Fremantle employees are accountable for the use of their Town's Information Technology (IT) facilities. If these facilities are improperly used, persons found misusing Town facilities may be subject to formal disciplinary actions and, potentially, criminal prosecutions.

The Town's IT network and its connections to other networks are to be used only in a manner that is consistent with the Town's business purposes and within the principles and guidelines of this Policy and associated procedures.

This document sets out the Town of East Fremantle's position on the proper use of its IT facilities. The principles sustaining the proper use of the Town of East Fremantle IT facilities are:

- The use of IT Facilities should be consistent with the Town of East Fremantle business operations.

- Limited personal use is permitted but must not interfere with the Town of East Fremantle business operations.
- The Town of East Fremantle will not be responsible for the loss of any personal information and / or data stored on any Town owned device, including computers, iPads and mobile telephones.
- Improper use of the Town of East Fremantle IT facilities will be addressed in accordance with this policy and may lead to disciplinary action, criminal prosecution, or both.

The purpose of these guidelines is to safe guard the Town of East Fremantle as well as the individual from the misuse of the Town's IT facilities.

2. Security

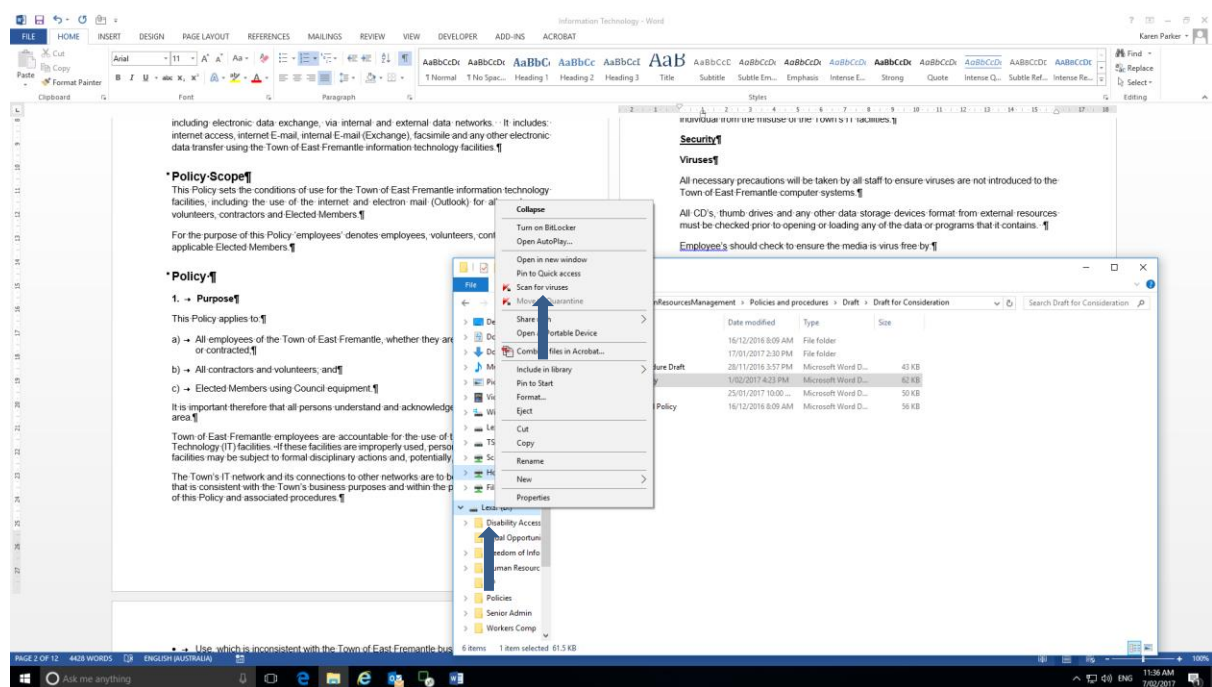
Viruses

All necessary precautions will be taken by all staff to ensure viruses are not introduced to the Town of East Fremantle computer systems.

All CD's, thumb drives and any other data storage devices format from external resources must be checked prior to opening or loading any of the data or programs that it contains.

Employees should check to ensure the media is virus free by:

1. Right click with the mouse on the 'media' in 'file explorer' and
2. Select 'scan for viruses'



Login Protocols

All users must be issued with a unique User Identification and a password.

Employees must not give out user details and passwords of the computer system to other Elected Members, employees, volunteers and non-employees.

Employees must provide a copy of their password for any Town owned iPads or mobile telephone to the IT Coordinator to be placed on a Register. If the employee updates / changes the password they must inform the IT Coordinator of the change.

3. Improper Use of IT Facilities

The improper use of IT facilities may compromise the Town of East Fremantle's business objectives, expose the Town to unfavourable publicity and breach the right of other employees under legislation such as the Discrimination Act. Town of East Fremantle employees, therefore have an ethical and legal obligation not to use the IT facilities improperly.

Without limiting its definition, the improper use of IT facilities may entail one or more of the following:

- Use, which is inconsistent with the Town of East Fremantle business purposes.
- Excessive access of the internet during work time.
- Use which is outside the scope of an employee's authority or contrary to guidelines and legislation applying to the Town's IT facilities.
- Use which is contrary to broader requirements of the Town of East Fremantle employees such as conditions of employment, anti-discrimination legislation, Town of East Fremantle policies, etc.

Penalties for Improper Use

Any user violating this policy, applicable state and federal laws or Town of East Fremantle policies and procedures are subject to Town of East Fremantle disciplinary options.

In addition, any unauthorised access or attempted access to the Local Government computer system or attempted access to any state or Federal Government computing and/or network system is a violation of Australian law and is subject to criminal prosecution.

Should an employee receive an email which breaches the Town's policy pertaining to emails, they should:

- Reply to the email requesting that the sender refrain from sending any such emails in the future;
- Delete the email and any attachments;
- Under no circumstances forward the email; and
- Report the matter to their supervisor.

If an employee becomes aware that there are breaches of the Town's Policy pertaining to the use of the Internet occurring the matter should be reported immediately to their manager.

Examples of Unethical and Unacceptable Use

Use of the Internet for unethical or unacceptable purposes/activities is not permitted. This includes but is not limited to any of the following activities:

- Violating federal or state laws, in particular Division 6 of the 1995 Censorship Act.
- Violating institutional or third party copyright, licence agreements or other contracts.
- Transmitting, or causing to be transmitted, any communications that may be construed as harassment or disparagement of others based on the criteria of anti-discrimination legislation and Town of East Fremantle's relevant policies.

Publishing from a work PC on or over the Internet any information which violates or infringes upon the rights of any other person or any information of an abusive, profane nature or material likely to be sexually offensive.

Information published on chat sites, such as Facebook from the employee's / volunteer's personal computer.

4. Copyright / Defamation

Copyright is a set of exclusive rights conferred to by law on authors of original material, such as literary works, dramatic works, films, records and the like. All software has copyright. Software programs, whether public domain 'freeware' (owner has given the copyright free), 'shareware' (owner may allow software to be copied and distributed free of charge provided users pay a certain fee), a commercial application or developed by a Government Agency (normally purchased as stand-alone or as multiple-copy site licenses) will come with the definition of a 'computer program' in the Copyright Act 1968 and will thus qualify as a 'literary work' under the Act.

Breaches of copyright legislation can attract severe penalties.

All outgoing emails will include a disclaimer.

5. Records Management Procedures

All electronic documents are subject to the same record keeping requirements as hard copy documents, ie incoming and outward work related emails will be registered in the Synergy Record System.

Elected Members should forward all electronic documents relating to the business of Council to the Records Officer.

Attachment

Acceptable Internet Use Procedure

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Human Resources Coordinator
Decision making Authority:	
Policy Adopted:	21/3/17
Policy Amended/Reviewed	17/9/19
Former Policy No:	4.3.2

USE OF INFORMATION TECHNOLOGY (PRO2.2.2)

Acceptable Internet Use

Statement

The Internet will be used in a lawful manner that is consistent with the Town of East Fremantle standards of business conduct and as part of the normal execution of a person's job responsibilities.

Aim

The Internet is a worldwide network linking millions of computers and people. The Internet permits the sharing of information and ideas between businesses, academic and research organisations, and the community at large.

The aim of this document is to outline the procedures and practices to be employed at all times when using the Internet in the Town of East Fremantle workplace. In doing so, the document specifically draws attention to Equal Employment Opportunity (EEO) legislation which has a direct impact on the use of the Internet.

The procedure also provides for stored information derived from the Internet to be regarded as official records and, as such, professionally managed. In establishing that certain information derived from the Internet is considered to be "records", procedures are defined covering the requirement to retain the information in record keeping systems for as long as required under the terms of the *Local Government Retention and Disposal Schedule*.

Procedure

1. AUTHORISATION TO USE INTERNET SERVICES

Town of East Fremantle personnel requiring Internet services must obtain authorisation before attempting to use the services. This is provided through the user profile set up by Focus Networks following a formal request from the Town's IT Coordinator.

Town of East Fremantle personnel are not permitted to use another officer's user profile.

Internet (log on) accounts are owned by Town of East Fremantle, therefore, Internet access and information obtained is not considered personal under any circumstances. All user profiles / accounts issued by Town of East Fremantle remain the property of Town of East Fremantle at all times.

2. RISK MANAGEMENT

A Internet Security

- Town of East Fremantle security is maintained by use of a firewall, a dedicated machine that controls the flow of traffic through a gateway to the rest of the Internet. Unauthorised outside access from the Internet to the Town of East Fremantle internal network is not permitted.
 - To minimise the risk associated with access to the Internet all Town of East Fremantle personnel must follow the guidelines contained in this policy.
 - The Town of East Fremantle reserves the right to monitor the use of the Internet to ensure policy compliance.
-

- All Town of East Fremantle computers with Internet access must have virus scan and virus software update established.
- No unauthorised software is to be downloaded from the Internet without the permission of the Chief Executive Officer as this may expose the Town of East Fremantle to a potential breach of copyright.
- The Town receives a monthly report from their IT Consultants detailing the types of sites employees have or have attempted to access as well as virus threats the system has prevented from infecting the servers and computers. The IT Consultants can provide detailed reports for each user upon request by the Town's authorised representatives.

B. Quality of Information

Town of East Fremantle personnel need to be aware that materials published on the Internet may not have undergone rigorous quality assurance. Personnel should exercise extra caution and care to ensure the accuracy of Internet information and the authenticity of the authors.

C. Legal Aspects

Users of the Internet must respect the law and the legal rights of others. Copying from the Internet should be regarded in the same manner as copying from any other source.

Copyright does apply to information on the Internet.

Transmission and receiving of any material through the Internet in violation of any Australian Law is prohibited. This includes, but is not limited to, copyright material, threatening or obscene material, material breaching the Equal Opportunity Act or material protected by trade secret.

3. ACCEPTABLE USAGE

Authorised Town of East Fremantle personnel will use the Internet services in a responsible and professional manner to enhance the efficient operation of the organisation. The Internet can be used by Town of East Fremantle personnel provided the usage does not contravene the laws of Western Australia; there is no additional cost to the Town of East Fremantle nor commercial gain to the personnel.

4. UNACCEPTABLE USE OF THE INTERNET

Town of East Fremantle personnel are not to use Town resources to access the Internet for the following purposes:

- viewing, copying, printing, storing or distributing offensive or pornographic material;
 - viewing, copying, printing, storing or distributing libellous, fraudulent, nuisance or malicious material;
 - viewing, copying, printing, storing or distributing any material that violates an individual's rights under the Equal Opportunity Act. For instance, it is illegal to discriminate based on sex, race, age, disability, marital status, religious or political beliefs. This includes jokes, pictures, photos, sketches, or any other material that may be offensive to or prejudiced against an individual or group of individuals;
 - copying and storing of images and video clips that are not directly related to Town of East Fremantle's aims and objectives;
 - copying, storing or receiving unauthorised software;
 - transmission and/or storage of copyrighted material;
-

- commercial activities for personal gain or profit;
- product advertisement or political lobbying;
- disclosure of material which is prohibited under state government legislation or policy;
- accessing, distributing or storing material which could damage the reputation of the Authority or lead to civil liability action;
- false representation;
- solicitation of other people including other employees;
- providing information about or lists of, government employees to others;
- commercial solicitations of non-departmental business;
- activities that interfere with your job or jobs of other employees;
- activities that interfere with the operation of any computer network;
- violating any law or rights of any person or group accessing the service under another user name and password; and
- use of departmental equipment to unlawfully access other network or systems

Accessing an inappropriate Internet site will have serious consequences and could lead to dismissal.

Accidental access to inappropriate websites.

Whilst using the Internet there could be occasions when inappropriate sites are accidentally accessed. Should this occur, **you must** immediately:

1. leave the site;
2. advise your immediate superior of the incident.

5. SECURITY

Internet accounts are personal and must not be used by anyone other than the person issued with the account. Town of East Fremantle personnel will be held responsible for all activities and the viewing of material originating from their account. Sharing of Internet access privileges is not permitted.

Town of East Fremantle personnel must log-off their computer when leaving it unattended or lock the screen to prevent unauthorised use of the logon and the computer.

6. SENDING INFORMATION

Town of East Fremantle personnel must ensure before they transmit information, via the Internet, that they have the proper authority to do so.

7. RECORD AND NON-RECORD INTERNET INFORMATION

The following should be registered in Synergy and stored as official Town of East Fremantle records:

- Internet correspondence which contains information relevant to making a decision within or concerning the Town of East Fremantle.
 - Internet correspondence conveying information which has the potential to affect business decisions within or concerning the Town of East Fremantle.
 - Internet correspondence which commits the Town of East Fremantle to certain courses of action, allocation of resources or provision of services.
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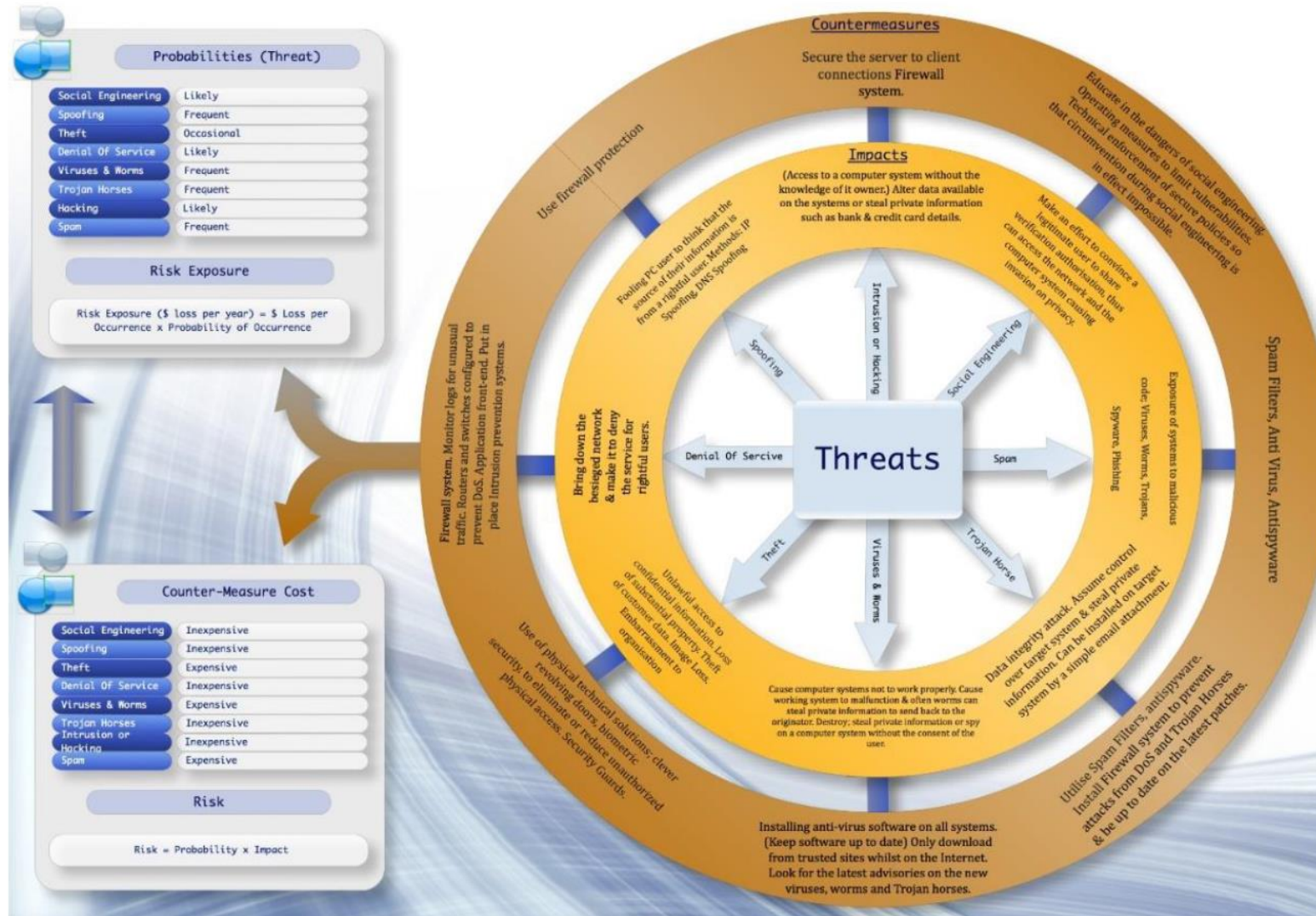
- Internet correspondence which contains information with historical value or data which may be required in the future.

8. BACKUP

The Town of East Fremantle will backup all network server electronic transactions for business continuation purposes only.

It is the responsibility of the individual users to backup their own critical information saved in local drives, USBs or other media (hard copy).

5. GENERAL TECHNICAL THREATS AND COUNTER MEASURES



Electronic Mail Procedure

Statement

Electronic mail (email) will be used in a lawful manner that is consistent with the Town of East Fremantle standards of business conduct and as part of the normal execution of a person's job responsibilities.

Aim

Email has evolved to become the primary business communication tool within Town of East Fremantle. To a large extent it is replacing internal memos and phone calls. With the use of email, Town of East Fremantle personnel send key information to each other and at the same time to all interested parties. The speed of response and the 'informal' nature of the medium result in fairly rapid decisions being facilitated. Email is one of the most effective and efficient means of communication within an organisation and with clients or other agencies. Messages are easy to send and mass distribution is almost instantaneous. Importantly, email and documents deserve the same level of management that is given to all other forms of business records.

The aim of this document is to outline the procedures and practices to be employed at all times when using email in the Town of East Fremantle workplace. In doing so, the document specifically draws attention to the Equal Employment Opportunity (EEO) legislation which has a direct impact on the use of email.

The procedure also provides for stored electronic messages derived from Town of East Fremantle's business transactions to be regarded as official records and, as such, professionally managed. In establishing that electronic messages are records, procedures are defined covering the requirement to retain electronic messages in record keeping systems for as long as required under the terms of the *State Records Act 2000*.

Procedure

1. AUTHORISATION TO USE EMAIL

Town of East Fremantle personnel are provided authorisation to use email via their User Profile set up through Focus Networks.

It is not permissible to use an account held by another Town of East Fremantle person.

All email (logon) accounts are owned by Town of East Fremantle, therefore, email sent or received is not considered personal under any circumstances. All accounts issued by Town of East Fremantle and the information in the accounts remain the property of Town of East Fremantle at all times.

2. EMAIL SECURITY

2.1 Town of East Fremantle security is maintained by use of a firewall, a dedicated machine that controls the flow of traffic through a gateway to the rest of the Internet (the Internet is used to transmit email outside of Town of East Fremantle). Unauthorised outside access from the Internet to the Town of East Fremantle internal network is not permitted.

2.2 Town of East Fremantle may monitor the use of email to ensure policy compliance.

2.3 All Town of East Fremantle personal computers with email access must have virus scan and virus software update established.

- 2.4 No unauthorised software is to be downloaded using email without the permission of the Chief Executive Officer. Such an act may expose Town of East Fremantle to computer viruses and/or may result in Town of East Fremantle breaching copyright.
- 2.5 Email accounts are allocated to an individual and must not be used by anyone other than the owner. Town of East Fremantle personnel will be held responsible for all correspondence originating from individual accounts. Sharing of email accounts is not permitted.
- 2.6 Town of East Fremantle personnel must log-off a computer when leaving it unattended or lock the screen to prevent unauthorised use of the login and the computer.

3. RISK MANAGE YOUR EMAIL MESSAGES

- 3.1 Unlike non-electronic communication, an email message can be created and sent to one or many recipients through the use of a keystroke, without review or reflection. Often such messages are sent to provide a quick reply but may result in a misunderstanding of the tonal qualities and intent of the email. Once an email is sent, it is not possible to retrieve or edit the message.
- 3.2 Distribution lists are easy to create and readily facilitate the sending of mail to many recipients. If an out of date or incorrect mailing list is used, messages can be dispatched to unintended destinations. This may not only be embarrassing but could have commercial or legal implications.
- 3.3 Email intended for one person sometimes may be widely distributed because of the ease with which recipients can forward it on to others. A reply to an email message may inadvertently be posted on an electronic bulletin board and, as a result, be distributed to all subscribers to the bulletin board service.
- 3.4 All Town of East Fremantle personnel should be aware of the potential of misunderstanding and distribution errors with regards to email and should manage their usage of email to reduce the risk of such errors occurring.

4. LEGAL OBLIGATIONS

Users of email must respect the law and the legal rights of others. Transmission of any material by email in violation of any Australian law is prohibited. This includes, but is not limited to, copyright material, threatening or obscene material, material contrary to the EEO principles or material protected by trade secret.

Remember, plagiarising information from emails should be regarded in the same manner as copying from any other source. Copyright does apply to information transmitted via email.

5. PRIVACY

There is currently no legislation in Australia that contains any privacy provisions relating to email communications.

The Town of East Fremantle cannot guarantee the privacy or confidentiality of email messages. While the Town of East Fremantle will not monitor the contents of email messages as a routine procedure, it may read, copy, store and disclose the contents of email messages at any time.

Email is inherently not secure. Employees often believe that email is private, that nobody but the recipients will read the messages and that they are free to say anything. Email should be treated as though it is a conversation that has been written down. It can be "overheard".

Even after a user deletes an email record from a computer or email account, it may exist on backup facilities. Email messages can be saved indefinitely on the receiving computer. Copies can easily be made and forwarded to others either electronically or on paper. A message is not "deleted" from the system until all recipients of the message, and recipients of any forwarded or attached copies, have deleted their copies.

Email, whether or not created or stored on the Town of East Fremantle's equipment, may constitute an official record subject to disclosure under the Freedom of Information Act or other laws.

Mail sent to outside organisations will be subject to the policies of those organisations. These policies may differ from those of the Town of East Fremantle, especially in relation to privacy.

While it is not the practice of the Town of East Fremantle's management to read or to discuss the content of any message, it may be necessary to read an email message that has failed to reach its destination. This may be required to assist with the determination of the intended addressee and to redirect the message to the correct address.

6. ACCEPTABLE USAGE

Authorised Town of East Fremantle personnel will use the email services in a responsible and professional manner to enhance the efficient operation of the organisation. Town of East Fremantle personnel can use email provided usage does not contravene the laws of Western Australia, there is no additional cost to the Town of East Fremantle, there is no commercial gain to the employee and there is no risk that the email may cause offense or distress to another person.

Private emails from employee's Town account should be for general purposes only and not related to personal business, complaints or any other subject that may breach the Town's Code of Conduct, policies and procedures. Personal emails will be monitored, breaches will be dealt with seriously and may result in disciplinary action.

7. UNACCEPTABLE USE OF EMAIL

Inappropriate use of Email will have serious consequences and could lead to dismissal.

Town of East Fremantle personnel must ensure before they transmit information via email that they have the proper authority to do so. Town of East Fremantle personnel shall not use email in the following circumstances:

- To create or distribute offensive or pornographic material;
 - Private use when the content of the emails may cause embarrassment to the Town or any other person; private business use; subscriptions to internet sites (newsletters etc) and any other reason as directed by the Chief Executive Manager and / or Senior Manager from time to time.
 - To create or distribute libellous, fraudulent, nuisance or malicious material;
 - To create or distribute any material that violates an individual's rights under EEO legislation (that is, it is illegal to discriminate based on sex, race, age, disability, marital status, religious
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or political beliefs). This includes jokes, pictures, sketches, or any other material that may be offensive to or prejudiced against an individual or group of individuals;

- To distribute images and video clips that are not directly related to Town of East Fremantle's aim's and objectives;
- The transmission and/or storage of copyrighted material;
- Commercial activities for personal gain or profit;
- Product advertisement or political lobbying;
- Disclosure of material which is prohibited under state government legislation or policy;
- Accessing, distributing or storing material which could damage the reputation of the Authority or lead to civil liability action;
- False representation;
- Solicitation of other people including other employees;
- Providing information about or lists of, government employees to others;
- Commercial solicitations of non-departmental business;
- Activities that interfere with your job or jobs of other employees;
- Activities that interfere with the operation of any computer network;
- Violating any law or rights of any person or group accessing the service under another user name and password; and
- The use of departmental equipment to unlawfully access other network or systems.

8. EMAIL MESSAGES WHICH SHOULD BE STORED AS OFFICIAL RECORDS

Electronic messages are to be captured and maintained as functioning records and require the preservation of their structure, context and content. The following should be stored as official Town of East Fremantle records:

- Emails which contain information which is relevant with regards to making a decision within or concerning the Town of East Fremantle.
- Emails which convey information which has the potential to affect business decisions within or concerning the Town of East Fremantle.
- Emails which commit the Town of East Fremantle to certain courses of action, allocation of resources or provision of services.
- Emails which contain information with historical value or data which may be required in the future.

6. PERSONAL RESPONSIBILITY FOR STORING EMAIL MESSAGES

The sender is the person who must take responsibility for storing the information sent. An officer, who receives and annotates the message and then forwards it to other recipients, by taking such action, becomes a sender. As a sender, this person must ensure that the newly annotated message is recorded again.

7. JUNK MAIL

Overloading of the email system by sending junk mail must be avoided. Town of East Fremantle personnel must not unnecessarily distribute documents to extremely large groups of people or "broadcast" inappropriate messages to lists or individuals without first checking with management.

If a message does not relate to an official business transaction, personnel should be selective in determining whether the message should be sent and to whom it should be sent.

Sending and receiving of large files, attachments and images (over 1 megabyte) is discouraged, as this can have a serious long term effect on the communications network and email performance.

11. BACKUP

The Town of East Fremantle will backup daily all electronic transactions for business continuation purposes only.

Deleting an email message automatically deletes any attached files. It is the user's responsibility to save any files attached to email messages (in Synergy) that may be required in the future relating to the business of the Town of East Fremantle.



2.2.3 Related Party Disclosures

Type:	Corporate Services – Risk Management
Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Australian Accounting Standard – AASB124 Related Party Disclosures
Delegation:	N/A
Other Related Document:	AASB124 Related Party Disclosures – Fact Sheet AASB124 Related Party Disclosures – Implementation Guide June 2017 E17/4866 Related Party Disclosures Declaration Form

Objective

This policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made in order to comply with the requirements of AASB124 – Related Party Disclosures.

Policy Scope

Related Party: A person or entity that is related to the local government that is preparing its financial statements (the Town).

A person or a close member of that person's family is related if that person:

- (a) has significant influence over the reporting entity; or
- (b) is a member of the key management personnel of the reporting entity.

An entity is related if any of the following conditions applies:

- (a) the entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others); or
- (b) a person is a member of the key management personnel of the entity;
- (c) the entity is controlled or jointly controlled by a person identified above.

Key Management Personnel (KMP): Those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

KMP for local governments would include elected members and senior staff (CEO, Executive Managers and Operations Manager).

Close Member of the Family of a Person: Those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner;
- (c) dependents of that person or that person's spouse or domestic partner; and
- (d) any other close family member.

Related Party Transactions: A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Policy

The objective of the standard is to ensure that the Town's financial statements contain disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties in line with the requirements of AASB124 – Related Parties.

It is important to note that AASB 124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Town must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

Identification of Related Parties

AASB 124 provides that the Town of East Fremantle will be required to disclose in its Annual Financial reports; related party relationships, transactions and outstanding balances.

Related parties include person(s) who have significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

Key management personnel are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Town has identified the following persons as meeting the definition of *Related Party*:

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under section 5.36 of the *Local Government Act 1995* and senior employees appointed under section 5.37 of the *Local Government Act 1995*, who heavily influence Council decision-making and/or direct and control significant functions of Council.
3. Close members of the family of any person listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB124.
4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Town will therefore be required to assess all transactions made with these persons or entities.

Identification of Related Party Transactions

A related party transaction is a transfer of resources, services or obligations between the Town (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Payment of rates issued by the Town.
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- Payment of fines issued by the Town.
- Use of Town owned facilities such as buildings, parks, ovals and other public open spaces (whether a fee is charged or not).
- Attending council functions that are open to the public.
- Employee compensation, whether it is for key management personnel or close family members of key management personnel.
- Application fees paid to the Town for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Town owned property or property sub-leased by the Town through a Real Estate Agent).
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Town and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Town (trading arrangement).
- Sale or purchase of any property owned by the Town, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Town.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above occur on terms and conditions, no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Town can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Disclosure Requirements

For the purposes of determining relevant transactions in point 2 above, Elected Members and key management personnel as identified above, will be required to complete a *Related Party Disclosures - Declaration* form for submission to the Town.

Ordinary Citizen Transactions (OCTs)

The Chief Executive Officer will provide a recommendation to Council annually, declaring that in his or her opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures - Declaration* form will be required.

- Payment of rates issued by the Town.
- Payment of fines issued by the Town.
- Use of Town owned facilities such as buildings, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and key management personnel will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

All other transactions

For all other transactions listed in point 2 above, Elected Members and key management personnel will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

Frequency of disclosures

Elected Members and key management personnel will be required to complete a *Related Party Disclosures - Declaration* form each quarter, commencing 1 July 2017.

The *Related Party Disclosures – Declaration* form must be completed by Elected Members and key management personnel prior to termination of office or termination of employment.

Confidentiality

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	21/8/18
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.3.3

2.2.4 Risk Management

Type:	Corporate Services – Risk Management
Legislation:	AS/NZS ISO 31000:2009
Delegation:	N/A
Other Related Document:	Risk Management Procedures (Attached)

Objective

The Town of East Fremantle's ("the Town") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Town's strategies, goals or objectives.

Definitions

(From AS/NZS ISO 31000:2009)

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health & safety and environmental goals) and can apply at different levels (such as strategic, organisationwide, project product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Policy

It is the Town's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks that may affect the Town, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Town's Integrated Planning Framework.

The Town's Senior Staff Group will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every employee, elected member, volunteer and contractor within the Town is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

Risk Management Objectives

- Optimise the achievement of our vision, experiences, strategies, goals and objectives.

- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

Risk Appetite

The Town defined its risk appetite through the development and endorsement of the Town's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Town's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by a member of the Senior Staff Group.

Roles, Responsibilities & Accountabilities

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

Monitor & Review

The Town will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

Attachment

Risk Management Procedures

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/3/17
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.3.4

Risk Management Procedures

Governance

Appropriate governance of risk management within the Town of East Fremantle (the “Town”) provides:

- Transparency of decision making.
- Clear identification of the roles and responsibilities of risk management functions.
- An effective Governance Structure to support the risk framework.

Framework Review

The Risk Management Framework is to be reviewed for appropriateness and effectiveness annually.

Operating Model

The Town has adopted a “Three Lines of Defence” model for the management of risk. This model ensures roles; responsibilities and accountabilities for decision making are structured to demonstrate effective governance and assurance. By operating within the approved risk appetite and framework, the Council, Management and Community will have assurance that risks are managed effectively to support the delivery of the Strategic, Corporate & Operational Plans.

First Line of Defence

All operational areas of the Town are considered ‘**1st Line**’. They are responsible for ensuring that risks within their scope of operations are identified, assessed, managed, monitored and reported. Ultimately, they bear ownership and responsibility for losses or opportunities from the realisation of risk. Associated responsibilities include;

- Establishing and implementing appropriate processes and controls for the management of risk (in line with these procedures).
- Undertaking adequate analysis (data capture) to support the decision-making process of risk.
- Prepare risk acceptance proposals where necessary, based on level of residual risk.
- Retain primary accountability for the ongoing management of their risk and control environment.

Second Line of Defence

The Coordinator of Corporate Planning acts as the primary ‘**2nd Line**’. This position owns and manages the framework for risk management, drafts and implements governance procedures and provides the necessary tools and training to support the 1st line process. The Senior Staff Group, in their capacity as Risk Committee, supplements the second line of defence.

Maintaining oversight on the application of the framework provides a transparent view and level of assurance to the 1st & 3rd lines on the risk and control environment. Support can be provided by additional oversight functions completed by other 1st Line Teams (where applicable). Additional responsibilities include:

- Providing independent oversight of risk matters as required.
- Monitoring and reporting on emerging risks.
- Co-ordinating the Town’s risk reporting for the CEO & Senior Staff Group and the Audit Committee.

Third Line of Defence

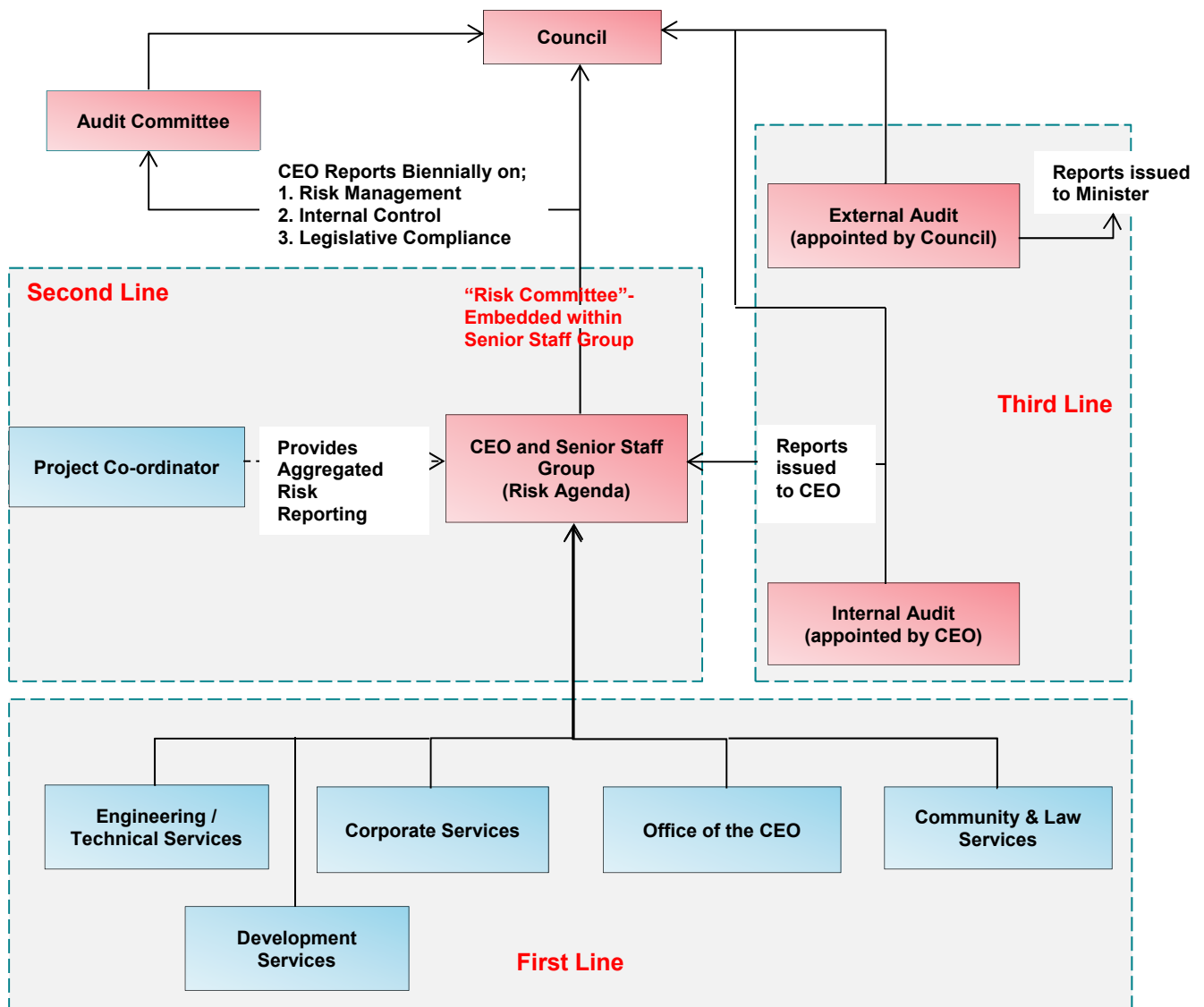
Internal self-audits & External Audits are the '3rd Line' of defence, providing assurance to the Council, Audit Committee and Town Management on the effectiveness of business operations and oversight frameworks (1st & 2nd Line).

Internal Audit – Appointed by the CEO to report on the adequacy and effectiveness of internal control processes and procedures. The scope of which would be determined by the CEO with input from the Audit Committee.

External Audit – Appointed by the Council on the recommendation of the Audit Committee to report independently to the President and CEO on the annual financial statements only.

Governance Structure

The following diagram depicts the current operating structure for risk management within the Town.



Roles & Responsibilities

CEO / Council

- Review and approve the Town's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Appoint / Engage External Auditors to report on financial statements annually.
- Establish and maintain an Audit Committee in terms of the Local Government Act.

Audit Committee

- Support Council in providing effective corporate governance.
- Oversight of all matters that relate to the conduct of External Audits.
- Independent, objective and autonomous in deliberations.
- Recommendations to Council on External Auditor appointments.

CEO / Senior Staff Group

- Undertake internal Audits as required under Local Government (Audit) regulations.
- Liaise with Council in relation to risk acceptance requirements.
- Approve and review the appropriateness and effectiveness of the Risk Management Framework.
- Drive consistent embedding of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from risk matters.
- Own and manage the Risk Profiles at Town Level.

Project Co-ordinator

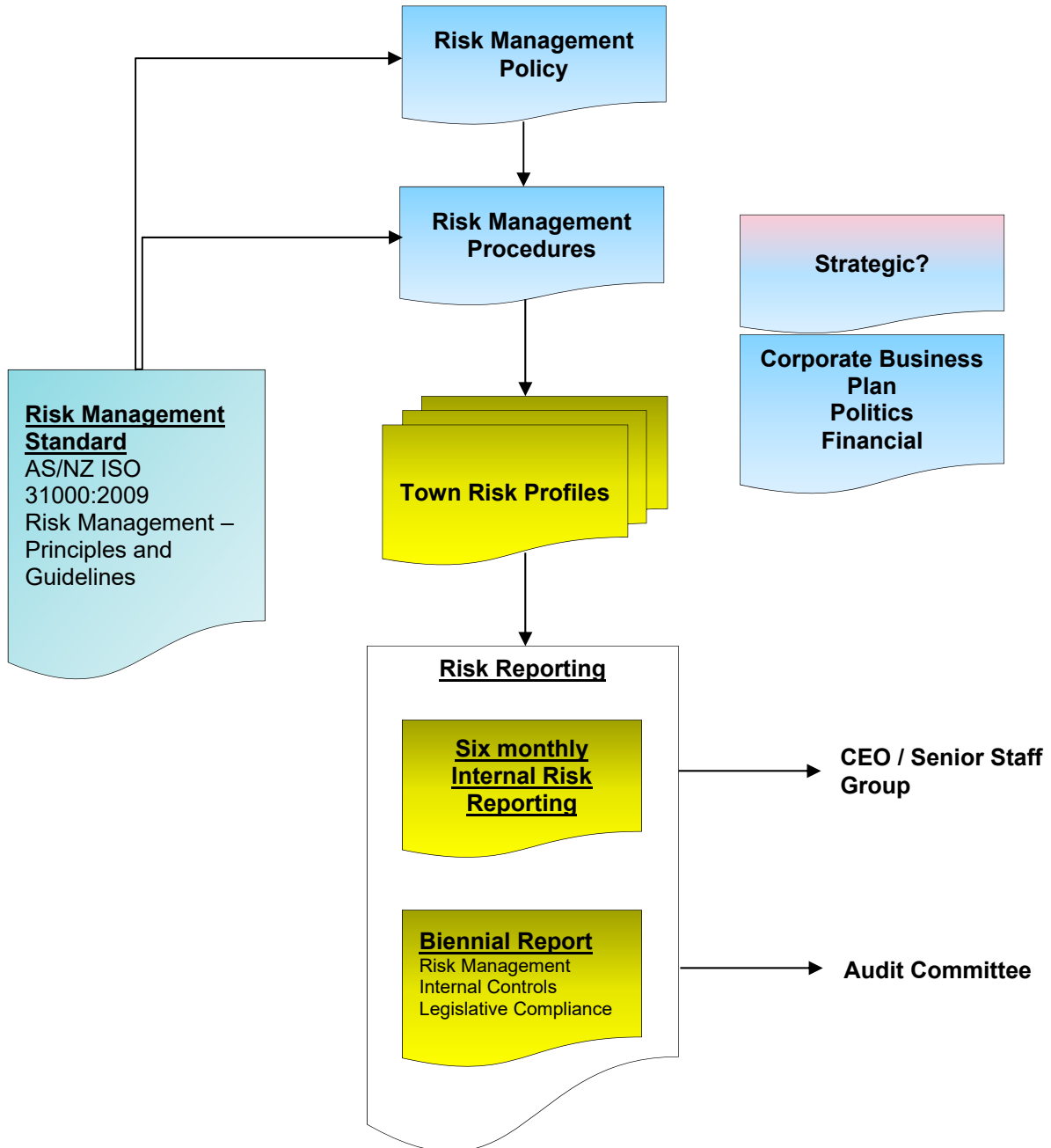
- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for risk matters.

Work Areas

- Drive risk management culture within work areas.
- Own, manage and report on specific risk issues as required.
- Assist in the Risk & Control Management process as required.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'Risk Management' into Management Meetings, by incorporating the following agenda items;
 - New or emerging risks.
 - Review existing risks.
 - Control adequacy.
 - Outstanding issues and actions.

Document Structure (Framework)

The following diagram depicts the relationship between the Risk Management Policy, Procedures and supporting documentation and reports.



Risk & Control Management

All Work Areas of the Town are required to assess and manage the Risk Profiles on an ongoing basis.

Each Manager, in conjunction with the Coordinator of Corporate Planning is accountable for ensuring that Risk Profiles are:

- Reflective of the material risk landscape of the Town.
- Reviewed on at least a six monthly basis, or sooner if there has been a material restructure or change in the risk and control environment.
- Maintained in the standard format.

This process is supported by the use of data inputs, workshops and ongoing business engagement.

Risk & Control Assessment

To ensure alignment with AS/NZ ISO 31000:2009 Risk Management, the following approach is to be adopted from a Risk & Control Assessment perspective:

A: Establishing the Context

The first step in the risk management process is to understand the context within which the risks are to be assessed and what is being assessed, this forms two elements:

Organisational Context

The Town's Risk Management Procedures provide the basic information and guidance regarding the organisational context to conduct a risk assessment; this includes Risk Assessment and Acceptance Criteria (Appendix A) and any other tolerance tables as developed. In addition, existing Risk Themes are to be utilised (Appendix C) where possible to assist in the categorisation of related risks.

Any changes or additions to the Risk Themes must be approved by the Governance Officer and CEO.

All risk assessments are to utilise these documents to allow consistent and comparable risk information to be developed and considered within planning and decision making processes.

Specific Risk Assessment Context

To direct the identification of risks, the specific risk assessment context is to be determined prior to and used within the risk assessment process.

For risk assessment purposes the Town has been divided into three levels of risk assessment context:

1. Strategic Context

This constitutes the Town's external environment and high-level direction. Inputs to establishing the strategic risk assessment environment may include;

- Organisation's Vision
- Stakeholder Analysis
- Environment Scan / SWOT Analysis
- Existing Strategies / Objectives / Goals

2. Operational Context

The Town's day to day activities, functions, infrastructure and services. Prior to identifying operational risks, the operational area should identify its Key Activities i.e. what is trying to be achieved. Note: these may already be documented in business plans, budgets etc.

3. Project Context

Project Risk has two main components:

- **Direct** refers to the risks that may arise as a result of project activity (i.e. impacting on current or future process, resources or IT systems) which may prevent the Town from meeting its objectives
- **Indirect** refers to the risks which threaten the delivery of project outcomes.

In addition to understanding what is to be assessed, it is also important to understand who are the key stakeholders or areas of expertise that may need to be included within the risk assessment.

B: Risk Identification

Using the specific risk assessment context as the foundation, and in conjunction with relevant stakeholders, answer the following questions, capture and review the information within each Risk Profile.

- What can go wrong? / What are areas of uncertainty? (Risk Description)
- How could this risk eventuate? (Potential Causes)
- What are the current measurable activities that mitigate this risk from eventuating? (Controls)
- What are the potential consequential outcomes of the risk eventuating? (Consequences)

C: Risk Analysis

To analyse the risks, the Town's Risk Assessment and Acceptance Criteria (Appendix A) is applied:

- Based on the documented controls, analyse the risk in terms of Existing Control Ratings
- Determine relevant consequence categories and rate how bad it could be if the risk eventuated with existing controls in place (Consequence)
- Determine how likely it is that the risk will eventuate to the determined level of consequence with existing controls in place (Likelihood)
- By combining the measures of consequence and likelihood, determine the risk rating (Level of Risk)

D: Risk Evaluation

The Town is to verify the risk analysis and make a risk acceptance decision based on:

- Controls Assurance (i.e. are the existing controls in use, effective, documented, up to date and relevant)
- Existing Control Rating
- Level of Risk
- Risk Acceptance Criteria (Appendix A)
- Risk versus Reward / Opportunity

The risk acceptance decision needs to be documented and acceptable risks are then subject to the monitor and review process. Note: Individual Risks or Issues may need to be escalated due to urgency, level of risk or systemic nature.

E: Risk Treatment

For unacceptable risks, determine treatment options that may improve existing controls and/or reduce consequence / likelihood to an acceptable level.

Risk treatments may involve actions such as avoid, share, transfer or reduce the risk with the treatment selection and implementation to be based on;

- Cost versus benefit
- Ease of implementation
- Alignment to organisational values / objectives

Once a treatment has been fully implemented, the Governance Officer is to review the risk information and acceptance decision with the treatment now noted as a control and those risks that are acceptable then become subject to the monitor and review process (Refer to Risk Acceptance section).

F: Monitoring & Review

The Town is to review all Risk Profiles at least on a six monthly basis or if triggered by one of the following;

- Changes to context,
- A treatment is implemented,
- An incident occurs or due to audit/regulator findings.

The Coordinator of Corporate Planning is to monitor the status of risk treatment implementation and report on, if required.

The CEO & Senior Staff Group will monitor significant risks and treatment implementation as part of their normal agenda item on a quarterly basis with specific attention given to risks that meet any of the following criteria:

- Risks with a Level of Risk of High or Extreme
- Risks with Inadequate Existing Control Rating
- Risks with Consequence Rating of Extreme
- Risks with Likelihood Rating of Almost Certain

The design and focus of the Risk Summary report will be determined from time to time on the direction of the CEO & Senior Staff Group. They will also monitor the effectiveness of the Risk Management Framework ensuring it is practical and appropriate to the Town.

G: Communication & Consultation

Throughout the risk management process, stakeholders will be identified, and where relevant, be involved in or informed of outputs from the risk management process.

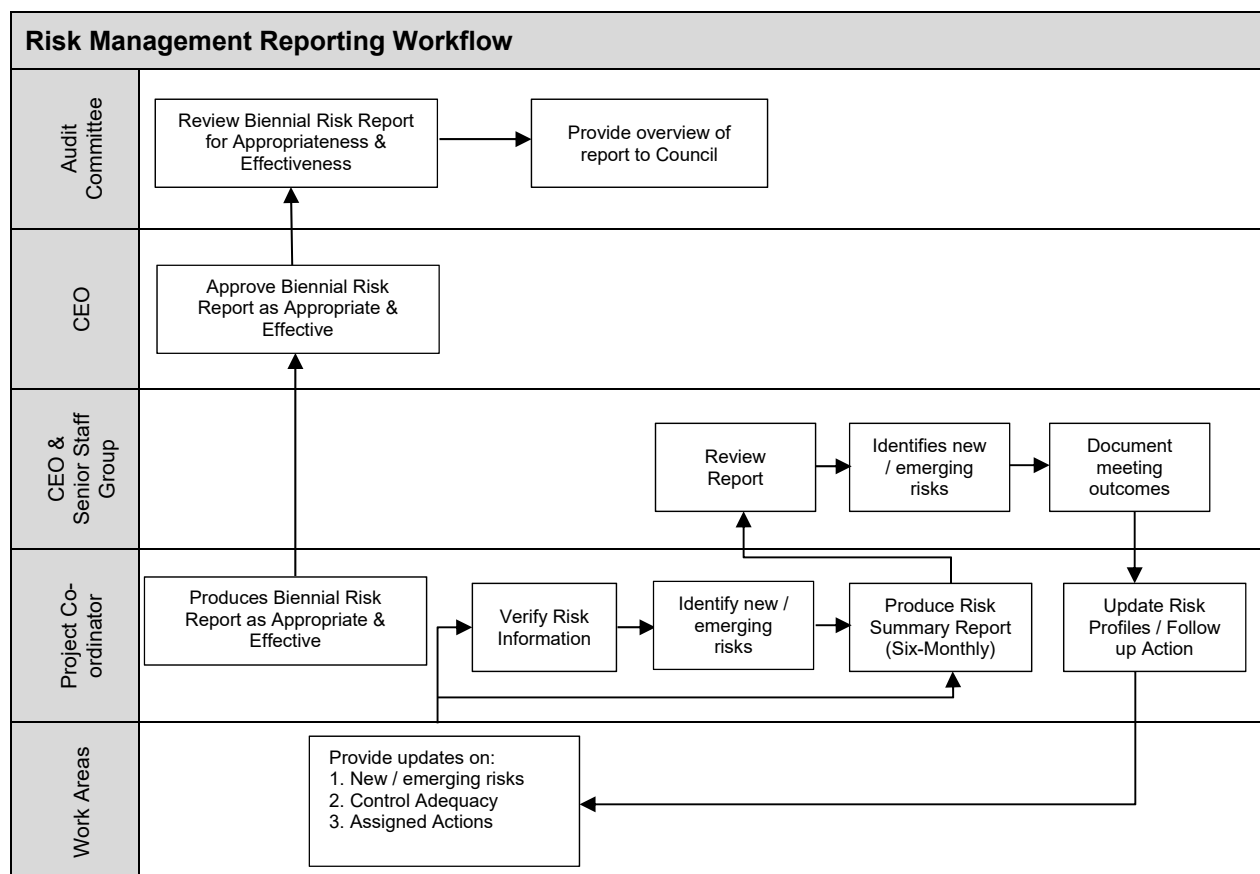
Risk management awareness and training will be provided to staff as part of their OS&H Program.

Risk management will be included within the employee induction process to ensure new employees are introduced to the Town's risk management culture.

Reporting Requirements

Coverage & Frequency

The following diagram provides a high level view of the ongoing reporting process for Risk Management.



Each Work Area is responsible for ensuring:

- They continually provide updates in relation to new and emerging risks, control effectiveness and indicator performance to the Coordinator of Corporate Planning.
- Work through assigned actions and provide relevant updates to the Coordinator of Corporate Planning.
- Risks / Issues reported to the CEO & Senior Staff Group are reflective of the current risk and control environment.

The Project Co-ordinator is responsible for:

- Ensuring Town Risk Profiles are formally reviewed and updated, at least on a six monthly basis or when there has been a material restructure, change in risk ownership or change in the external environment.
- Producing a six-monthly Risk Report for the CEO & Senior Staff Group which contains an overview Risk Summary for the Town.
- Annual Compliance Audit Return completion and lodgement.

Indicators

Indicators are required to be used for monitoring and validating risks and controls. The following describes the process for the creation and reporting of Indicators:

Identification

The following represent the minimum standards when identifying appropriate Indicator risks and controls:

- The risk description and casual factors are fully understood
- The Indicator is fully relevant to the risk or control
- Predictive Indicators are adopted wherever possible
- Indicators provide adequate coverage over monitoring risks and controls

Validity of Source

In all cases an assessment of the data quality, integrity and frequency must be completed to ensure that the Indicator data is relevant to the risk or Control.

Where possible the source of the data (data owner) should be independent to the risk owner. Overlapping Indicators can be used to provide a level of assurance on data integrity.

If the data or source changes during the life of the Indicator, the data is required to be revalidated to ensure reporting of the Indicator against a consistent baseline.

Tolerances

Tolerances are set based on the Town's Risk Appetite. They may be set and agreed over three levels:

- Green – within appetite; no action required.
- Amber – the Indicator must be closely monitored and relevant actions set and implemented to bring the measure back within the green tolerance.
- Red – outside risk appetite; the Indicator must be escalated to the CEO & Senior Staff Group where appropriate management actions are to be set and implemented to bring the measure back within appetite.

Monitor & Review

All active Indicators are updated as per their stated frequency of the data source.

When monitoring and reviewing Indicators, the overall trend should be considered over a longer timeframe than individual data movements. The trend of the Indicators is specifically used as an input to the risk and control assessment.

Risk Acceptance

Day-to-day operational management decisions are generally managed under the delegated authority framework of the Town.

Risk Acceptance outside of the appetite framework is a management decision to accept, within authority levels, material risks which will remain outside appetite framework (refer Appendix A – Risk Assessment & Acceptance Criteria) for an extended period of time (generally 3 months or longer).

The following process is designed to provide a framework for those outside appetite framework identified risks.

The 'Risk Acceptance' must be in writing, signed by the relevant Manager and cover:

- A description of the risk.
- An assessment of the risk (e.g. Impact consequence, materiality, likelihood, working assumptions etc)
- Details of any mitigating action plans or treatment options in place
- An estimate of the expected remediation date.

Reasonable action should be taken to mitigate the risk. A lack of budget to remediate a material risk outside of appetite is not sufficient justification in itself to accept a risk.

Accepted risks must be continually reviewed through standard operating reporting structure (i.e. Senior Staff Group)

Appendix A – Risk Assessment and Acceptance Criteria

Town of East Fremantle Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Near-Miss or First Aid	Less than \$10,000	No material service interruption	Minor regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	\$10,001 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury >14 Days	\$50,001 - \$250,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Long-term disability / multiple injuries	\$250,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Extreme (5)	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Town of East Fremantle Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Town of East Fremantle Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		A?	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Town of East Fremantle Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME (17-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

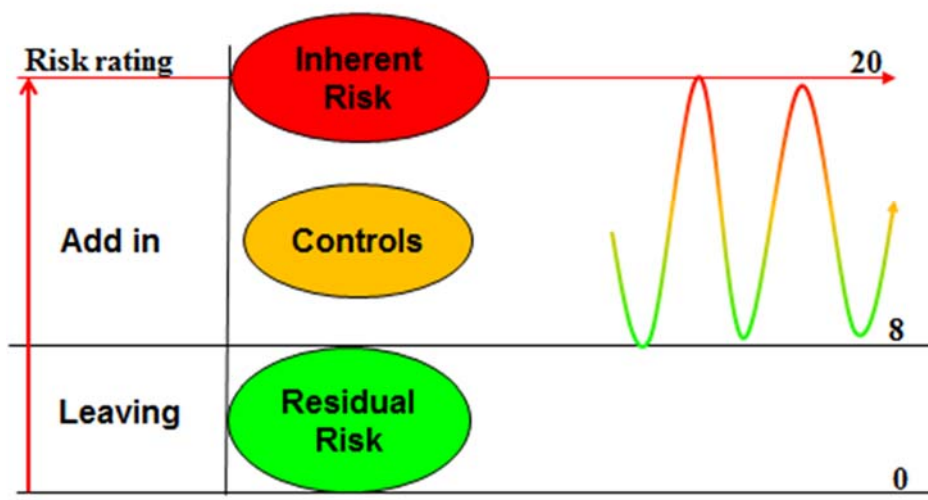
Town of East Fremantle Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is little scope for improvement.	Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested.
Adequate	There is some scope for improvement.	Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing.
Inadequate	A need for corrective and / or improvement actions exist.	Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time.

Appendix B – Risk Profile Template

Risk Theme		Date	
<u>This Risk Theme is defined as:</u> <i>Definition of Theme</i>			
<u>Potential causes include:</u> <i>List of potential causes</i>			
Controls	Type	Date	Town Rating
<i>List of Controls</i>			
Overall Control Ratings:			
Consequence Category	Risk Ratings		Town Rating
	Consequence:		
	Likelihood:		
Overall Risk Ratings:			
Indicators	Tolerance	Date	Overall Town Result
<i>List of Indicators</i>			
<u>Comments</u> <i>Rationale for all above ratings</i>			
Current Issues / Actions / Treatments		Due Date	Responsibility
<i>List current issues / actions / treatments</i>			

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The importance of controls



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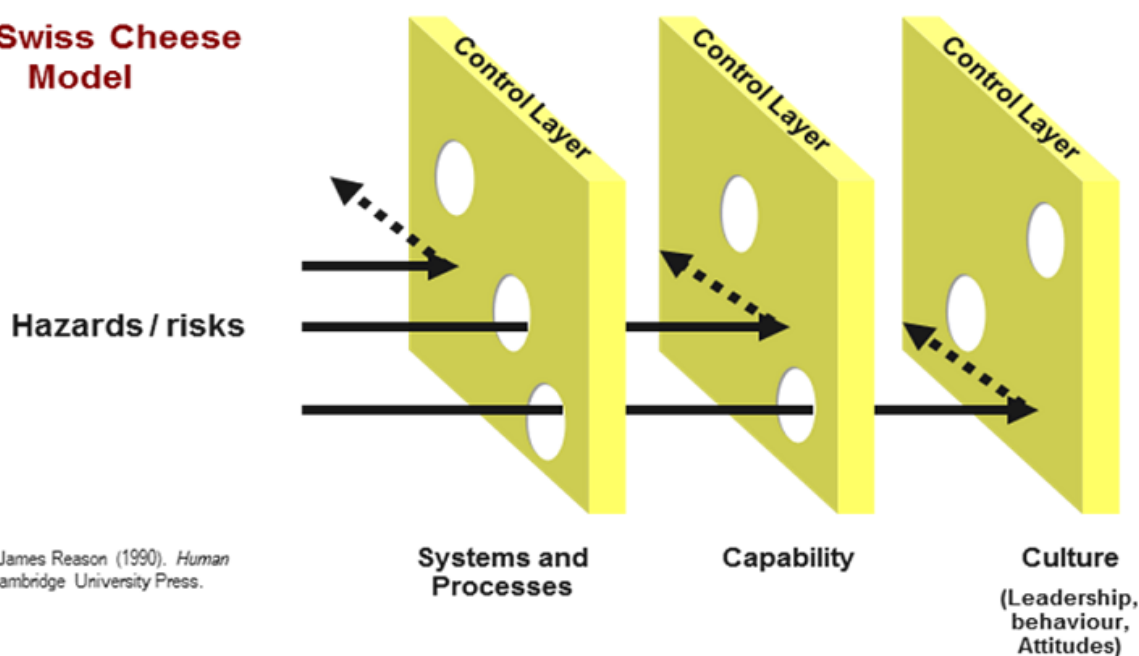
MEASURES OF CONSEQUENCE (PROJECT)

LEVEL	RATING	Project TIME	Project COST	Project SCOPE / QUALITY
1	Insignificant	Exceeds deadline by >5% of project timeline	Exceeds project budget by 2%	Minor variations to project scope or quality
2	Minor	Exceeds deadline by >10% of project timeline	Exceeds project budget by 5%	Scope creep requiring additional work, time or resources. Reduced perception of quality by Stakeholders.
3	Moderate	Exceeds deadline by >15% of project timeline	Exceeds project budget by 7.5%	Scope creep requiring additional work, time and resources or shortcuts being taken. Stakeholder concerns.
4	Major	Exceeds deadline by >20% of project timeline	Exceeds project budget by 15%	Project goals, deliverables, costs and/or deadline failures. Project no longer aligned with the project scope Stakeholder intervention in project.
5	Extreme	Exceeds deadline by 25% of project timeline	Exceeds project budget by 20%	Failure to meet project objectives. Project outcomes negatively affecting the community or the environment. Public embarrassment, third party actions.

Programme:	
Programme Owner:	
Project Ref:	
Project Name:	
Project Manager:	
Directorate:	
Business Unit:	
Date of Assessment:	
Assessor:	

Context	Screening Question	Yes/No	Project Impact	Yes/No	Level of Project Risk	Instructions	Organisational Impact	Yes/No	Level of Organisational Risk	Instructions	Additional Supporting Comments
Health & Safety	1. Is there a risk that the project may cause harm to persons (staff, contractor, public)										
Financial	2. Is there a risk that the project may exceed budget?										
Time	3. Is there a risk that the project deadline is exceeded?										
Scope / Quality	4. Is there a risk that the project scope or quality may vary?										
Environment	5. Is there a risk that the project may impact the natural environment?										

The Swiss Cheese Model



Source: James Reason (1990). *Human Error*. Cambridge University Press.

2.2.5 Internal Audit Charter

Type:	Corporate Services – Risk Management
Legislation:	Local Government (Audit) Regulations
Delegation:	N/A
Other Related Document:	

Objective

Internal audit provides an independent and objective review and advisory service to:

- provide assurance to Council and the Chief Executive Officer that the Town's financial and operational controls designed to manage the organisation's risks and achieve its objectives, are operating in an efficient, effective and ethical manner; and
- assist management in improving and monitoring the Town's risk management, internal control and legislative compliance functions.

Definitions

"Risk": AS/NZS ISO 31000:2009 defines risk as "the effect of uncertainty on objectives".

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

"Risk Management": The application of coordinated activities to direct and control an organisation with regard to risk.

Policy

Scope of internal audit

Internal audits may cover any programs and activities of the Town and encompass the review of all financial and non-financial policies and operations.

Independence

- Independence is essential to the effectiveness of the internal audit function.
- Internal audits will be performed by either using a dedicated internal audit resource reporting to the Office of the Chief Executive Officer or independent external contractors.
- Internal auditors report functionally to Council through the Audit Committee and are accountable to the Chief Executive Officer for the efficient and effective operation of the internal audit function.

Authority and confidentiality

Internal auditors are authorised to:

- have full free and unrestricted access to any and all of the Town's records and other documentation, premises and Town employees; and
- obtain assistance as required from Town employees.

Internal auditors are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work.

Roles and responsibilities

The internal audit activity encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the Town's governance, risk management and internal controls as well as the quality of performance in carrying out assigned responsibilities to achieve the Town's strategic objectives. This may include:

- evaluating risk exposure relating to achievement of the Towns strategic objectives;
- evaluating the reliability and integrity of information and the means used to identify, measure, classify and report such information;
- evaluating the systems established to ensure compliance with those policies, plans, procedures, laws and regulations which could have a significant impact on the organisation;
- evaluating the means of safeguarding assets and – as appropriate – verifying the existence of such assets;
- evaluating the effectiveness and efficiency with which resources are employed;
- evaluating operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are carried out as planned;
- monitoring and evaluating governance processes;
- monitoring and evaluating the effectiveness of the Towns risk management processes;
- evaluating the quality of performance of external auditors and the degree of coordination with internal audit;
- providing advice related to governance, risk management and internal control as appropriate;
- reporting significant risk exposures and internal control issues, including fraud risks and governance issues; and
- evaluating specific operations at the request of Council and the Chief Executive Officer.

Relationship with external audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	20/11/18
Policy Amended:	17/9/19
Former Policy No.	4.3.5



2.2.6 Requests for New or Capital Upgrades to Existing Community Buildings

Type:	Corporate Services – Risk Management
Legislation:	
Delegation:	
Other Related Document:	

Objective

To provide a coordinated approach to the assessment and approval of requests for new or capital upgrades to existing community buildings.

Policy Scope

This Policy applies to all Town owned or managed sport and recreation facilities, clubrooms, community centres and community halls.

Policy

1. Definitions:

“capital upgrades” means extensions or upgrades to existing assets to cater for growth or increased levels of service.

“community buildings” means any Town owned or managed sport and recreation facilities, clubrooms, community centres and community halls.

2. Statement:

In alignment with current asset management practices, it is the Town’s position that the development and upgrade of community buildings should seek to achieve the following:

- value for money;
- sustainable utilisation levels;
- provide “fit-for-purpose” use;
- meet current building standards;
- promote the strategic planning principles endorsed by Council; and
- minimise impacts from activities held in the buildings that may adversely affect local residents

3. Proposal Categories:

Proposals for the construction of new community buildings or capital upgrades to existing facilities buildings generally fall into one of four categories:

- (i) Proposals for facilities works where the Town provides all funding.
- (ii) Proposals for works where community-based organisations seek external funding (eg grants) which require Council support and/or contributions.
- (iii) Proposals for works where community-based organisations self-fund a portion of the works and seek Council contributions for the remaining cost of the project.
- (iv) Proposals for works where community-based groups or lessees self-fund the whole

development.

3.1 Categories (i), (ii) & (iii) — Application Requirements:

Community organisations seeking external funding or Council support and/or contributions for new community buildings or capital upgrades to existing community buildings are required to:

- meet eligibility criteria set by the Town and/or funding agencies; and
- submit an application form which includes a project plan, project budget (i.e. QS Report) and concept drawings.

All proposals will be assessed on the criteria outlined below and must be completed to the satisfaction of the Chief Executive Officer.

Supported applications must be approved by Council. A decision to list such an application as a priority will not be reconsidered during the financial year in which the application was made.

Needs Assessment

Any building proposals within the Town, whether they are for new buildings or for capital upgrades, must demonstrate an alignment with the Town's strategic objectives and planning priorities if they are to be supported.

A formal assessment matrix will be used to identify the need for the proposal at the direction of the Chief Executive Officer. The matrix will address, but will not be limited to:

- real and projected needs for the proposal;
- community benefits and impacts;
- alignment with planning documents and strategic planning principles;
- financial impacts to the club/group and to Council;
- sustainability issues; and
- possible alternatives.

Minimum standards will be set for Town managed facilities with regard to site design and finishes in accordance with the Town's Asset Management Plans. Any requirements over and above these standards are the responsibility of the organisation/group leasing the facility to provide.

Support for External Funding Applications

Where the Town has supported external applications for funding and has committed to providing a portion of the funds, but the application is unsuccessful, the proposal may proceed if the applying body contributes all the remaining funds.

3.2 Category (iv) – Self Funded Upgrades

Local community organisations may make applications to the Town to self-fund an upgrade to a Town facility. The application to the Town must include the following:

- Application form
 - Project budget
 - Compliance with all legislative requirements.
 - Plans for the works.
 - Demonstrated capacity to complete works.
-

The Town will not guarantee that approval will be granted to requests for community organisations self-funded upgrades. In considering the application the Town will consider the following issues:

- Impact of facilities and associated user groups.
- The proposed works and long-term impact on the life of the property.
- Impact on local community.
- Ability of community organisations to complete the works
- Ongoing maintenance of proposed upgrade.

4. Alterations to Leased Premises

Where alterations are proposed to any facility owned by the Town that is leased externally, the request will be dealt with in accordance with individual lease agreements and relevant approval processes.

5. Loans and Guarantees

In recognition of the risks associated with the provision of self-supporting loans or guarantees, the Town will generally not enter into any such agreements with any clubs, community organisations or external organisations.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	18/9/18
Policy Amended/Reviewed:	17/9/19
Former Policy No:	2.2.2



3. REGULATORY SERVICES

3.1 PLANNING

3.1.1 Residential Design Guidelines

Type:	Regulatory Services - Planning
Legislation:	Town Planning & Development Act 2005 Planning & Development (Local Planning Schemes) Regs 2015
Delegation:	
Other Related Document:	Local Planning Scheme No 3



Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	18/09/12
Policy Amended/Reviewed:	18/03/13, 17/03/15, 17/05/16
Former Policy No:	2.2.2

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2.0 Introduction

The following document was the product of a report on Residential Development Guidelines December 2011. The Residential Development Guidelines were part two of a two stage process. The Residential Development Guidelines describes the background to, and the development of, new Residential Design Guidelines for the Town of East Fremantle (the Town).

3.0 Local Planning Policy (Design Guidelines for Residential Development)

3.1 Introduction

Residential development within the Town has previously been controlled by the provisions of the Town of East Fremantle Town Planning Scheme No. 3, the Residential Design Codes and more than twenty Local Planning Policies.

This Local Planning Policy has been prepared by the Town to build on the development requirements contained in those documents, and consolidates them into a single, comprehensive and updated Policy.

The new Policy has taken into consideration community concerns regarding the incompatibility of some new dwellings and additions to existing dwellings. Community forums have raised the issue that some recent developments have disrupted or adversely impacted on traditional streetscapes and neighbourhood character from time to time.

Relevant principles contained in State Planning Policy 3.5 'Historic Heritage Conservation' have also been included in this Policy where appropriate.

3.2 Purpose of this Policy

The purpose of this Local Planning Policy is:

- i. to ensure orderly development within the Town,
- ii. to ensure that the preparation and assessment of applications for planning approval for residential development in the Policy Area (refer glossary) achieve the objectives of the Policy in an accountable, comparable and consistent manner;
- iii. to provide guidance to landowners and the Town in preparing and assessing applications for planning approval within the Policy Area;
- iv. to ensure that places of heritage (refer glossary) value that contribute to the domestic scale and architectural character of the Policy Area are retained and that, where adaptations or extensions are necessary to ensure their ongoing viability, development does not reduce the heritage value of the places or their contribution to the streetscape and character of the Policy Area; and,
- v. to provide added protection for the established residential character of each of the Precincts that make up the Policy Area.

This Local Planning Policy builds on the development requirements (Acceptable Development and Performance Criteria) of State Planning Policy 3.1 'Residential Design Codes', in order to ensure consistency between State and Local Planning Policy approaches in conserving the character and amenity of the Policy Area. Relevant provisions of State Planning Policy 3.5 'Historic Heritage Conservation' have also been included in this Policy where appropriate.

3.3 Objectives of this Policy

- i. To conserve and protect individual residences considered to have significant heritage value;
- ii. To provide development and design guidance to landowners wanting to extend or refurbish existing dwellings of heritage significance;
- iii. To guide additions to existing dwellings, which do not adversely affect the significance of the dwelling, or of neighbouring heritage places;
- iv. To guide new dwellings and additions/alterations to existing dwellings (particularly second storey additions), which are compatible with the character, form and scale of existing residential development in the locality, and harmonise with the existing streetscape; and,
- v. To encourage creative design solutions of quality that meet the standards of this Policy, and which enhance the character of the residential precincts and Policy Area.

3.4 Local Planning Policy Area



Figure 1 – East Fremantle Satellite Photograph– *Nearmap* - November 2011

The Local Planning Policy Area is bound by Jerratt Drive, Petra Street, Marmion Street, East Street and Riverside Road.

3.5 Precincts

The Local Planning Policy and its guidelines apply to the following precincts:

- i. Plympton;
- ii. Woodside;
- iii. Richmond;
- iv. Richmond Hill;
- v. Riverside;
- vi. Preston Point; and,
- vii. Richmond Raceway.

Refer Figure 2 for precinct boundaries.

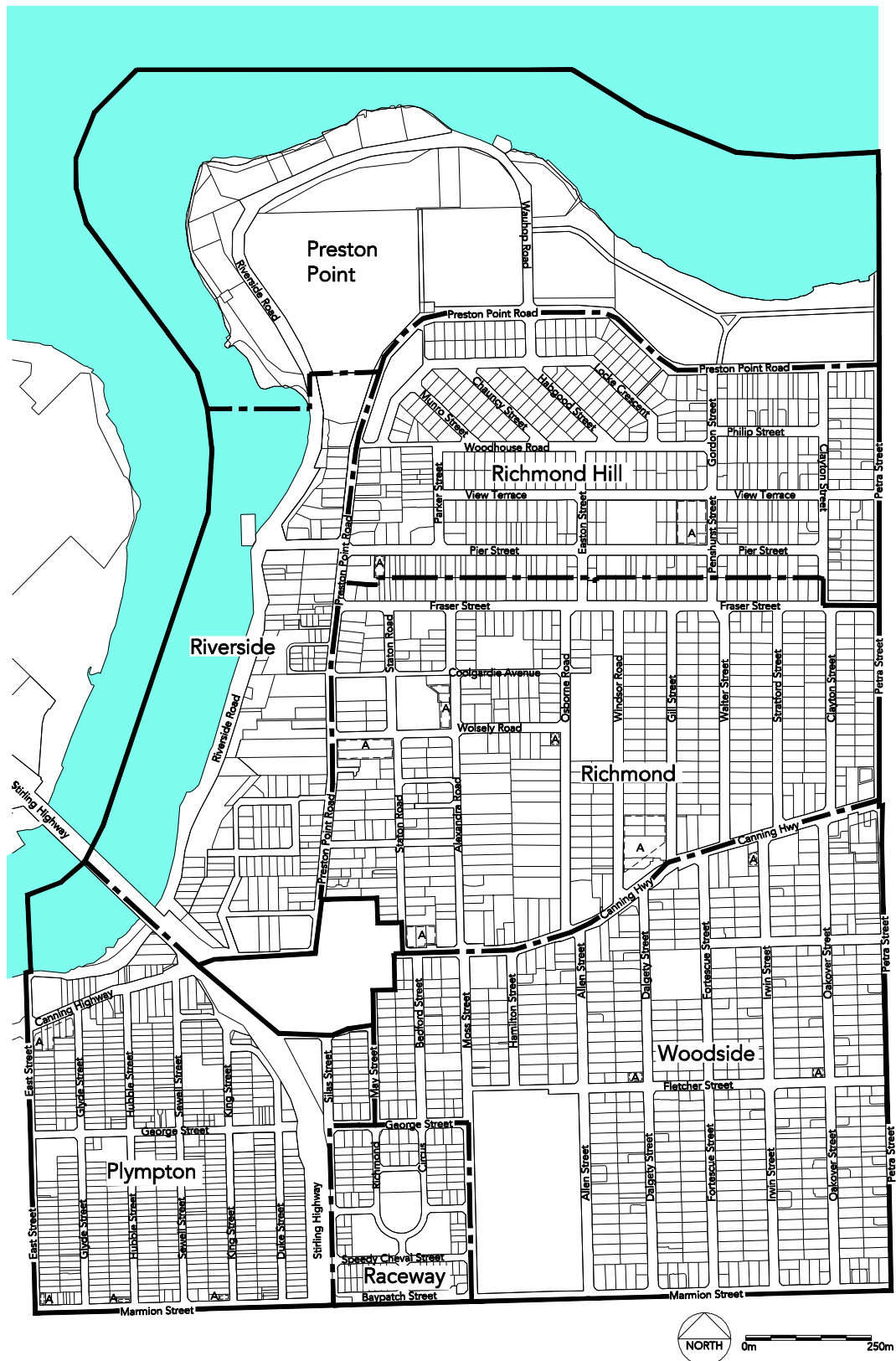


Figure 2 – East Fremantle Precinct Location Plan – *Griffiths Architects* - November 2011

Identifies the major residential precincts; Plympton, Woodside, Richmond, Richmond Hill, Riverside, Preston Point and Richmond Raceway and their locations within the Town of East Fremantle boundaries.

3.6 Status/Application of this Policy

This Local Planning Policy has been adopted under Clause 2.4 of Town Planning Scheme No. 3. From this point on, Town Planning Scheme No.3, shall be referred to as “the Scheme”. This means that both the Town and prospective applicants are obliged to take the Policy into account. Variations and departures from the Policy will need to be suitably justified by both the applicant and the Town.

With the exception of those aspects of development to which the Residential Design Codes apply (in respect to the Policies desired outcomes and performance criteria), the provisions of this Local Planning Policy apply to all development and/or use of land in the Policy Area (refer glossary) excluding the Town Centre Precinct where indicated as permitted or discretionary under the Zoning Table in the Scheme.

Subject to Part 5 ‘Local Planning Policies of the Residential Design Codes’, the provisions of this Local Planning Policy augment the Codes by providing additional Performance Criteria and Acceptable Development provisions for aspects related to heritage, streetscapes, building design/appearance, boundary walls, site works, building heights and external fixtures.

Subject to the Scheme, development and use of land within the Policy Area excluding the Town Centre Precinct shall be in accordance with the standards and requirements of this Local Planning Policy, and except as otherwise provided, shall require the prior planning approval of the Town in accordance with the provisions of the Scheme.

In considering an application for planning approval where a variation is proposed to one or more Acceptable Development requirements prescribed under the Residential Design Codes and/or this Local Planning Policy, the Town shall, unless it otherwise determines, as part of any application for planning approval require the lodgement of a Development Impact Statement which has been prepared at the applicant’s expense by a suitably qualified and experienced consultant, with the Statement being to the Council’s satisfaction.

This Local Planning Policy applies to all places within the Policy Area excluding the Town Centre Precinct, including those places entered in the State Register of Heritage Places and Commonwealth Heritage List.

3.7 General Standards for Land Use & Development/Policy Statement

3.7.1 Residential Development in the Town of East Fremantle Policy Area

The development of residential land is to be in accordance with the requirements of the following:

- i. This Local Planning Policy;
- ii. The R-Codes for residential development, subject to the variations;
- iii. The applicable zone provisions under the Scheme;
- iv. Relevant Local Planning Policies or Local Laws;
- v. State Planning Policy 3.5 – Historic Heritage Character;

- vi. Applicable Australian Standards; and,
- vii. Burra Charter principles in the case of heritage premises.

The following provisions apply to development within all Precincts of the Policy Area except for the Preston Point Precinct and the Town Centre Precinct. In areas subject to the LPP Town Centre Redevelopment Guidelines, those Guidelines take precedence and are additional to the requirements of this document.

3.7.2 Additions and Alterations to Existing Buildings

3.7.2.1 Statement

The Town supports well designed alterations and additions to existing buildings within the Policy Area. Lean-to additions are generally acceptable.

Second storey additions are acceptable within the Policy Area. For traditional contributory buildings additions must either be accommodated within the existing roof space or not be dominant from the primary street.



3.7.2.2 Desired Development Outcomes

- i. Additions and alteration should take into account the significance and character of the existing building and its contribution to the character of the Precinct;
- ii. Additions and alterations should be well designed with minimal interference to the existing building;
- iii. Single storey additions and second storey additions and alterations to existing dwellings are acceptable. Second storey additions shall be supported but are required to:
 - a. Be constructed within the existing roof space, or towards the rear of the dwelling and must not impact upon significant fabric of the dwelling; and,
 - b. Not be dominant from the primary street.

- iv. Additions and alterations should visually contrast to a contributory dwelling. Differentiation may be major or subtle; and,
- v. Additions and alterations should always respect scale, bulk and proportions of the existing dwelling.

NOTE: All applications for planning approval for additions and alterations are to comply with all other design elements of this LPP.

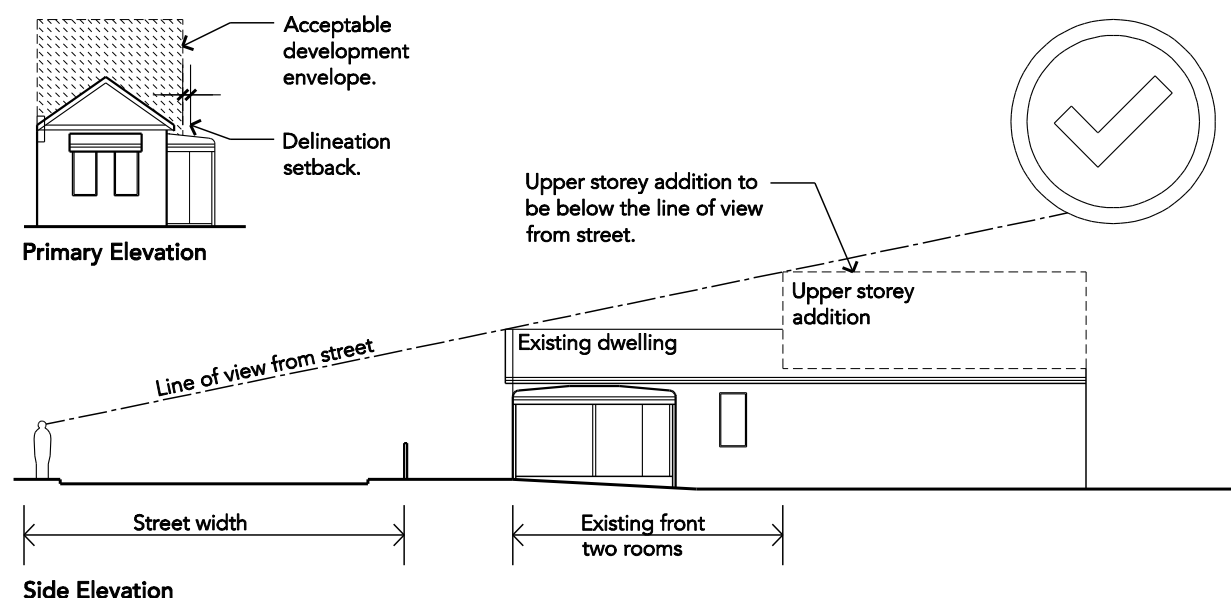


Figure 3 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012*. The actual configuration of such an extension is subject also to R Code setback provisions.

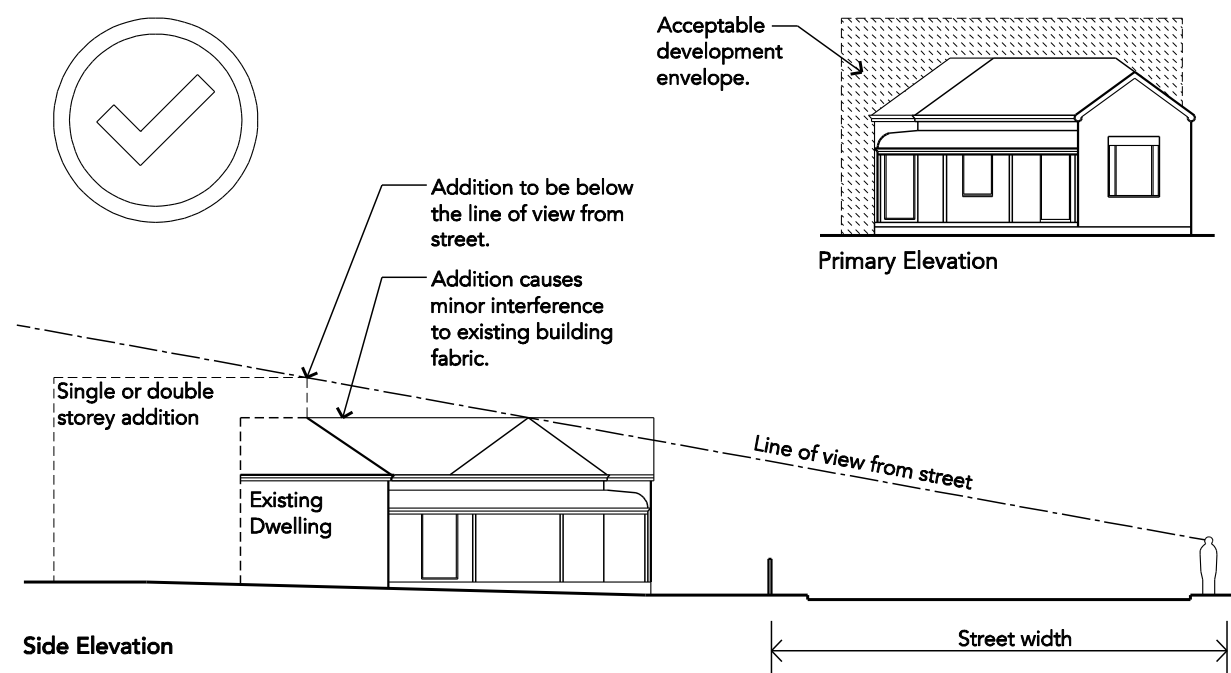


Figure 4 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012*.

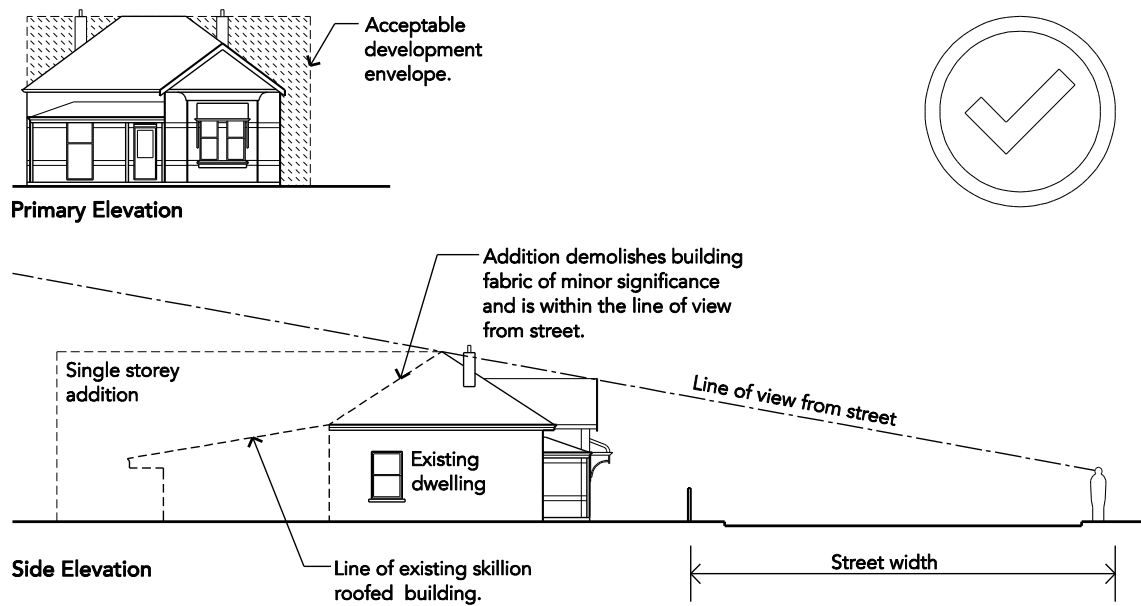


Figure 5 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012.*

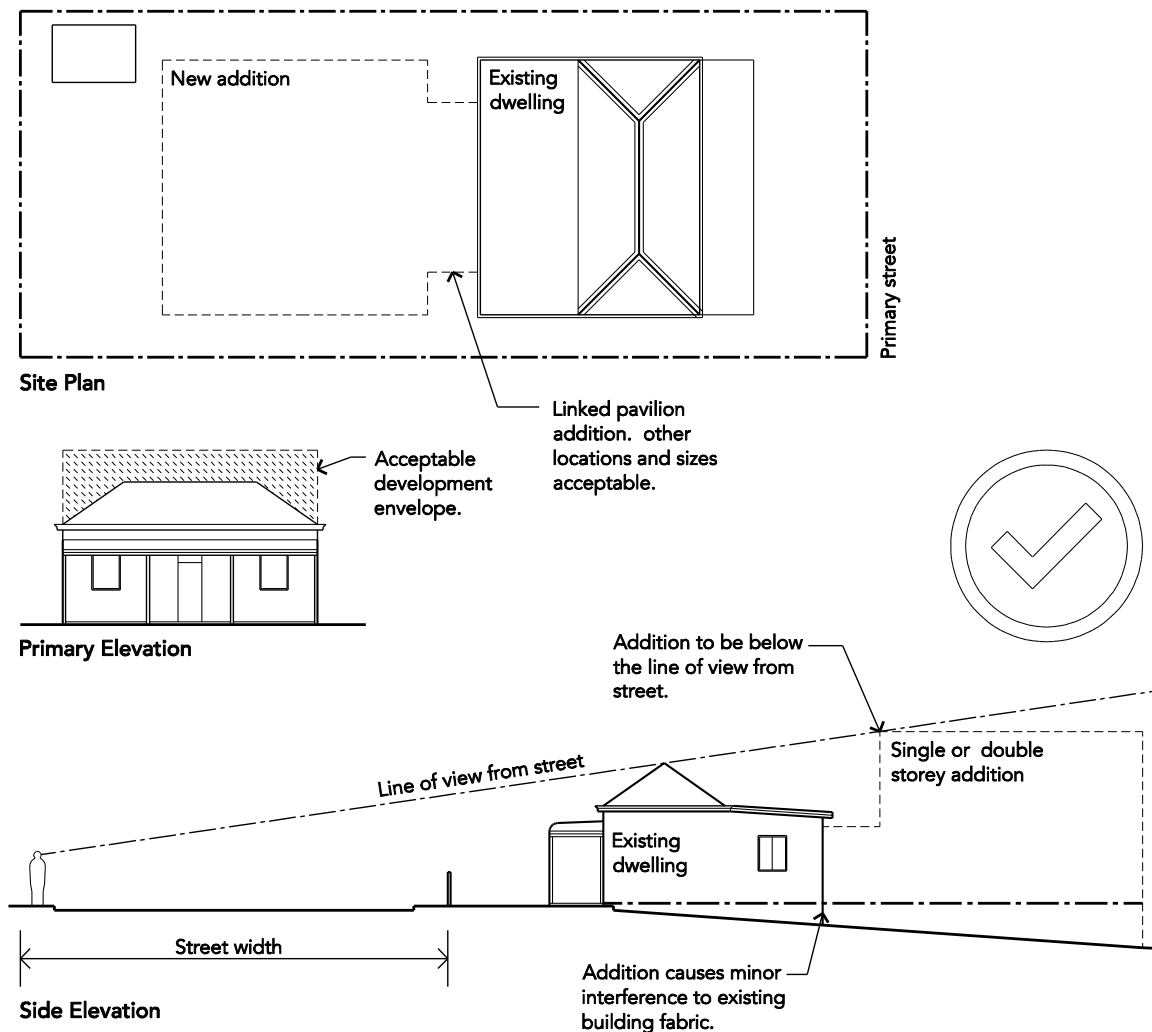


Figure 6 – Plan and elevations illustrating compatible alterations and additions – *Griffiths Architects 2012.*

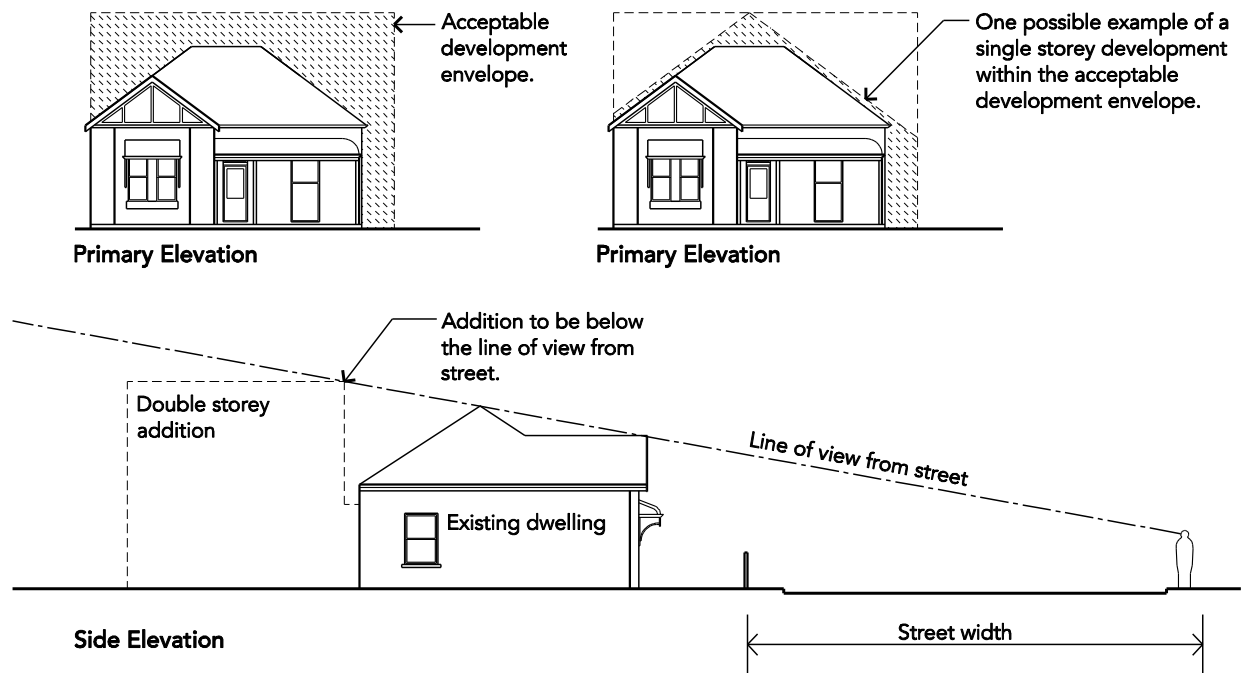


Figure 7 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012.*

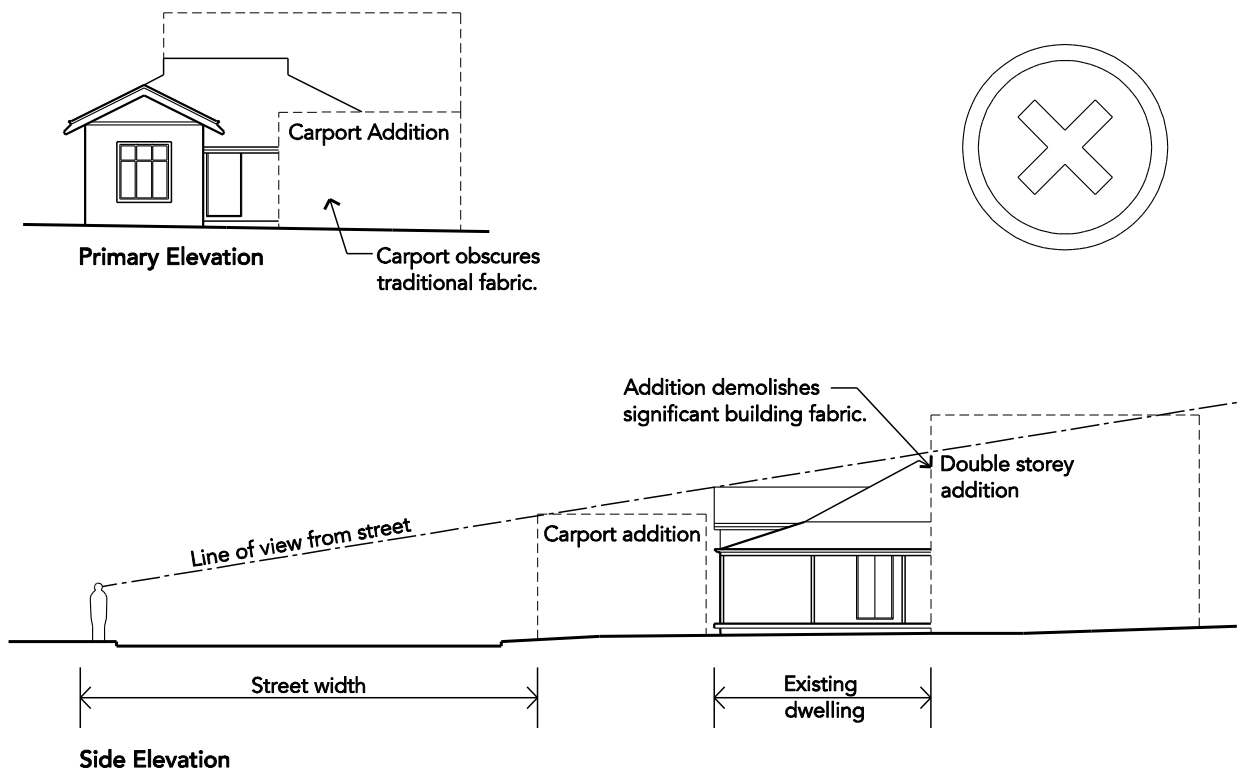


Figure 8 – Elevations illustrating incompatible alterations and additions – *Griffiths Architects 2012.*

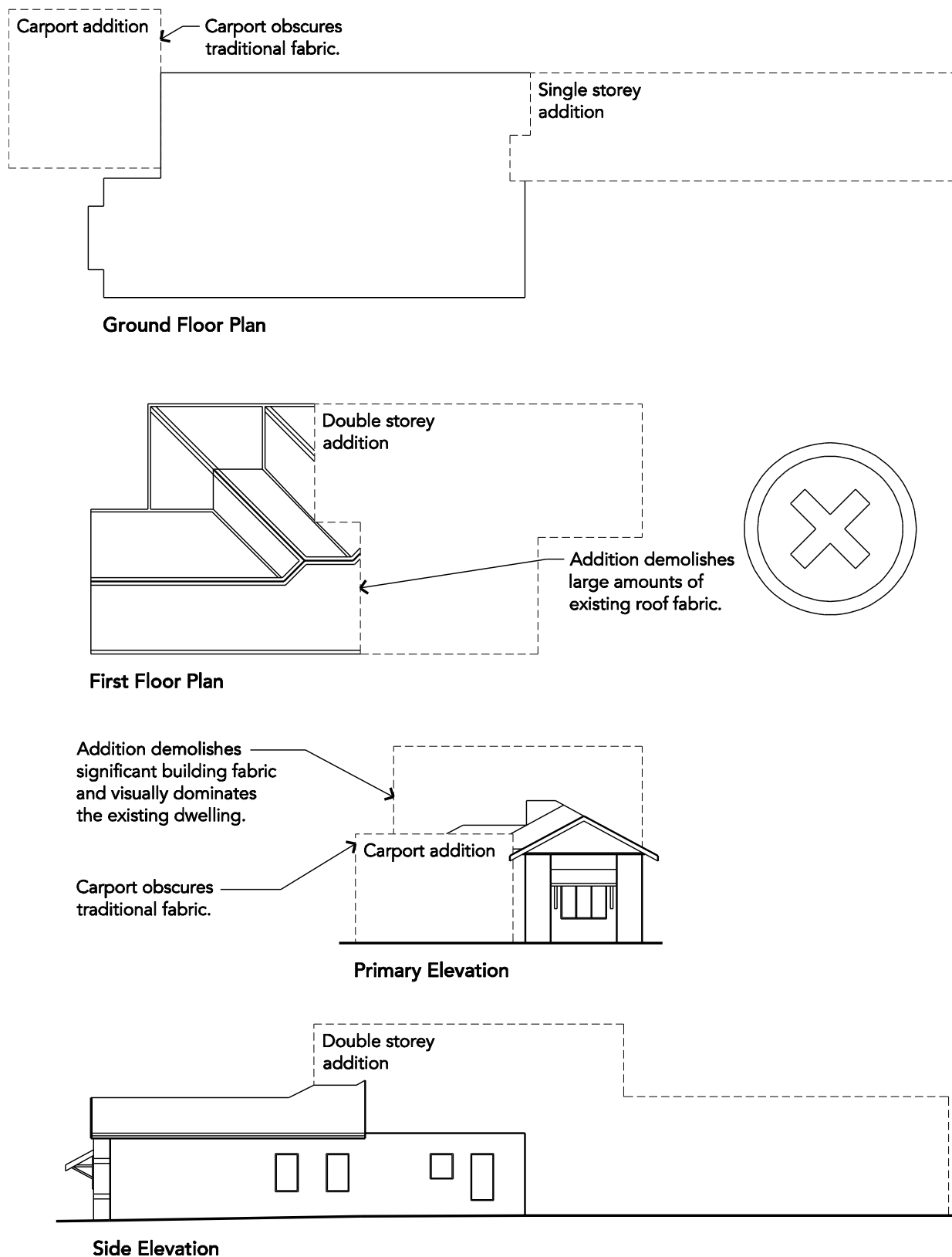


Figure 9 – Plans and elevations illustrating incompatible alterations and additions – *Griffiths Architects 2012.*

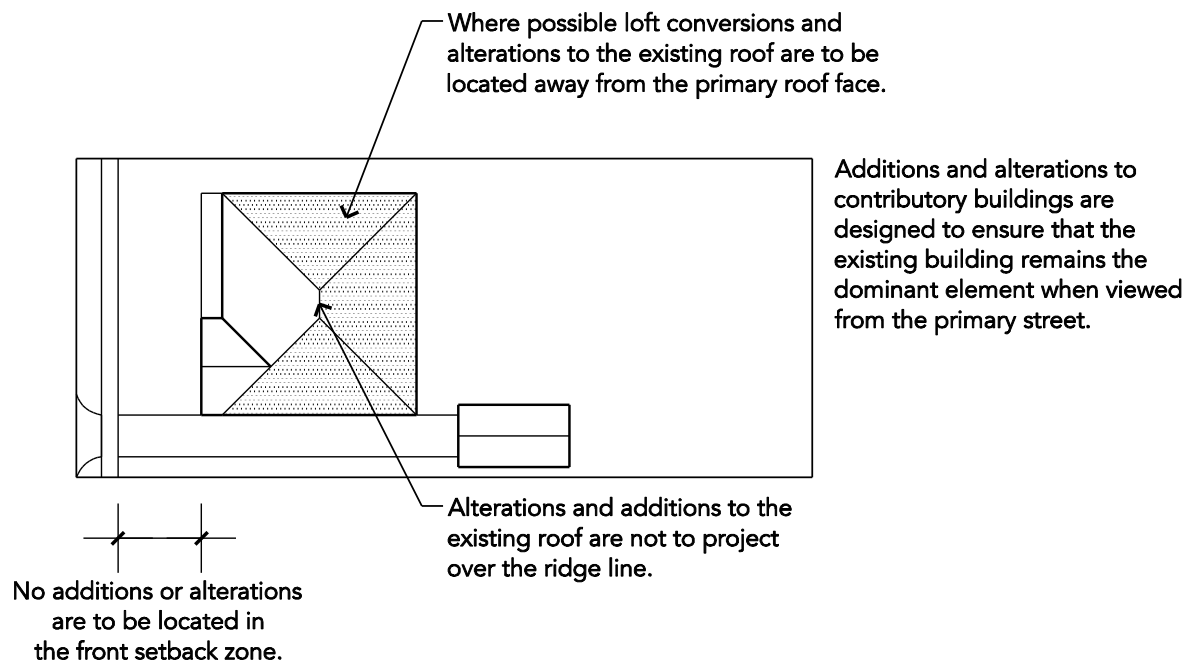


Figure 10 – Plan illustrating compatible and incompatible roof conversions – *Griffiths Architects 2012*.

3.7.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1.1 Additions and alterations to contributory buildings are designed to ensure that the existing building remains the dominant element when viewed from the primary street and to ensure that the existing building's contribution to the streetscape is maintained. The council shall allow additions to be located in the front setback zone where there is no other option and the addition is demonstrably compatible with the existing streetscape character and not impact on the heritage value of a particular place. All applications to include site plans, plans and street elevations.</p> <p>P.1.2 Replacement of, or construction of, elements such as carports shall not obscure the original dwelling.</p>	<p>A1.1 Single storey additions located behind the primary dwelling and not visible from the primary street.</p> <p>A1.2 Second storey additions that are:</p> <ol style="list-style-type: none"> Accommodated within the existing roof (without changes to the roof geometry); and, Built behind the existing building and not visible from the opposite side of the street. A minor variation to this may be permitted on the basis of its impact on the streetscape.

P2	Alterations to openings, or new openings, facing the street to have a vertical profile (refer glossary) or to be composed of vertical modules.	A2	New openings to primary façade to be of a vertical proportion.
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3.7.3 Development of Existing Buildings

For specific provisions regarding additions and alterations to existing buildings refer section *Additions and Alterations*.

3.7.3.1 Statement

The Policy Area retains a large amount of original building fabric in the Plympton, Woodside, Richmond and Riverside Precincts. Richmond Hill retains a small amount of original building fabric. The Richmond Raceway and Preston Point Precincts contain the newest developments in the Policy Area. Overall the Policy Area has a high heritage value. This value depends heavily on the conservation and maintenance of its heritage fabric. Many of the traditional residences in the Policy Area have been conserved, adapted or altered in a sympathetic manner.



3.7.3.2 Desired Outcomes

- i. Retention of original building fabric;
- ii. Restoration of contributory buildings to their original or earlier form. This should be based on historical evidence where possible;
- iii. Removal of intrusive elements to contributory buildings;
- iv. Streetscape presence of heritage buildings to be retained and not have their prominence reduced by additional works when viewed from the street or significant vantage points such as from the river;
- v. Updating of services to existing buildings with the least amount of change to the fabric; and,
- vi. Replacement of deteriorated building fabric to match original detail.

3.7.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1 Additions and alterations to contributory buildings to retain as much original building and its fabric as possible and also to retain historically significant additions.</p>	<p>A1 Relevant drawings to illustrate impact of additions and alterations on heritage fabric. This shall include existing and proposed plans, elevations and possible sections. Existing photos shall also be included.</p>
<p>P2 Restoration of contributory buildings to their original or earlier form.</p>	<p>A2 Provide relevant historic information to support proposed restoration and/or reconstruction. This shall include historic plans, elevations and photos where possible.</p>
<p>P3 Streetscape presence of heritage buildings to be retained.</p>	<p>A3 Relevant drawings to illustrate streetscape presence of heritage building to be retained. This shall include existing and proposed site plans and street elevations. Street elevations to include a minimum of the subject lot and two neighbouring lots.</p>
<p>P4.1 Replacement of deteriorated building fabric with either:</p> <ul style="list-style-type: none"> i. A 'like for like' approach; or, ii. In a similar but not identical fashion where appropriate. <p>P4.2 Example of material replacement:</p> <ul style="list-style-type: none"> i. Replacement of corrugated iron roofing with Colorbond, Galvanised steel or Zinalume roof sheeting. On places of high significance, Galvanised steel is the preferred option, laid in short length sheets. 	<p>A4 Replacement of corrugated iron roofing with Galvanised steel.</p>

3.7.4 Site Works

3.7.4.1 Statement

The Policy Area has a distinct undulating landscape. Residential construction varies throughout the Area due to the undulating nature of the topography. A number of residences are constructed above and below the level of the road depending on the topography. Residences however are generally sited consistently on their lots and provide a high level of visual coherence. Generally heights of residences on sloping streetscapes are evenly staggered.



3.7.4.2 Desired Outcomes

- i. New developments are to be sited to reflect the immediate locality to retain a high level of visual coherence in streetscapes;
- ii. New developments are to maintain the prevailing natural ground level (refer glossary) of the site and to minimise the need for cutting and filling of the site and boundary retaining walls; and,
- iii. New developments, additions and alterations are to be designed so that a strong level of visual privacy is retained.

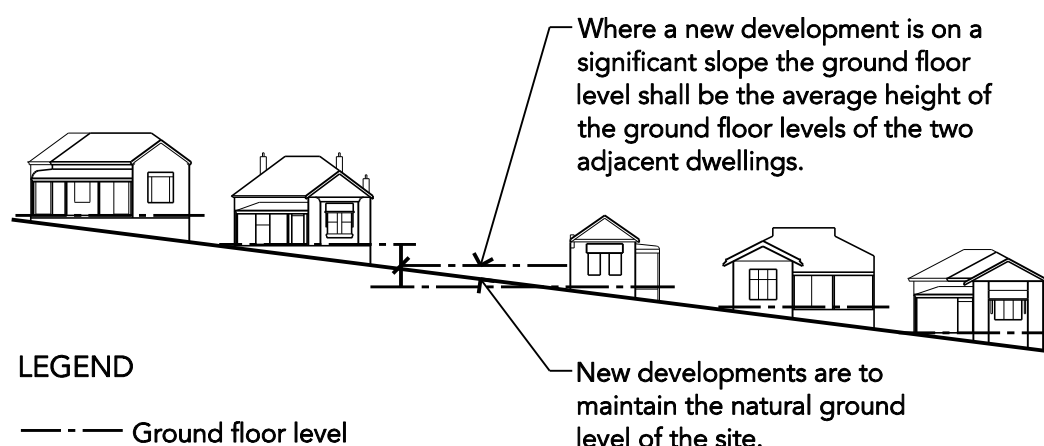


Figure 11 – Street elevation illustrating ground floor level for new developments – *Griffiths Architects 2012.*

3.7.4.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 Siting of new developments is to be consistent with the immediate locality and shall not negatively impact on the streetscape character and amenity.	A1 Dwellings are to be constructed on a plinth (refer glossary) limited in area to, and within the boundaries of, the fully covered roof area.
P2 New developments are to maintain the prevailing natural ground level of the site.	<p>A2.1 Where a new development is on a significant slope the ground floor level shall be the average height between the ground floor levels of the two adjacent dwellings.</p> <p>A2.2 Where there are no adjacent dwellings the ground floor level shall be located to minimise the impact on the need for cutting and filling of the site without adversely impacting the streetscape. This is to be demonstrated by a drawing(s) including site section and street elevation. Street elevations are to be a minimum of the subject lot and two neighbouring lots.</p>
P3 New developments, additions and alterations are to be designed so that a strong level of visual privacy is retained.	A3 Refer R Codes for acceptable development provisions on visual privacy.

3.7.5 Demolition

3.7.5.1 Statement

The Policy Area retains much of its original building fabric. The demolition of traditional buildings has been minimal. Traditional buildings contribute significantly to the character of the Policy Area and are vital to the retention of heritage values of the town. Therefore the demolition of heritage places, part demolition of individually contributory buildings (refer glossary) and the demolition of contributory elements is discouraged. However the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place and its proper presentation is encouraged.

3.7.5.2 Desired Outcomes

- Conservation of significant and contributory places; and,
- The removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

3.7.5.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1.1 Demolition of any building or place on the Heritage List requires the development approval of the Town. The Town shall not approve demolition of a building until there is a planning approval granted for a new building that complies with this Local Planning Policy. Where no other development is proposed the owner of the listed building will be requested to give reasons for the planning application for demolition so that Council shall be fully informed in its decision-making.</p> <p>P1.2 The Local Government shall not approve demolition if the proposed development, addition(s) and/or alterations do not conform to this Local Planning Policy.</p> <p>P2 Applications for demolition of all or part of an existing contributory building must demonstrate the cultural heritage significance of the existing building and the proposed demolition area(s) are not adversely affected by the demolition.</p> <p>P3.1 Planning application for demolition will not be approved for a contributory building on the grounds of neglect, poor condition or economic/other gain for redevelopment of the land.</p>	<p>A1.1 Relevant information of new development, additions or alterations submitted with planning application for demolition.</p> <p>A1.2 Relevant drawings illustrating the demolition area and zones of significance (refer glossary) of the existing building. This is to include demolition plans and elevations and possible sections. Street elevations are to be included including a minimum of the subject lot and two neighbouring lots.</p> <p>A2 For contributory buildings a comprehensive Development Impact Statement that addresses the implications of the demolition is to be provided. An acceptable format is attached in Appendix A.</p> <p>A3 If a place is included on the Municipal Inventory, in a designated heritage area, or included a TPS Schedule of heritage places, relevant information is required from suitably qualified consultants, such as a structural engineer or heritage architect, to assess demolition applications.</p>

- P3.2 Part demolition of individually significant or contributory buildings or removal of contributory elements will not be approved unless it is demonstrated to the Council's satisfaction:
- i. that part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s),
 - ii. that part is not visible from a street frontage, park or public open space and the main building form including roof form is maintained,
 - iii. the removal of the part would not adversely affect the contribution of the building to the heritage place, and
 - iv. for individually significant building or works, it can be demonstrated that the removal of part of the building does not negatively affect the significance of the place.

NOTE: Refer Town of East Fremantle Town Planning Scheme for developments that require planning approval.

3.7.6 Construction of New Buildings

3.7.6.1 Statement

The building fabric of the Policy Area is from the late 1890s to the present day. The successive layers of buildings and styles contribute to the significance and character of the Policy Area.

New developments should respect the immediate locality and should not replicate traditional building forms. Faux (refer glossary) or imitation heritage buildings should be avoided. Generally this type of design is unconvincing in comparison to the original historic types and devalues the authentic buildings. Designs that do not follow the established pattern in terms of form, scale, bulk, or other design features shall not be supported.

Where relevant, viewsheds may be significant and a study may be required by Council to demonstrate compatibility with viewsheds. Precincts where this is most likely to be a requirement include Riverside, Preston Point and Richmond Hill north abutting Preston Point Road.



3.7.6.2 Desired Development Outcomes

- i. New developments should not replicate traditional building form (refer note 2 below);
- ii. New developments should respect and reflect the established development pattern; and,
- iii. New developments should not negatively impact on the streetscape character.

NOTE 1: Applications for planning approval for new buildings are to comply with all other design elements of this LPP.

NOTE 2: For example where the immediate locality is of traditional built form, such as Interwar Californian Bungalows, new developments should be of a contemporary style without traditional influences. New developments however, should reflect the traditional setbacks, scale and bulk of the traditional buildings.

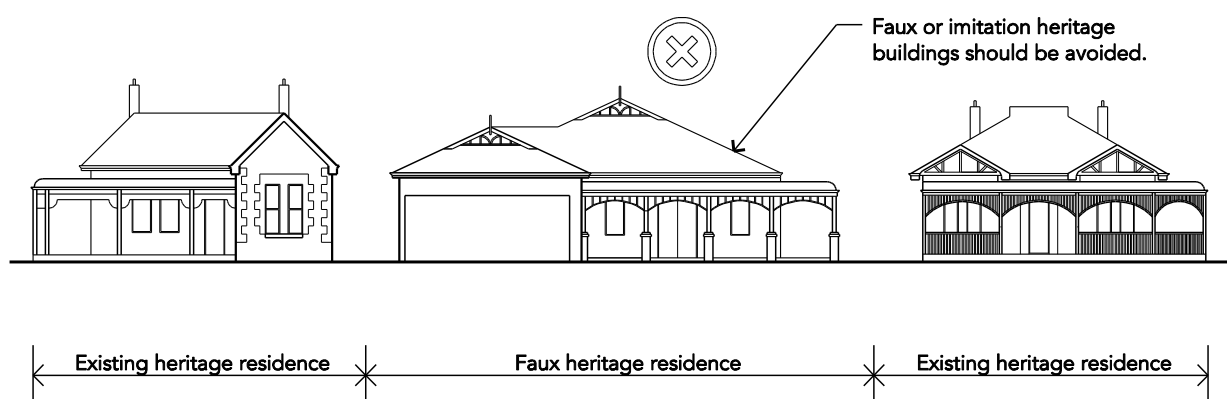


Figure 12 – Street elevation illustrating incompatible faux heritage development – Griffiths Architects 2012. Faux styles devalue the authentic places. Contemporary requirements associated with new homes, results in faux heritage not having the same qualities as authentic places.

3.7.6.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>All Dwellings</p> <p>P1 New buildings are to be designed and constructed in a style compatible with, but which does not overtly mimic, the traditional building styles found in the Town.</p> <p>P2 New buildings shall be compatible with and not adversely impact the view sheds in the Town.</p>	<p>All Dwellings</p> <p>A1 Developments to comply with all design elements of this Local Planning Policy and are compatible with the context in terms of bulk, scale, materials and design.</p> <p>A2 Relevant information demonstrating development compatibility with existing view sheds. This is to include a photo montage of the proposed development within the existing viewshed.</p>

3.7.7 Building Setbacks and Orientation

3.7.7.1 Statement

The Policy Area has a predominantly grid-like pattern with residences addressing the street. Buildings in the Precincts of Richmond Hill Riverside and Preston Point are also orientated to the Swan River where possible. Setback patterns differ in each precinct but are predominantly consistent. The pattern of setback is critical to the character of each Precinct. While there are some variations between streets, there is little opportunity for development within the street setback area. Side setbacks are generally consistent within each Precinct.



3.7.7.2 Desired Development Outcomes

- i. No additions to existing dwellings shall be constructed within the front setback area; and,
- ii. New developments are to be constructed with front and side setbacks to match the traditional setbacks of the streetscapes.

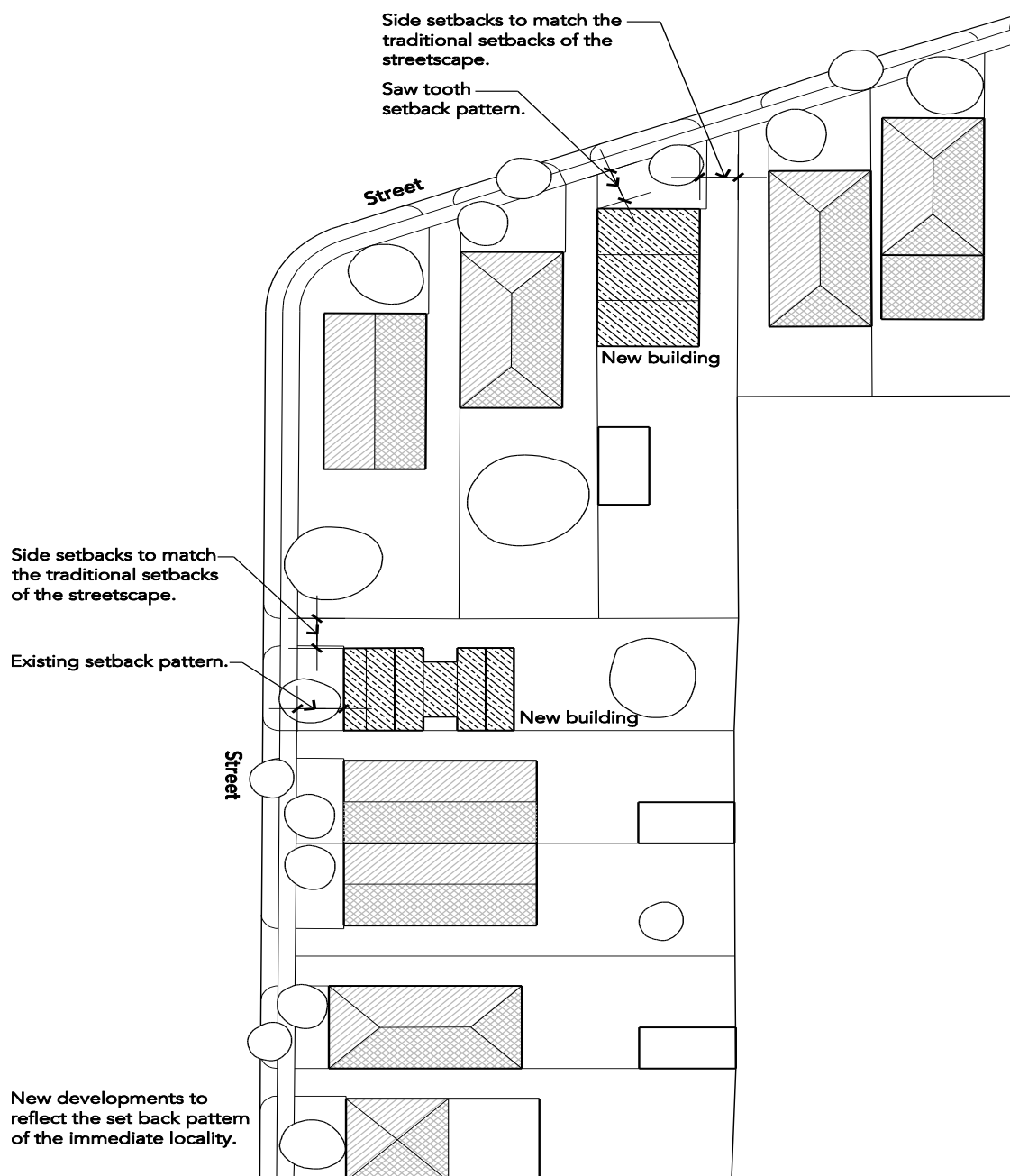


Figure 13 – Site plans illustrating existing setback patterns and compatible new developments – *Griffiths Architects 2012.*

3.7.7.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1.1 The primary street setback of new developments or additions to non-contributory buildings is to match the traditional setback of the immediate locality.	A1.1 New developments, additions and alterations are to match the existing front and side setbacks of the immediate locality.

P1.2	Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.	A1.2	Additions to contributory buildings are to be setback a minimum of 100mm from the primary frontage of the existing building.
P1.3	Developments are to have side setbacks complementary with the predominant streetscape.	A1.3	Where instances of front setbacks of adjacent residences vary, the front setback of the new development shall either: <ul style="list-style-type: none"> i. Match the front setback of one existing dwelling; or, ii. Be the average of the two setbacks
P2	Developments to be orientated to address the street.	A2	Developments to be at a right angle to the street.
P3	Wall heights to reflect the immediate locality.	A3	A wall may be situated closer to an adjoining residential boundary than the standards prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed: <ul style="list-style-type: none"> i. Walls are not higher than 3m and up to 9m in length up to one side boundary; ii. Walls are behind the main dwelling; iii. Subject to the overshadow provisions of the Residential Design Codes – Design Element 6.9; iv. In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and, v. Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.

P4 Where river views are possible, new developments are to be orientated towards the river.

A4 Orient development towards the river.

3.7.8 Roof Form and Pitch

3.7.8.1 Statement

The Town's roof forms are predominantly gable, gambrel and hipped. Roofs have overhanging eaves and are pitched between 28° and 36° (approx.). The council shall approve contemporary roof forms, including skillion, flat roofs or parapet, on new developments where demonstrated to be compatible with the existing and surrounding residences.



3.7.8.2 Desired Development Outcomes

- i. Retention of the traditional pattern of development with consistent roof forms;
- ii. Contemporary roofs to the Richmond Hill and Riverside Precincts;
- iii. New developments with contemporary roof forms that are compatible with the immediate locality; and,
- iv. Roof forms of additions and alterations that positively contribute to the existing dwelling (refer note below).

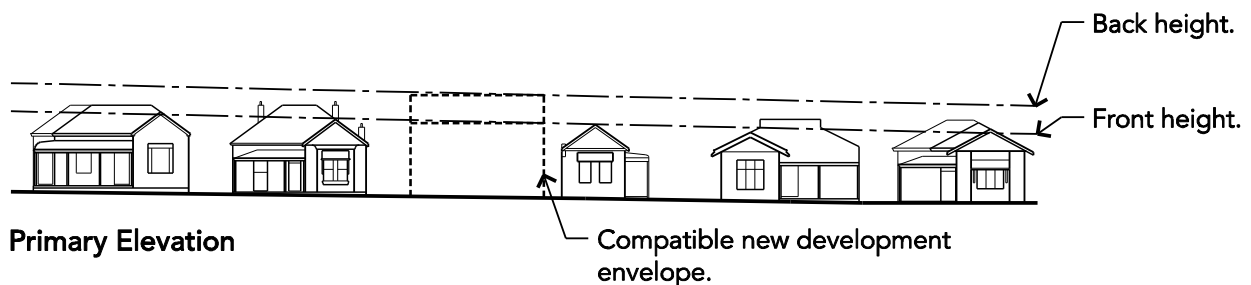


Figure 14 – Street elevation illustration compatible roof envelopes – Griffiths Architects 2012.

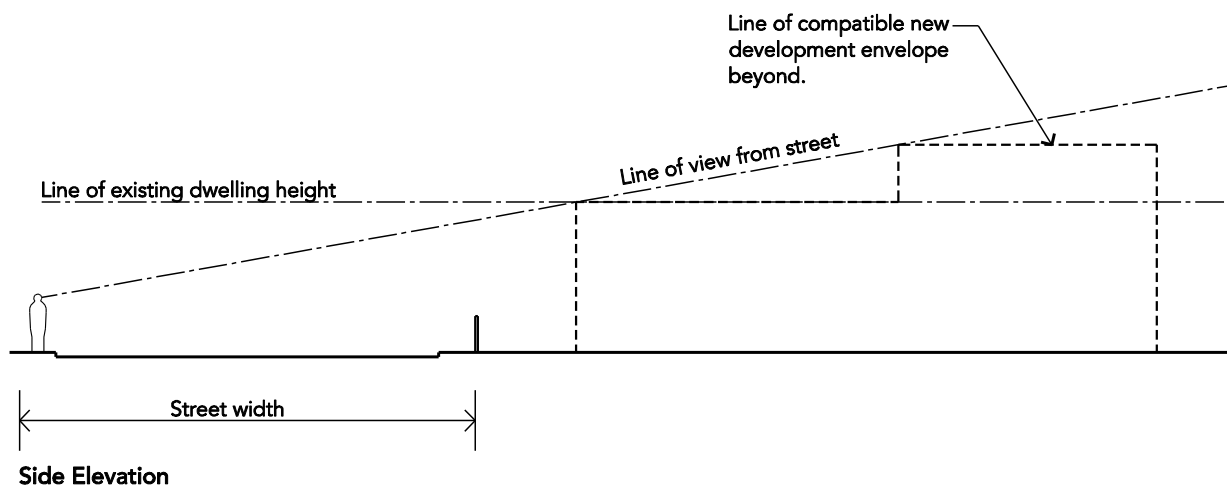


Figure 15 – Side elevation illustrating compatible roof envelope – *Griffiths Architects 2012*.

NOTE: Acceptable roof forms for addition to existing houses may be, but are not limited to the following:

- i. A lean-to roof that sits below the roof line of an existing hipped roof; and,
- ii. An existing dwelling with a gable roof could have a rear addition with a skillion roof that reflects the existing dwelling.

3.7.8.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
All Precincts	All Precincts
P1 Roof forms of additions and alterations positively contribute to the existing dwelling.	A1 Additions and alterations to a contributory building are to match the original roof pitch.
P2 The eaves of alterations and additions are to complement the eaves of the existing building.	A2 Eaves to new developments, additions and alterations are unlined.
P3 The eaves of new developments are sympathetic with immediate locality in regard to size of overhang.	A3 Size and overhang of eaves to new developments, additions and alterations to match the immediate locality.
Woodside, Richmond, Plympton and Raceway	Woodside, Richmond, Plympton and Raceway
P4 Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.	A4.1 Roof forms of new developments should be pitched between 28° and 36° and are of consistent scale and form with the prevailing building typology in the immediate locality.

Richmond Hill and Riverside

- P5 Roof forms not to be restricted to traditional roof forms. Roof forms are to not adversely affect the immediate locality.

A4.2 A contemporary roof form or roof pitch that is less than 28° or greater than 36° shall be approved where the applicant demonstrates compatibility with the immediate locality.

A4.3 Chimney(s) of contributory buildings are retained.

Richmond Hill and Riverside

- A5 Relevant information demonstrating impact of roof on the immediate locality to be provided. This is to include site plans, roof plans, elevations and sections. Photos of the streetscape should also be provided. Street elevations are to be included including a minimum of the subject lot and two neighbouring lots.

3.7.9 Materials and Colours

3.7.9.1 Statement

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

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

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

NOTE: Asbestos removal should be carried out in accordance with statutory regulations.



3.7.9.2 Desired Development Outcomes

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

3.7.9.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
Existing Buildings: <p>P1 Where possible existing materials should be retained. For contributory buildings where original materials require replacement, the policy of replacing 'like for like' should be applied.</p> <p>P2 Replacement of existing materials with new materials shall be approved if demonstrably compatible with the immediate locality.</p>	Existing Buildings: <p>A1 Existing face brick and stonework is retained.</p> <p>A2.1 Original cladding materials should not be removed. Where repairs or replacement is necessary, this should be undertaken using materials consistent with existing fabric.</p> <p>A2.2 Existing timber joinery retained or replaced with new timber joinery to match existing where required.</p>

P3 Reinstatement of original colour is encouraged for contributory buildings. Where possible this should be informed by historical evidence including photos and paint scrapes.

Additions and Alterations:

P4.1 Materials and colours to additions and alterations should either match the original or be compatible with the immediate locality. New materials and colours that are compatible but distinguish the addition and alteration from the existing building are preferred.

P4.2 Roofs of alterations or additions should be clad in materials that do not detract from the built form of the existing dwelling.

New Developments:

P5 Materials incorporated in to new developments are to be compatible with the colour and finishes of existing materials in the immediate locality.

A2.3 Existing roof material is retained or replaced as required. Replacement materials should match existing for contributory buildings. New materials will have to be demonstrated as compatible with the immediate locality.

A3 Retain or reinstate original colour(s) of the residence.

Additions and Alterations:

A4.1 For alterations to existing dwellings the materials should match the materials of the original dwelling.

A4.2 For additions to existing dwellings the materials should be compatible but distinguishable from the existing. This to be demonstrated in relevant elevations.

New Developments:

A5 Assessment will be case-by-case based on the Performance Criteria.

3.7.10 Landscape Guidelines

3.7.10.1 Statement

Established vegetation makes a valuable contribution to the amenity of the community, in particular with respect to shade, privacy, aesthetics and their contribution towards minimising greenhouse gases, maintaining ground water levels and providing habitats for birds and fauna.

The retention of existing trees, shrubs and hedges on private property is encouraged. Development proposals should avoid the removal of, or taking of any action which will damage, existing mature trees on the site.

3.7.10.2 Desired Development Outcomes

- i. Established vegetation, particularly mature trees, shrubs and hedges, is to be retained.
- ii. Landscaping is to be compatible with the character of the immediate locality.

3.7.10.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
Existing Buildings: P1 Development shall be designed around significant established vegetation.	Existing Buildings: A1.1 Development applications are to be accompanied by a site survey including the location of existing mature trees, shrubs, hedges and other significant vegetation. A1.2 Any proposal to remove existing significant vegetation shall be accompanied by a tree survey justifying removal of the vegetation and prepared by a suitably qualified consultant or by a landscape plan demonstrating compensating re-vegetation of the site



3.7.11 Front Fences

3.7.11.1 Statement

There is a variety of fencing styles in the Policy Area that contribute to its overall character. Front fences are predominantly low, permeable and reflect the period of the individual residence. Traditional fence types are a combination of brick and brick piers (face brick, painted and rendered brick finishes), limestone, timber (painted and sealed), steel frame and wire mesh. Heights range

between 600mm and 1200mm. Some areas of Richmond Hill have no front fences. Front lawns in this area often transition into verges seamlessly.

Well designed contemporary front fences are evident in many Precincts (refer photos below). Contemporary materials and forms may be explored in fences without detracting from the streetscape. There are positive examples of new fences that fit comfortably within the Precincts.

3.7.11.2 Traditional Fence Types



37 Hamilton Street



25 Osborne Road



117 George Street



27 Windsor Road

3.7.11.3 Contemporary Fences



30 Hubble Street



63 Richmond Circus

3.7.11.4 Desired Development Outcomes

- i. Where an original fence remains it should be retained and restored where required. In the event an original fence requires replacing a 'like for like' approach should be encouraged;
- ii. Fences are no higher than 1.8m;
- iii. Permeable front boundary fences;
- iv. Hedges are permitted and reinstatement should be encouraged; and,
- v. Fences should be designed to complement the design of the existing dwelling. Both traditional and contemporary fence styles can be appropriate.

3.7.11.5 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1 Contributory existing fences should be retained and restored where required.</p> <p>P2 Fences along the street boundary are low and complement the individual building and the immediate locality. Fences should demonstrate the following:</p> <ul style="list-style-type: none"> i. Appropriate height, material and colour; ii. Adequate sight lines around intersections for pedestrian and vehicles; iii. Complies with requirements under the Residential Design Codes; and, iv. Maximum height of 1.8m to the satisfaction of the Local Government. 	<p>A1 Retain existing contributory fence (refer glossary) or restore where required with a 'like for like' approach.</p> <p>A2.1 Appropriate materials for fence construction are as follows:</p> <ul style="list-style-type: none"> i. Timber pickets; ii. Woven wire; iii. Link mesh; iv. Brick or stone of maximum height 1.2m with piers to 1.8m, with infill of timber pickets or metal railings; or, v. Hedges where they are maintained to a height that allows passive surveillance of the street. <p>A2.2 Materials not included in the above list shall be approved by council where demonstrably compatible with the immediate locality. All submissions are to include a street elevation with a minimum of the subject lot and two adjacent properties.</p> <p>A2.3 Relevant information illustrating fence construction. This is to include photos and a street elevation of the immediate locality. Street elevations are to include a minimum of the subject lot and two neighbouring lots.</p>
<p>P3 Fences above 1.2m are to be visually permeable to allow passive surveillance to the street.</p>	<p>A3 Fence area above 1.2m should be at least 60% permeable. Permeability is to be evenly distributed across fence length and area.</p>

<p>P4.1 Less permeable fences above 1.2m may be approved when they meet the following:</p> <ul style="list-style-type: none"> i. A higher fence/wall is required for noise attenuation; ii. A less permeable fence would aid in reducing, headlight glare from motor vehicles. This would apply more particularly where the subject is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms; iii. Where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence; iv. Where the applicant can demonstrate to the Council that there is a need to provide visual screening to an outdoor living area. This shall apply in situations where there is no alternative private living space other than in the front of the residence or for part of the secondary side boundary of a corner lot. <p>P4.2 Where a lot has frontage to two streets a fence/wall shall not be constructed within the first 6m of the secondary frontage from the primary frontage unless it complements the design of the fence/wall along the primary frontage.</p> <p>P4.3 A person shall not erect any fence/wall or structure within a 6m truncation of intersecting road reserves (or their prolongation where a truncation has already been set aside) to a height greater than 0.75m unless approval of the Council has been obtained in writing.</p>	<p>A4 Demonstration of reasons for requiring a less permeable fence in regards to the performance criteria.</p>
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NOTE: The height of a fence is defined as the vertical distance between:

- i. The top of the fence at any point; and,

- ii. The ground level immediately below that point. Where the ground levels on each side of the fence are not the same the lower ground level should be chosen.

3.7.12 Pergolas

3.7.12.1 Statement

Pergolas are not commonly visually evident within the streetscapes of the Policy Area. Pergolas are generally located to the rear or side of residences and are not dominant features on the streetscape.



3.7.12.2 Desired Outcomes

- i. Pergolas are designed and located where possible to minimise their visual impact on the character of the building and the immediate locality;
- ii. Pergolas are to be incorporated within landscaping of residences and designed to reflect the existing dwelling; and,
- iii. Pergolas construction method not to be detrimental to the existing building fabric.

3.7.12.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria		Acceptable Development Provisions	
P1	Pergola construction to the standards of the Building Code of Australia and Australian Standards.	A1	Plans and construction details are submitted and a planning approval is obtained (Refer the Town of East Fremantle Town Planning Scheme for planning approval requirements).
P2	Landscape design to be sympathetic to the natural ground level.	A2	Landscape to be terraced.
P3	Roofing to pergolas to be permeable.	A3	Pergolas to be roofed with shade cloth.
P4	Pergola construction method to not be detrimental to the existing building fabric.	A4	Relevant information from suitably qualified consultants, such as a structural

	engineer or heritage architect, to assess the impact of the pergola on the existing building fabric of a building on the MHI and is proposed to be built in the front setback.
P5 Pergolas supports are to provide sufficient clearance from side and rear boundaries.	A5 Pergola supports to be a minimum of 1200mm away from side and rear boundaries.
P6 The size and scale of a pergola is to not visually dominate the existing building or obstruct established views from adjacent properties.	<p>A6.1 Relevant drawings to illustrate visual presence of pergola on the existing building and immediate locality.</p> <p>A6.2 Pergolas are not to be located within the front setback area. The council shall approve pergolas in the front setback area where the applicant can demonstrate that pergolas in the front setback zone are an established feature of the streetscape. Dwellings deemed of high heritage value shall not have pergolas in the front setback area.</p>
<p>P7 Pergolas are designed so as:</p> <ul style="list-style-type: none"> i. Not to create a traffic hazard; ii. Not to be constructed over underground services; and, iii. Not to be constructed under power lines. 	A7 Relevant drawings to illustrate position of pergola in relation to power lines, underground services and potential traffic.
P8 Pergolas proposed to be erected on corner lots are to be determined by Council which will approve the erection of such structures only after it is satisfied that the proposal meets all the requirements by other Statutory Authorities and creates no additional hazards, does not interfere with views and complies with the setbacks and truncations required under the Metropolitan Region Scheme and the Town Planning Scheme.	A8 All construction materials must be described on applicant's drawings.

3.7.13 Incidental Development Requirements

3.7.13.1 Statement

The purpose of this section is to protect the quality of streetscapes and the amenity of nearby residents by minimising the visual impact of structures such as satellite dishes, microwave antennae, television antennae, air conditioners, solar collectors, rainwater tanks and tower masts.

The above fixtures shall be erected in such a manner as to minimise the visual impact on the subject site, streetscape and immediate locality in terms of design, scale, bulk, colour, height and general appearance. The location of the aforementioned fixtures shall not have an adverse impact on the architectural integrity of the existing building and the immediate locality.



3.7.13.2 Desired Development Outcomes

- i. Incidental items such as television aerials, satellite dishes, solar panels are to be located away from the primary street in order to minimise their impact on contributory buildings and the character of Policy Area.

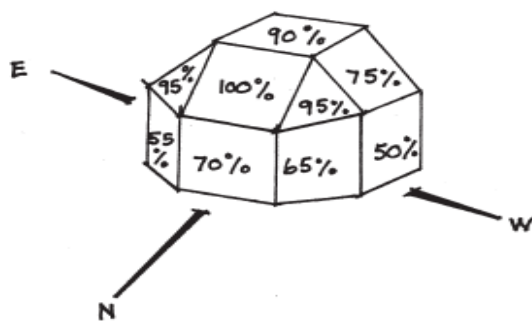


Figure 16 – Percentage of power theoretically generated by solar arrays. *Colin Mendoza, Solar Power Brochure. BP Solar and Solar Partners.*

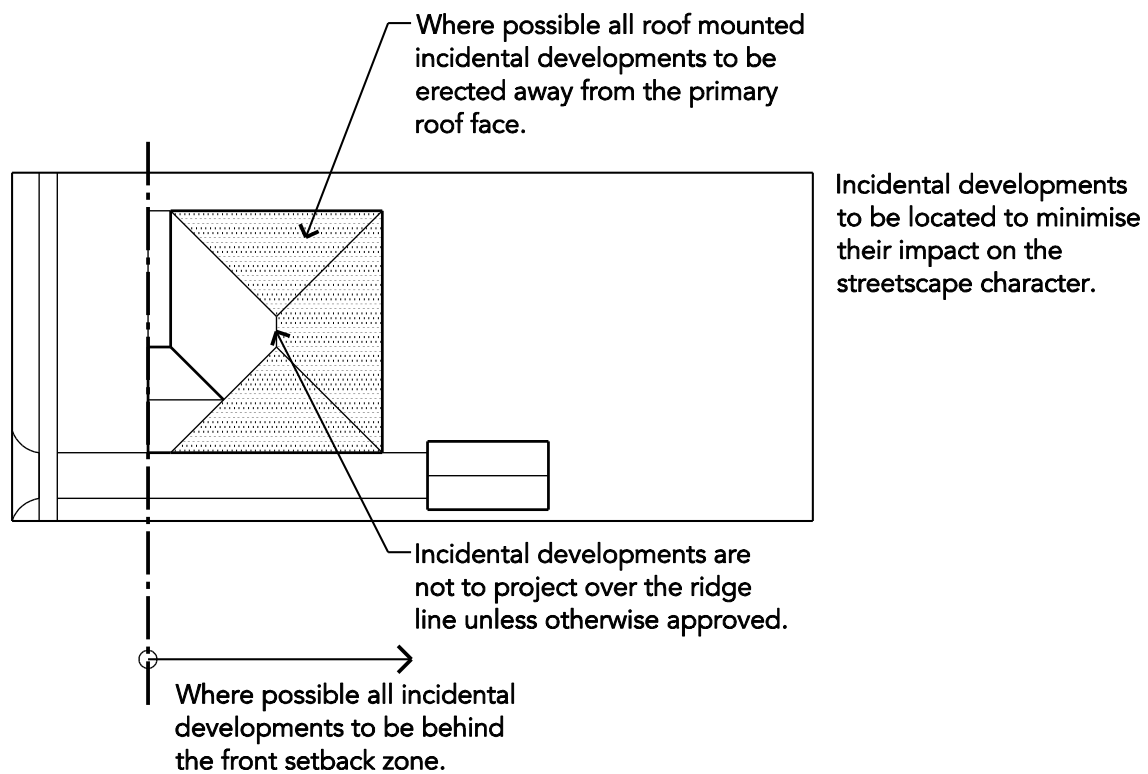


Figure 17 – Location of incidental developments – *Griffiths Architects 2012.*

3.7.13.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 Incidental development such as solar collectors, water tanks, satellite dishes, microwave and radio masts, air conditioners and TV antennae are located to minimise their impact on the character of the building and the immediate locality. Wherever practical, opportunities for concealment of incidental developments shall be utilised – such as ‘hiding’ them in roof valleys, on rear roof planes or behind parapets.	<p>A1.1 Solar collectors, satellite dishes, microwave masts, radio masts and antennae are not to be visible from the primary street.</p> <p>A1.2 Rainwater tanks should:</p> <ol style="list-style-type: none"> Be behind the building line and not visually dominate the building as viewed from the street; Not exceed 5000L capacity (above 5000L requires a planning approval); Set 1m away from any boundary; Be constructed and retained to the relevant Australian Standard; Have an overflow that is directed to a soak well within the property; and, Not exceed a height of 2.4m from the ground floor level of the dwelling. <p>A1.3 The diameter of a satellite dish is to be less than 1.2m. Where the diameter of a satellite dish is greater than 1.2m but less than 1.5m it shall be permitted if it can be demonstrated that it does not adversely impact on the visual amenity of the adjacent area. Where the diameter of a satellite dish is greater than 1.5m they are to be located at ground level and have a maximum height of 3m from natural ground level and not be visible from the street.</p> <p>A1.4 The erection of a tower mast for the transmission and reception of radio signals in excess of 5 metres from site datum and/or natural ground level is not permitted unless no written objections are received by the</p>

	<p>Town and the owners and occupants of the affected properties.</p> <p>A1.5 Microwave antennae to have an area less than 0.6m² and to not project higher than 3m above the ridge line.</p> <p>A1.6 Air conditioners are not to be located in the front setback area. Air conditioning noise levels shall be in accordance with the Environmental Protection Act and associated noise regulations.</p>
P2 All solar panels shall be positioned to avoid existing shadows cast from nearby buildings, structures and trees.	<p>A2.1 Solar collectors shall not be located on the primary street facade.</p> <p>A2.2 Application for solar collector approval requires the following:</p> <ul style="list-style-type: none"> i. Site plan showing roof form and proposed location of solar collectors; ii. Type/Brand of solar unit; iii. Extent of solar collectors; iv. Details of frame support; v. Current drawings/photos of existing building and immediate locality; and, vi. Heritage status of existing building (refer MHI).
P3 Incidental developments are to be constructed behind the front setback zone.	<p>A3 Incidental developments must not to be within the front setback zone unless:</p> <ul style="list-style-type: none"> i. The location of incidental development is not practicable behind the building line; ii. The height, scale and colour of the structure is compatible with the building; iii. The structure does not limit sight lines between premises and the road reserve; and, iv. The structure does not dominate the original building as viewed from the street.

P4	Incidental developments are not to project above the ridge line of the building except for TV antennae.	A4	Incidental developments are to be erected on the back facade and not project above the ridge line.
P5	The historic fabric of a building should not be unnecessarily disturbed or destroyed, in line with minimum intervention and reversibility principles. For example when a system is removed the building should be able to be fully restored. All incidental developments are incorporated into the overall landscaping of the development and are screened from view from adjoining properties and streets.	A5	Relevant drawings illustrating the proposed incidental developments to be provided. This is to include a site plan, plan(s) and elevation(s) as required.
P6	All incidental elements are to be designed and constructed in accordance with the provisions of the Residential Design Codes.	A6	Relevant information illustrating performance against relevant R-Code design elements to be provided.
P7	Incidental developments should not display any form of advertising if visible from street level.	A7	Discrete product brand names are acceptable.

3.7.14 Footpaths and Crossovers

3.7.14.1 Statement

The streetscapes in the Policy Area predominantly feature single houses on single lots with a single crossover. Crossovers are predominantly asphalt bitumen. Footpaths are evident in streetscapes and are generally of concrete or laterite finish.



3.7.14.2 Desired Outcomes

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

3.7.14.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 Pedestrian walk ways will take priority over vehicular access. Re-kerbing is to be done wherever footpaths are replaced.	A1 Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority.
P2 Footpaths and crossovers to match the existing relevant Precincts.	<p>A2.1 Footpaths to be between 1.2m and 2m wide. Footpaths are to have a clearly defined edge.</p> <p>A2.2 The following outlines the prescribed maximum crossover widths:</p> <ul style="list-style-type: none"> - For lots 12 metres in width or less the maximum width is 3.0 metres; and - For lots 12 metres or more the maximum width is 30% of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres. <p>A2.3 All crossover materials will be at the discretion of the Chief Executive Officer. Crossovers are to be constructed as per Council's Crossover Specification requirements.</p>
P3 All crossovers, ramps and footpaths to the requirement of Australian Standards.	A3 All crossovers, ramps and footpaths shall be to Australian Standards.
P4 No street trees will be removed for a crossover unless approved by the Council	A4 Retain existing trees or replace existing tree where required.

and an approved replacement tree is planted.

P5 Installation of crossovers and removal of redundant crossovers to be carried out after consultation with the owner of the property. Redundant crossovers to be removed, at the applicants cost, prior to the issue of a building permit for the relevant property.

A5.1 Maximum of one crossover per lot or subdivided lot unless approved by the council.

A5.2 Relevant drawings indicating location of existing and proposed crossover where required. This is to include existing and proposed site plans.

Costs

- i. Minor maintenance of approved bitumen or concrete crossovers will be undertaken at the Town's expense. Where liability for damage is established, repairs may be undertaken by the Town at the relevant property owner's expense;
- ii. Maintenance of non-standard or non-approved crossovers will be at the property owner's expense;
- iii. Property owners to pay a fee representing the cost of constructing a new crossover or full replacement of an existing crossover. This fee is to be included in Council's annual scale of fees and charges; and,
- iv. Council may, in the future, introduce an application fee and annual inspection fee for brick paved crossovers.

NOTE: This section does not apply to Canning Highway, which is subject to separate requirements.

3.7.15 Woodside & Richmond Precincts

3.7.15.1 Statement of Desired Future Character

3.7.15.1.1 Woodside & Richmond

The desired future character of Woodside and Richmond is the maintenance of its predominantly single storey Federation and Interwar period buildings, cohabiting with more recent infill buildings and additions in a leafy streetscape.



3.7.15.2 Access, Parking and Rights-of-Way

3.7.15.2.1 Statement

Residences in Woodside and Richmond have access via a single cross over. Traditional building patterns have parking located at the rear of the block. Parking to new developments sometimes occurs in the front setback area, in contrast to the traditional built pattern.



3.7.15.2.2 Desired Development Outcomes

- i. Parking areas of lots and development sites shall reflect the existing streetscape where possible;
- ii. Where possible, parking is to be located to the rear of any new developments; and,
- iii. Number of crossovers is to be minimised.

3.7.15.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1.1 Access and parking for the building is to be adequately provided for within the boundaries of the lot/development site, and does not negatively impact on: <ul style="list-style-type: none">i. The streetscape character and amenity; and,ii. The availability of on-street parking in the locality.	A1.1 Parking to be located at the rear of the block. A1.2 Additions and alterations to existing buildings shall address any additional parking requirements with reference to the R-Codes.
P1.2 Council shall exercise its discretion to vary scheme requirements for places with heritage value where compliance would adversely impact on heritage places.	A1.3 Parking areas of lots and development sites for grouped or multiple dwellings are accessed from a shared access way.

3.7.15.3 Garages, Carports and Outbuildings

3.7.15.3.1 Statement

Garages, carports and outbuildings in the Woodside and Richmond Precincts are generally located at the rear or side of the original dwelling and are not dominant features of the landscape. More recent developments incorporate garages and carports into their front facades in contrast to the traditional pattern.



3.7.15.3.2 Desired Development Outcomes

- i. Where garages and carports are part of a development they must be incorporated into, and be compatible with the design of the dwelling;
- ii. Garages and carports shall not visually dominate the dwelling as viewed from the street;
- iii. Materials should not detract visually from the streetscape; and,
- iv. Carports associated with existing residences are not required to mimic or match the materials of the house.

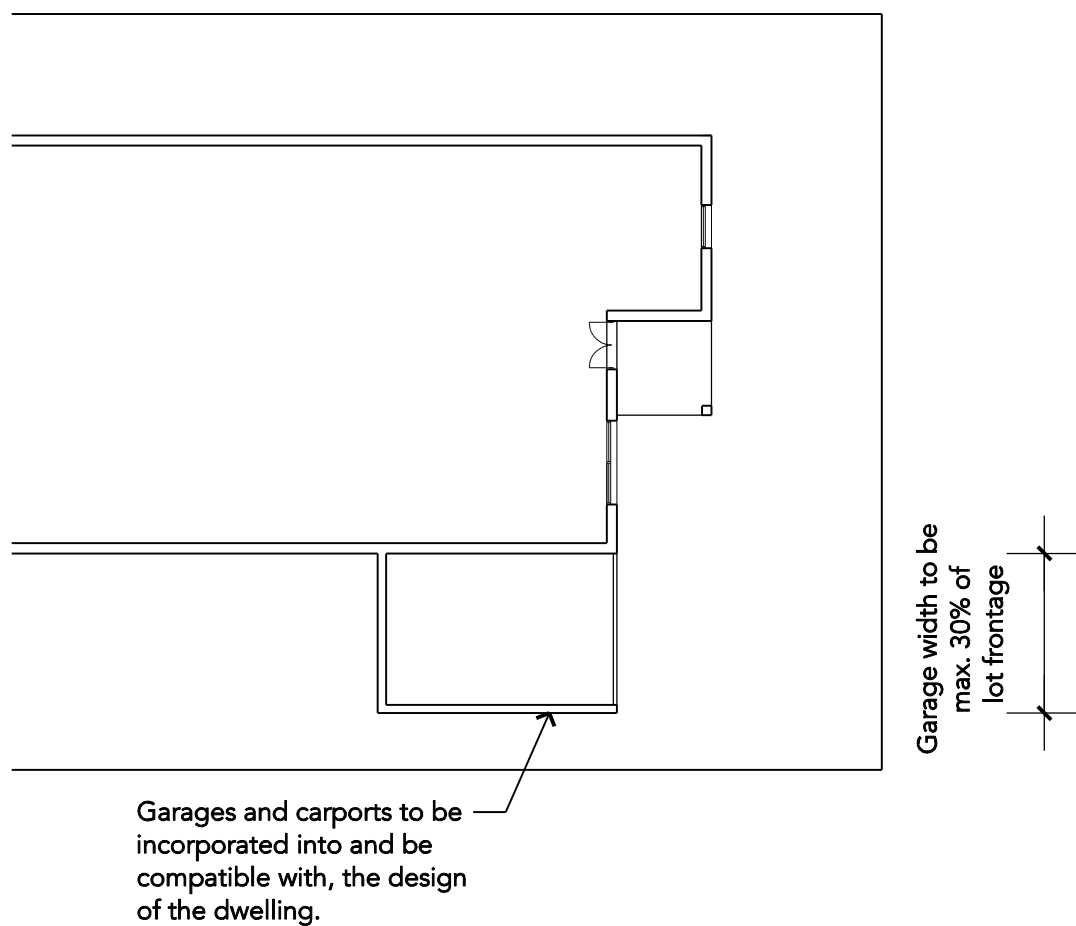


Figure 18 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012.*

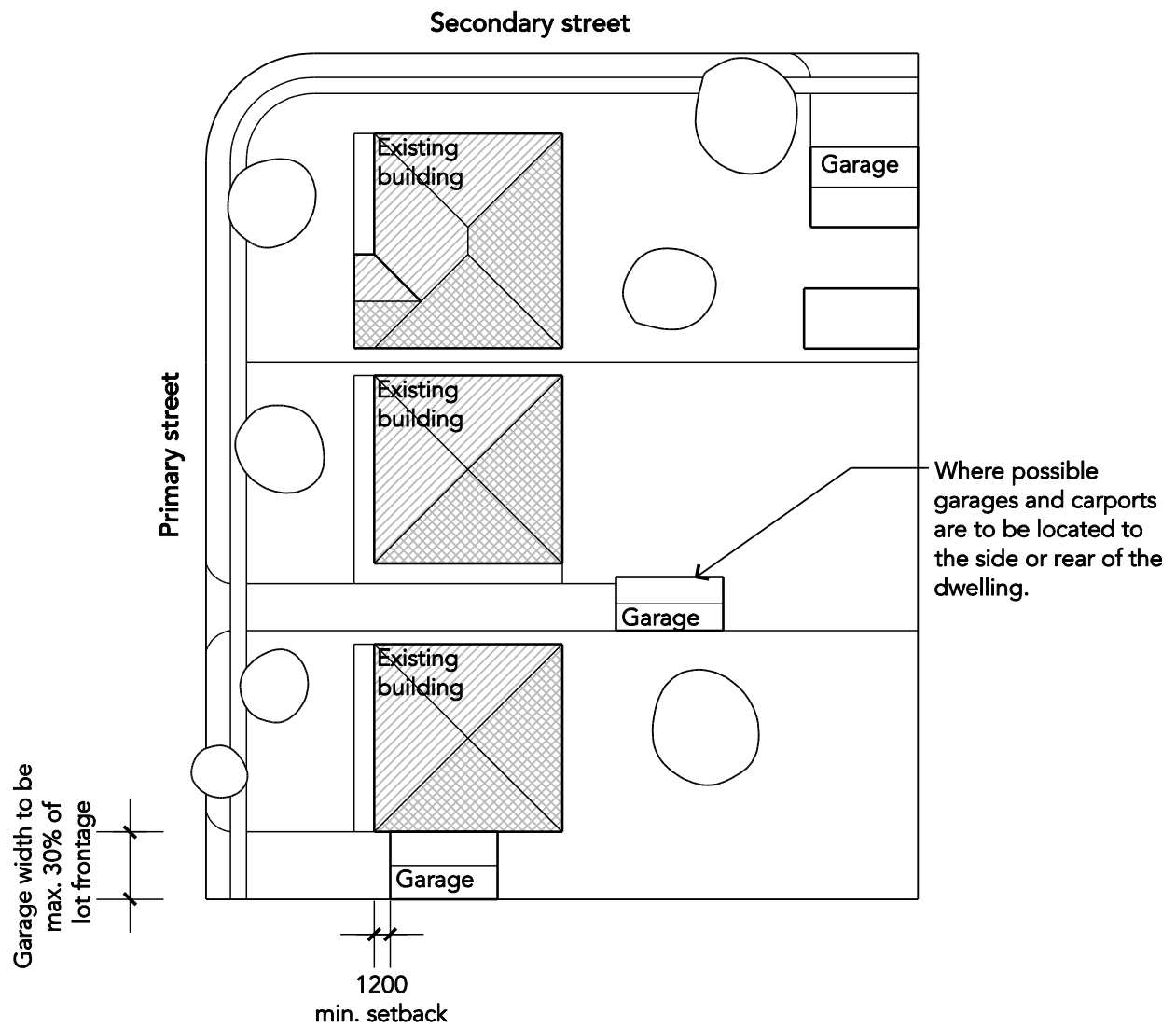


Figure 19 – Site plan illustrating compatible garages in residential developments – *Griffiths Architects 2012.*

3.7.15.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
All Dwellings	All Dwellings
P1 Garages, carports or outbuildings should comply with the recommended building materials for the Precinct.	A1 Refer to applicable Materials and Colours section for relevant precinct. Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the existing dwelling.
New Dwellings	New Dwellings
P2 Garages and carports are designed to be incorporated into, and compatible with, the design of the dwelling.	A2 Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the new dwelling.
Existing Dwellings	Existing Dwellings
P3 For existing buildings where there are no alternatives, carports may be located forward of the building line, provided they: <ul style="list-style-type: none"> i. Do not visually dominate the streetscape or the buildings to which they belong; and, ii. Do not detract from the heritage character of a contributory building. Street elevations are to be included including a minimum of the subject lot and two neighbouring lots. 	A3 For existing buildings garages and carports are constructed behind the building line and comply with the following: <ul style="list-style-type: none"> i. Setback a minimum distance of 1.2m behind the building line; and, ii. The width of garages and carports are not greater than 30% of the frontage of the lot.
Multiple and Grouped Dwellings	Multiple and Grouped Dwellings
P4 Adequate car and bicycle parking provided on-site in accordance with development requirements.	A4 Refer R Codes for car space and bicycle space requirements.
P5 Garages and carports shall not be prominent on the primary street façade.	A5 Garages designed at the rear of the lot.

3.7.15.4 Building Design Requirements

3.7.15.4.1 Building Height, Form, Scale and Bulk

3.7.15.4.1.1 Statement

Dwellings that contribute positively to the character and significance of the Woodside and Richmond Precincts are generally of similar form, bulk and scale. The prevailing building typology is modest single storey residences facing the street. This is such a strong characteristic that single storey, and compatible two storey development, should be the maximum building envelope. Lot sizes and setbacks are also consistent throughout both Precincts. In any new development, the form, bulk and scale will need to be demonstrably compatible with the existing and surrounding residences.



3.7.15.4.1.2 Desired Development Outcomes

- i. New developments should reflect the prevailing form, bulk and scale of the immediate locality;
- ii. New developments shall respect and follow the predominant street pattern in terms of roof pitch, orientation and articulation; and,
- iii. The bulk of two storey developments and additions should be located towards the rear of the lot and not be visually dominant when viewed from the primary street.

3.7.15.4.1.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.	A1.1 Developments to comply with all design elements of this Local Planning Policy.
	A1.2 Additions and alterations are single storey or designed so that the upper storey is not visually dominant when viewed from the primary street.
	A1.3 Two storey developments to comply with the following:

	<ul style="list-style-type: none"> i. Second storey is setback so that the roof line is below the line of sight of a person standing on the opposite side of the primary street.
	<p>A1.4 Category 'B' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards where:</p> <ul style="list-style-type: none"> i. significant water views from neighbouring properties will not be affected; ii. the 'Acceptable Development' standards of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy are met. iii. the subject site is not a battle-axe lot. <p>A1.5 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 'battle-axe' lot, then the maximum building heights are as follows:</p> <ul style="list-style-type: none"> .. 8.1m to the top of a pitched roof .. 6.5m to the top of an external wall (concealed roof) .. 5.6m to the top of an external wall; and where the following apply: <ul style="list-style-type: none"> 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 Residential Design Codes – Element 9 – Design for

Climate and Element 8 – Privacy being met.

- A1.6 Category 'A' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable for development which does not meet the requirements of A1.4 and A1.5 above.

3.7.15.4.2 Verandahs and Porches

3.7.15.4.2.1 Statement

Verandahs and porches are a strong contributor to the character of the Woodside and Richmond Precincts and should be encouraged in new developments. This feature is an essential unifying element that contributes to the streetscape character of both Precincts.



3.7.15.4.2.2 Desired Development Outcomes

- i. Verandahs and porches to be encouraged in new developments. They should complement the immediate locality; and,
- ii. Existing verandahs and porches should be conserved, and missing verandahs reinstated.

3.7.15.4.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1.1 The principle façade and main entrance of a new building should address the street in a manner that reflects the predominant character of the traditional development in the immediate locality.	A1.1 New developments to include a verandah or porch that addresses the primary street and comprises the primary access to the building.
P1.2 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.	A1.2 Additions and alterations to a contributory building to retain or reinstate the existing verandah or porch. Where appropriate and information available restore/reinstate their original detailing.
P1.3 Missing verandahs to be reinstated.	

3.7.15.4.3 Fremantle Port Buffer

3.7.15.4.3.1 Statement

Fremantle Ports undertook the Fremantle Inner Harbour Definition Study (May 2002), which identified the need for an offsite buffer around the Port. The buffer was determined on a range of potential amenity impacts and risks including noise, odour and public risk.

Three buffer areas around the Port have been identified; Area 1, Area 2 and Area 3. For the purposes of these Guidelines these areas will be known as Buffer Area 1, Buffer Area 2 and Buffer Area 3. The buffer area relevant to the Woodside and Richmond Precincts is Buffer Area 3 (refer figures 20 and 21).

Generally the potential risk and amenity impacts from the Port are considerably less in Buffer Area 3. Nevertheless, the Fremantle Inner Harbour Buffer Definition Study has identified the potential for some noise and odour impacts in this area.

The intent of Buffer Area 3 is the management, as opposed to the control, of sensitive uses.



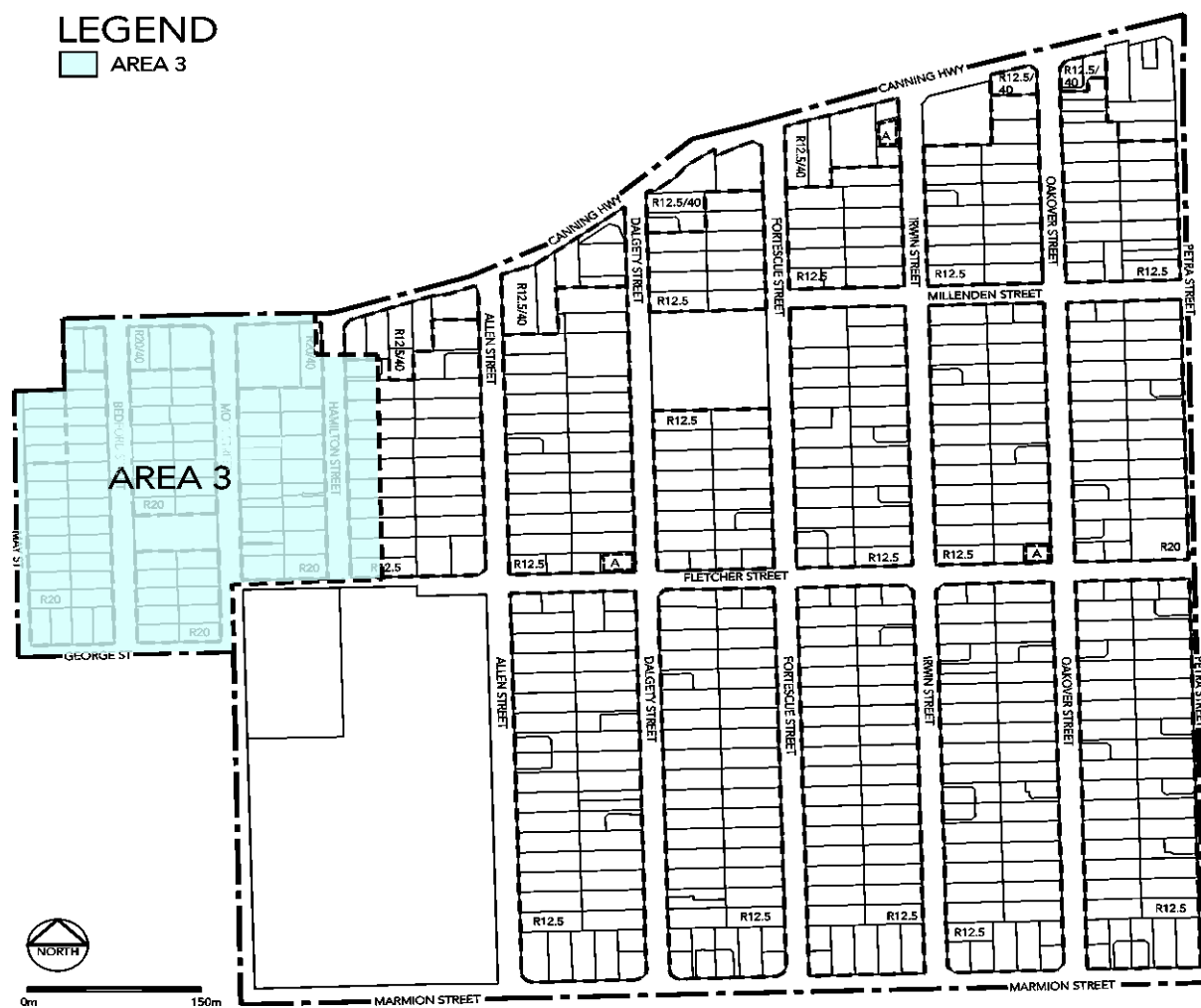


Figure 20- Fremantle Port Buffer Zone Area 3 affecting the Woodside Precinct. *Griffiths Architects 2011*

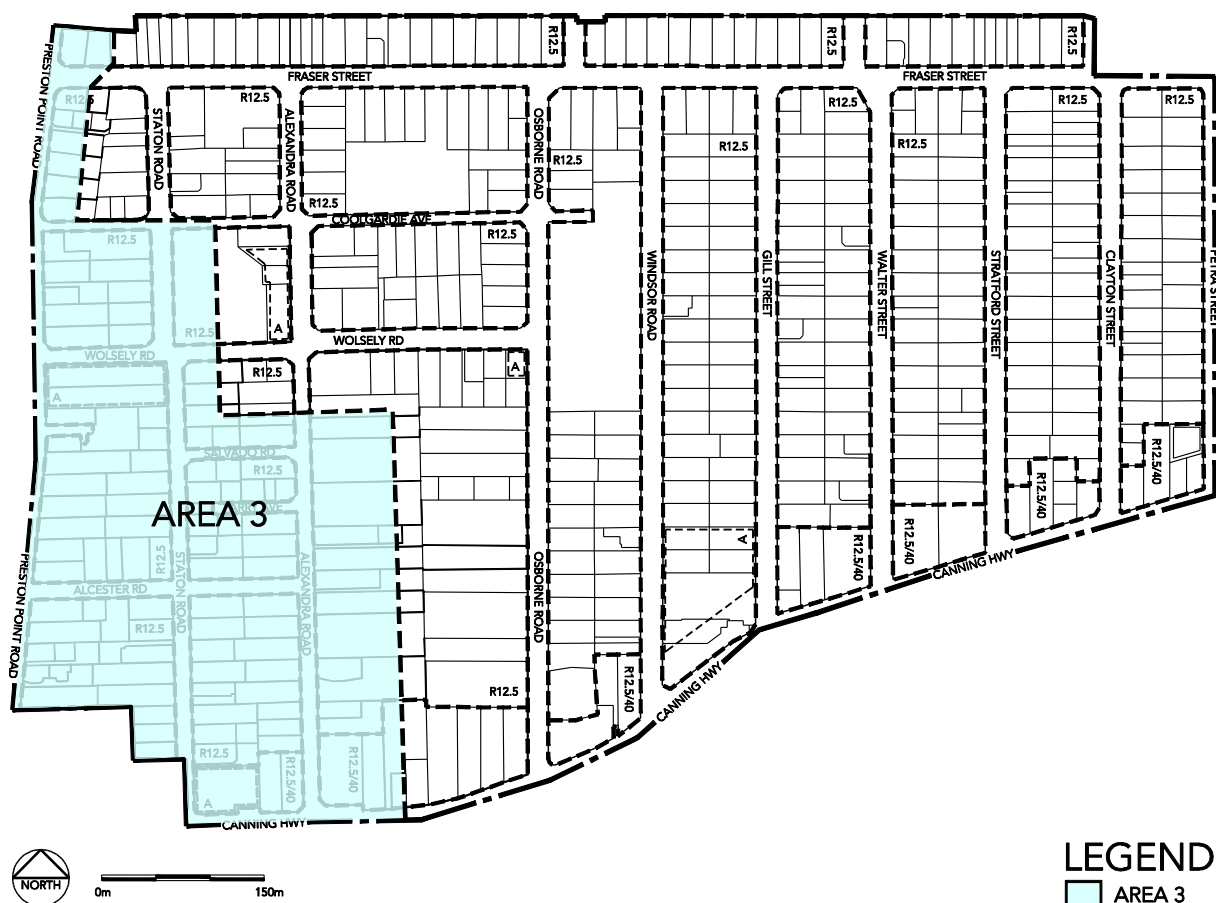


Figure 21- Fremantle Port Buffer Zone Area 3 affecting the Richmond Precinct. *Griffiths Architects 2011*

3.7.15.4.3.2 Desired Development Outcomes

- i. To minimise potential impacts that may arise from the Port;
- ii. To define separate land use and built form requirements for each buffer area; and,
- iii. To manage sensitive uses.

3.7.15.4.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1 There are no general buffer-related development controls for Buffer Area 3. However, where a specific location within this area is known to be impacted from port operations (e.g. through a history of formal complaints), Council may, in consultation with Fremantle Ports, apply</p>	<p>A1.1 Developments, additions and alterations must comply with the Fremantle Buffer Area requirements.</p> <p>A1.2 Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity</p>

some or all of the development controls of Buffer Area 2.

considerations outlined above.
Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.

3.7.15.4.3.4 Administrative Procedures

Where applicable, applicants should be advised as soon as possible of the requirements of this policy. Ideally, this should be prior to lodging a formal application for development, including proposals for subdivision and scheme amendments.

Applicants should be encouraged to liaise with relevant staff including those at Fremantle Ports, in order to understand the requirements of this policy.

Council shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within these guidelines.

Fremantle Port shall within 14 days of notification, advise the Town of its assessment of a development proposal referred as per the requirements outlined above.

In terms of conditions of development approval that arise from the requirements of this policy, Council shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of the conditions have been fulfilled in accordance with the approved plans.

Where appropriate, certification shall be provided prior to the issue of a building permit, certificate of clearance / classification or strata / subdivision clearance.

The applicant shall arrange for certification to be endorsed by Fremantle Ports prior to lodgement of appropriate documentation with the Town.

Buffer Area 3

Council shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

3.7.16 Plympton Precinct

3.7.16.1 Statement of Desired Future Character

3.7.16.1.1 Plympton

The desired future character of Plympton is the maintenance of its predominant single storey gold boom period buildings, cohabiting with sympathetic infill and additions in a leafy streetscape. Similarly the George Street Precinct should retain its heritage and seek to encourage new development or redevelopment that makes a complementary and positive contribution to the streetscape.



3.7.16.2 Access, Parking and Rights-of-Way

3.7.16.2.1 Statement

Residences in Plympton have access via a single cross over. Traditional building patterns have parking located on street. Parking to new developments sometimes occurs in the front setback area, in contrast to the traditional built pattern.



3.7.16.2.2 Desired Development Outcomes

- i. Parking areas of lots and development sites shall reflect the existing streetscape where possible;
- ii. Where possible, parking is to be located to the side of any new developments; and,
- iii. Number of crossovers is to be minimised.

3.7.16.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1.1 Access and parking for the building is to be adequately provided for within the boundaries of the lot/development site, and does not negatively impact on: <ul style="list-style-type: none">i. The streetscape character and amenity; and,ii. The availability of on-street parking in the locality.	A1.1 Parking to be located to the side of the dwelling. A1.2 Additions and alterations to existing buildings shall address any additional parking requirements with reference to the R-Codes. A1.3 Parking areas of lots and development sites for grouped or multiple dwellings are accessed from a shared access way.
P1.2 Council shall exercise its discretion to vary scheme requirements for places with heritage value where compliance would adversely impact on heritage places.	

3.7.16.3 Garages, Carports and Outbuildings

3.7.16.3.1 Statement

Garages, carports and outbuildings are a rare occurrence in the Plympton Precincts. Where garages and carports do occur they are associated with more recent developments. Garages and carports are incorporated into the design of the dwelling and are not dominant features of the streetscape.

Garages and carports are discouraged in the Plympton Precinct.



3.7.16.3.2 Desired Development Outcomes

- i. Absence of garages and carports in the streetscape;
- ii. Where garages and carports are part of a development they must be incorporated and be compatible with the design of the dwelling;
- iii. Garages and carports shall not visually dominate the dwelling as viewed from the street;
- iv. Materials should not detract visually from the streetscape; and,
- v. Carports associated with existing residences are not required to mimic or match the materials of the house.

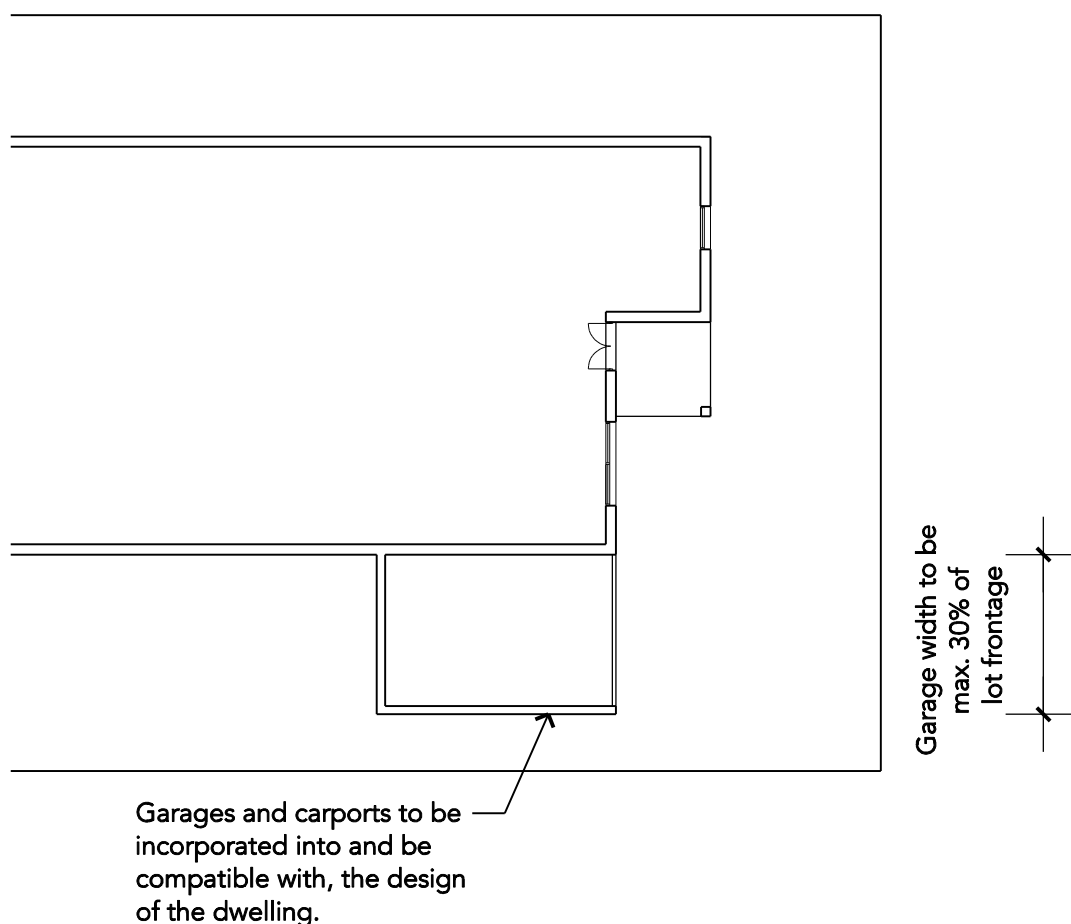


Figure 22 – Plan illustrating compatible garage in new developments – Griffiths Architects 2012.

3.7.16.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
All Dwellings	All Dwellings
P1 Garage and carports are to not adversely impact the streetscape.	A1 On street parking.
P2 Garages, carports or outbuildings should comply with the recommended building materials for the Precinct.	A2 Refer Section Materials and Colours. Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the existing dwelling.
New Dwellings	New Dwellings
P3 Where garages and carports are required they are to be designed to be incorporated into, and compatible with, the design of the dwelling.	A3 Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the new dwelling.
Multiple and Grouped Dwellings	Multiple and Grouped Dwellings
P4 Adequate car and bicycle parking provided on-site in accordance with development requirements.	A4 Refer R Codes for car space and bicycle space requirements.
P5 Garages and carports shall not be prominent on the primary street façade. Street elevations may be required where a place is included in the MHI.	A5 Garages designed at the rear of the lot.

3.7.16.4 Building Design Requirements

3.7.16.4.1 Building Height, Form, Scale & Bulk

3.7.16.4.1.1 Statement

Dwellings that contribute positively to the character and significance of the Plympton Precinct are generally of similar form, bulk and scale. The prevailing building typology is narrow single storey residences facing the street. This is such a strong characteristic that single storey, and compatible two storey development, should be the maximum building envelope (refer glossary). Two storey developments are evident in the Plympton Precinct. Lot sizes and setbacks are also consistent throughout both Precincts. In any new development, the form, bulk and scale will need to be demonstrably compatible with the existing and surrounding residences.



3.7.16.4.1.2 Desired Development Outcomes

- i. New developments should reflect the prevailing form, bulk and scale of the immediate locality;
- ii. New developments shall respect and follow the predominant street pattern in terms of roof pitch, orientation and articulation; and,
- iii. Two storey developments and additions that are well designed and do not visually dominant the immediate locality.

3.7.16.4.1.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.	<p>A1.1 Developments to comply with all design elements of this Local Planning Policy.</p> <p>A1.2 Additions and alterations to a contributory dwelling are single storey and leave the existing building completely intact.</p> <p>A1.3 The bulk of two storey developments to be located at the rear half of the lot.</p> <p>A1.4 Category 'A' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards unless otherwise varied by application under A1.5.</p>

- A1.5 Category 'B' will apply as set out within Table 3 – Maximum Building Heights of the Residential Design Codes.
- i. The proposal demonstrates design, bulk and scale that responds to neighbouring developments and the established character of the existing development on the site or other site specific circumstances;
 - ii. Subject to compliance with the 'Acceptable Development' standards of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy.
 - iii. The proposed development does not unreasonably impact upon the amenity of the principal outdoor living area of adjacent properties.
 - iv. The subject lot is not a battle axe lot.

NOTE: Refer to the Town Centre Redevelopment Guidelines for lots adjacent to Canning Highway.

3.7.16.4.2 Verandahs and Porches

3.7.16.4.2.1 Statement

Verandahs and porches are a strong contributor to the character of the Plympton Precinct and should be encouraged in new developments. This feature is an essential unifying element that contributes to the streetscape character of both Precincts.



3.7.16.4.2.2 Desired Development Outcomes

- i. Verandahs and porches are to be encouraged in new developments. They should complement the immediate locality; and,
- ii. Existing verandahs and porches should be conserved, and missing verandahs reinstated.

3.7.16.4.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 The principle façade and main entrance of a new building should address the street in a manner that reflects the predominant character of the traditional development in the immediate locality.	A1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.
P2 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.	A2 Additions and alterations to a contributory building to retain or reinstate the existing verandah or porch. Where appropriate and information available restore/reinstate their original detailing.
P3 Missing verandahs to be reinstated.	A3 Reinstate missing verandahs.

3.7.16.4.3 Fremantle Port Buffer

3.7.16.4.3.1 Statement

Fremantle Ports undertook the Fremantle Inner Harbour Definition Study (May 2002), which identified the need for an offsite buffer around the Port. The buffer was determined on a range of potential amenity impacts and risks including noise, odour and public risk.

Three buffer areas around the Port have been identified; Area 1, Area 2 and Area 3. For the purposes of these Guidelines these areas will be known as Buffer Area 1, Buffer Area 2 and Buffer Area 3. The buffer areas relevant to the Plympton Precinct are Buffer Area 2 and 3 (refer figure 23).

For buildings within Buffer Area 2 consideration is given to the following potential impacts:

- i. *Ingress of toxic gases in the event of an incident within the Port;*
- ii. *Shattering or flying glass as a consequence of explosion within the Port;*
- iii. *Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required; and,*
- iv. *Odour.*

Generally the potential risk and amenity impacts from the Port are considerably less in Buffer Area 3. Nevertheless, the Fremantle Inner Harbour Buffer Definition Study has identified the potential for some noise and odour impacts in this area.

The intent of Buffer Area 3 is the management, as opposed to the control, of sensitive uses.



Figure 23- Fremantle Port
Buffer Zone Area 2 and Area 3 affecting the Plympton Precinct. *Griffiths Architects 2011*

3.7.16.4.3.2 Desired Development Outcomes

- i. To minimise potential impacts that may arise from the Port;
- ii. To define separate land use and built form requirements for each buffer area; and,
- iii. To manage sensitive uses.

3.7.16.4.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 Buffer Area 2 built form requirements shall apply to all residential development other than alterations and additions to existing dwellings.	A1 Buffer Area 2 built form requirements <ul style="list-style-type: none">i. Windows and opening requirements:ii. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm; and,iii. All safety glass shall be manufactured and installed to an appropriate Australian Standard.iv. Air Conditioning Requirements:<ul style="list-style-type: none">(a) Multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and,(b) Preference for split “refrigerative” systems.v. Construction requirements:<ul style="list-style-type: none">(a) Adopt the general principles of quiet house design for residential developments; and,(b) All developments shall incorporate roof insulation.

<p>P2 There are no general buffer-related development controls for Buffer Area 3. However, where a specific location within this area is known to be impacted from port operations (eg through a history of formal complaints), Council may, in consultation with Fremantle Ports, apply some or all of the development controls of Buffer Area 2.</p>	<p>A2.1 Developments, additions and alterations must comply with the Fremantle Buffer Area requirements.</p> <p>A2.2 Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.</p>
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NOTE: Council recognises that these requirements may not be possible to achieve in the case of the proposals involving some buildings of conservation and heritage significance.

All residential development approvals shall be conditioned in order to require a notification to be placed on title advising of the potential amenity impacts associated with living / working in proximity of the Port.

In the case of all residential subdivision, Council and Fremantle Ports shall request the Western Australian Planning Commission to support the placing of memorials on new titles advising of the potential amenity impacts associated with living in proximity of the Port.

3.7.16.4.3.4 Administrative Procedures

Where applicable, applicants should be advised as soon as possible of the requirements of this policy. Ideally, this should be prior to lodging a formal application for development, including proposals for subdivision and scheme amendments.

Applicants should be encouraged to liaise with relevant staff including those at Fremantle Ports, in order to understand the requirements of this policy.

Council shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within these guidelines.

Fremantle Port shall within 14 days of notification, advise the Town of its assessment of a development proposal referred as per the requirements outlined above.

In terms of conditions of development approval that arise from the requirements of this policy, Council shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of the conditions have been fulfilled in accordance with the approved plans.

Where appropriate, certification shall be provided prior to the issue of a building permit, certificate of clearance / classification or strata / subdivision clearance.

The applicant shall arrange for certification to be endorsed by Fremantle Ports prior to lodgement of appropriate documentation with the Town.

Buffer Area 3

Council shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

3.7.17 Richmond Hill Precinct

3.7.17.1 Statement of Desired Future Character

3.7.17.1.1 Richmond Hill

The desired future character of Richmond Hill is the maintenance of its traditional buildings, cohabiting with developments that are river orientated, a sympathetic scale and are of contemporary architectural style.



3.7.17.2 Access, Parking and Rights-of-Way

3.7.17.2.1 Statement

Residences in the Richmond Hill Precinct have access predominantly via a single cross over. Multiple dwellings occur in the western area of Richmond Hill. Parking to multiple dwellings occurs at the rear via a shared access. Some multiple dwellings have multiple crossovers. Traditional building patterns have parking located at the rear of the block. Parking to new single developments often occurs in the front setback area, in contrast to the traditional built pattern.



3.7.17.2.2 Desired Development Outcomes

- i. Parking areas of lots and development sites shall reflect the existing streetscape where possible;
- ii. Where possible, parking to multiple dwelling to occur at the rear or side of the lot; and,

- iii. Number of crossovers is to be minimized.

3.7.17.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1 Access and parking for the building is to be adequately provided for within the boundaries of the lot/development site, and does not negatively impact on:</p> <ul style="list-style-type: none"> i. The streetscape character and amenity; and, ii. The availability of on-street parking in the locality. <p>P2 Garages and carports shall not be prominent on the primary street façade. Street elevations may be required where a place is included in the MHI.</p>	<p>A1.1 Parking to occur at the rear of the lot.</p> <p>A1.2 Additions and alterations to existing buildings shall address any additional parking requirements with reference to the R-Codes.</p> <p>A1.3 Parking areas of lots and development sites for grouped or multiple dwellings are accessed from a shared access way.</p> <p>A2 Garages designed at the rear of the lot.</p>

3.7.17.3 Garages, Carports and Outbuildings

3.7.17.3.1 Statement

Garages, carports and outbuildings in the Richmond Hill Precinct are generally incorporated into the front facade. Parking is located to the rear and sides of the traditional buildings.

Garages and carports are compatible with the Richmond Hill Precinct.



3.7.17.3.2 Desired Development Outcomes

- i. Garages and carports shall be incorporated into and be compatible with, the design of the dwelling;

- ii. Garages and carports shall not visually dominate the dwelling as viewed from the street;
- iii. Where possible garages and carports to multiple dwellings to occur at the rear and side of the lot;
- iv. Materials should not detract visually from the streetscape; and,
- v. Carports associated with existing residences are not required to mimic or match the materials of the house.

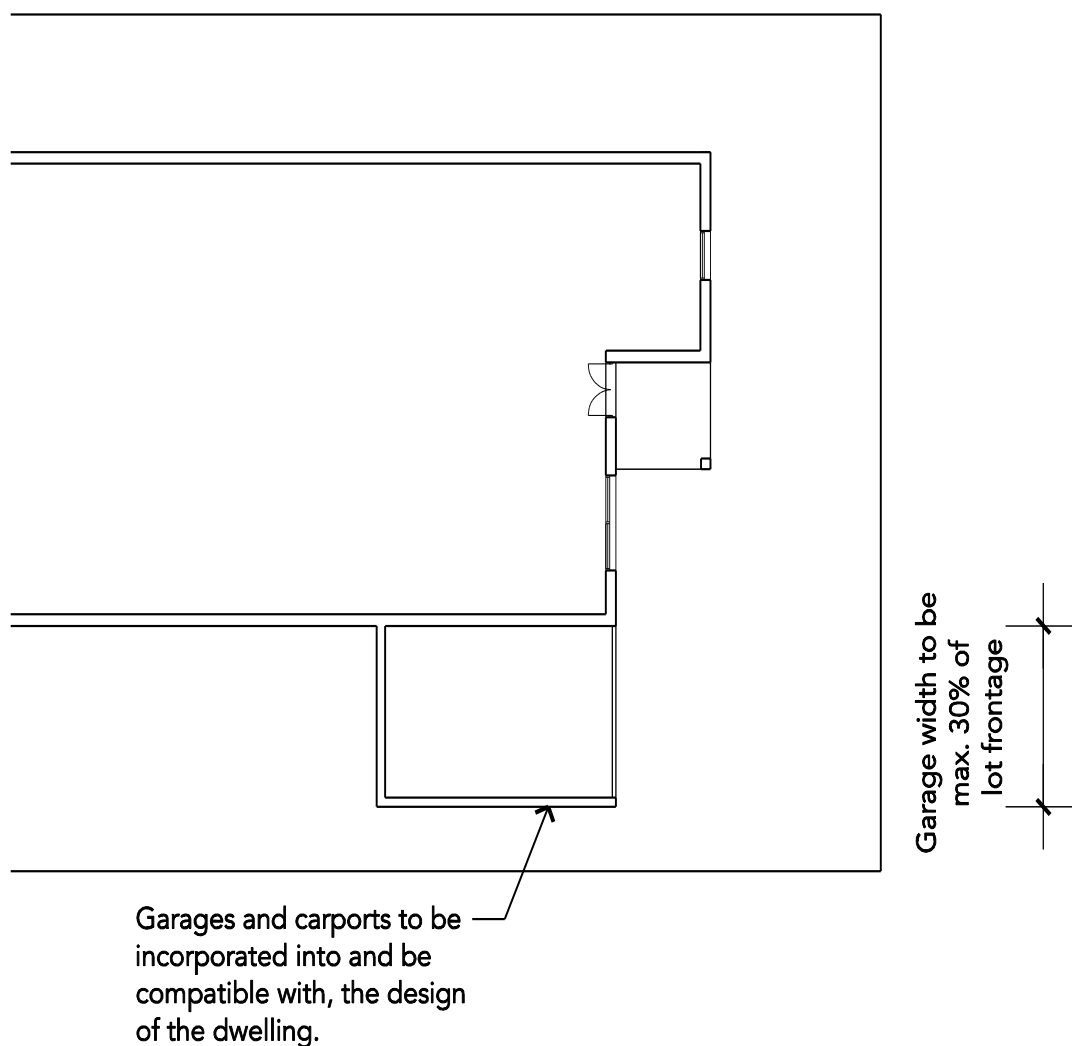


Figure 24 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012.*

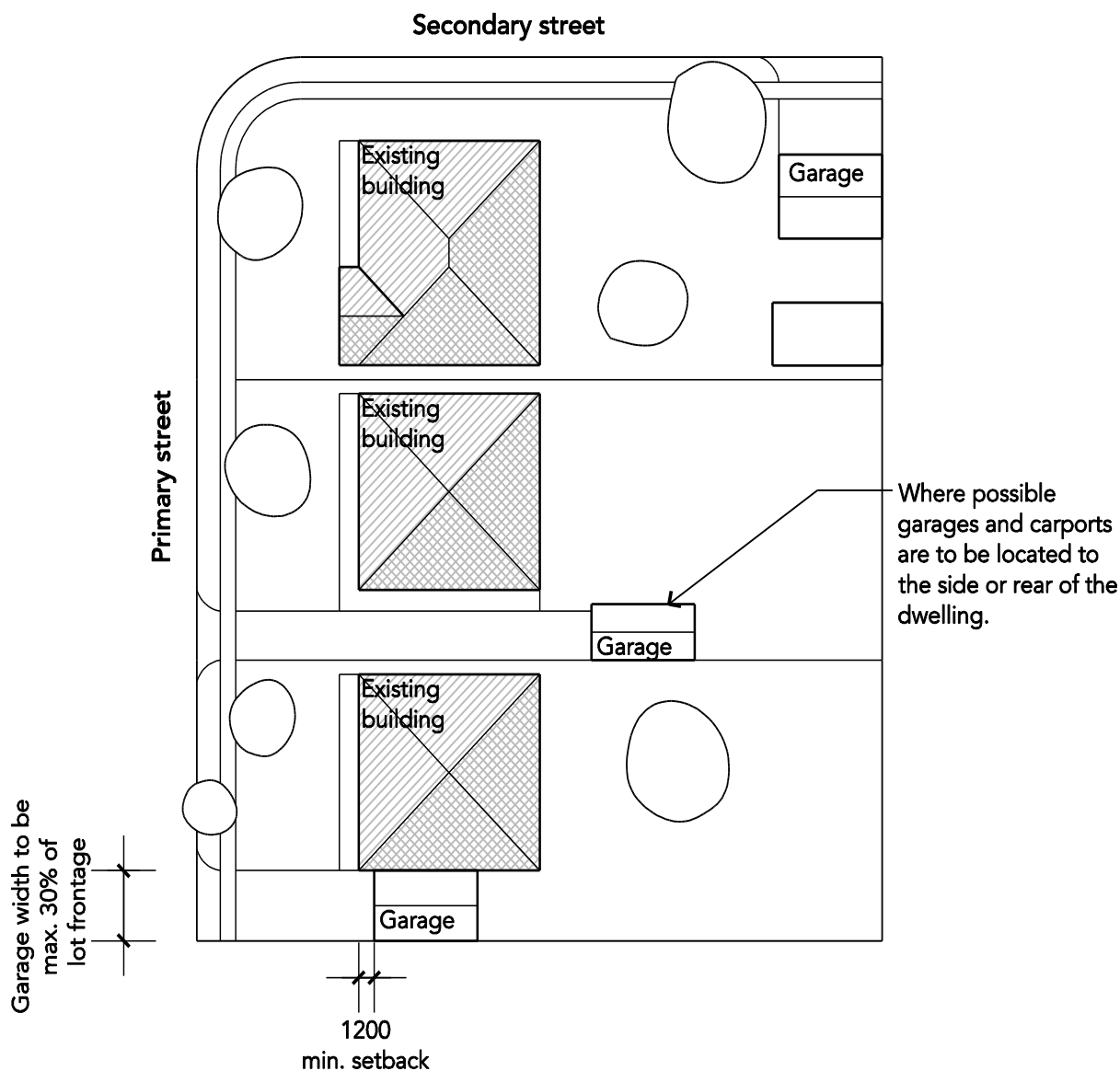


Figure 25 – Site plan illustrating compatible garage locations in residential developments – *Griffiths Architects 2012*.

3.7.17.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>All Dwellings</p> <p>P1 Garages to new developments do not visually detract from the streetscape.</p> <p>P2 Garages, carports or outbuildings should comply with the recommended building materials for the Precinct.</p>	<p>All Dwellings</p> <p>A1 Garages are incorporated into the front façade.</p> <p>A2 Refer Section Materials and Colours. Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the existing dwelling.</p>

Existing Dwellings

- P3 For existing contributory buildings where there are no alternatives, carports may be located forward of the building line, provided they:
- Do not visually dominate the streetscape or the buildings to which they belong; and,
 - Do not detract from the heritage character of a contributory building.

New Dwellings

- P4 Garages and carports are designed to be incorporated into, and compatible with, the design of the dwelling.

Multiple and Grouped Dwellings

- P5 Adequate car and bicycle parking provided on-site in accordance with development requirements.
- P6 Garages and carports shall not be prominent on the primary street façade.

Existing Dwellings

- A3 Garages and carports are constructed behind the building line and comply with the following:
- Setback a minimum distance of 1.2m behind the building line; and,
 - The width of garages and carports are not greater than 30% of the frontage of the lot.

New Dwellings

- A4 Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the new dwelling.

Multiple and Grouped Dwellings

- A5 Refer R Codes for car space and bicycle space requirements.
- A6 Garages designed at the rear of the lot.

3.7.17.4 Building Design Requirements

3.7.17.4.1 Building Height, Form, Scale & Bulk

3.7.17.4.1.1 Statement

Dwellings that contribute positively to the character and significance of the Richmond Hill Precinct are generally of similar form, bulk and scale. The prevailing form is substantial single and double storey residences orientated towards the river. Residences with river views are such a strong characteristic that the scale of new developments should reflect the scale of the immediate locality. Single and two storey dwellings are compatible in the Richmond Hill Precinct. Lot sizes and setbacks are also consistent throughout the Precinct. In any new development, the form, bulk and scale will need to be demonstrably compatible with the existing and surrounding residences.



3.7.17.4.1.2 Desired Development Outcomes

- i. New developments should reflect the prevailing form, bulk and scale of the immediate locality; and,
- ii. New developments shall respect and follow the predominant street pattern in terms of roof pitch, orientation and articulation.

3.7.17.4.1.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.	<p>A1.1 Developments to comply with all design elements of this Local Planning Policy.</p> <p>A1.2 Additions and alterations are single storey and located at the rear of the existing dwelling. The existing building remains intact.</p> <p>A1.3 Category 'B' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards where:</p> <ol style="list-style-type: none"> i. significant water views from neighbouring properties will not be affected ii. the 'Acceptable Development' standards of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy are met.

- iii. the subject site is not a battle axe lot.
- A1.4 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 'battle axe' lot, then the maximum building heights are as follows:
- .. 8.1m to the top of a pitched roof
 - .. 6.5m to the top of an external wall (concealed roof)
 - .. 5.6m to the top of an external wall; and where the following apply.
- i. The proposal demonstrates design, bulk and scale that responds to adjacent development and 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 Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.
- A1.5 Category 'A' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable for development which does not meet the requirements of A1.3 and A1.4 above.

3.7.17.4.2 Verandahs and Porches

3.7.17.4.2.1 Statement

Verandahs generally occur in the Federation building forms. Porches are present in the Post World War II era buildings. These should be conserved and missing examples reinstated. Although

verandahs and porches are evident in the Richmond Hill Precinct they are not a strong contributor to the overall streetscape character. However, verandahs and porches are a preferred façade feature.



3.7.17.4.2.2 Desired Development Outcomes

- i. Verandahs and porches to be preferred in new developments. Verandahs and porches to reflect architectural period of construction without negatively impacting on the immediate locality; and,
- ii. Existing verandahs and porches should be conserved, and missing verandahs reinstated.

3.7.17.4.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 The principle façade and main entrance of a new building should address the street in a manner that reflects the predominant character of the traditional development in the immediate locality.	A1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.
P2 Where verandahs or porches are included in new developments they are to reflect the architectural period of construction and do not adversely affect the immediate locality.	A2 Relevant drawings to demonstrate impact on immediate locality to be provided. This is to include plans, elevations and possible sections.
P3.1 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.	A3 Additions and alterations to a contributory building to retain or reinstate the existing verandah or porch. Where appropriate and information available restore/reinstate their original detailing.
P3.2 Missing verandahs to be reinstated.	

3.7.17.4.3 Fremantle Port Buffer

3.7.17.4.3.1 Statement

Fremantle Ports undertook the Fremantle Inner Harbour Definition Study (May 2002), which identified the need for an offsite buffer around the Port. The buffer was determined on a range of potential amenity impacts and risks including noise, odour and public risk.

Three buffer areas around the Port have been identified; Area 1, Area 2 and Area 3. For the purposes of these Guidelines these areas will be known as Buffer Area 1, Buffer Area 2 and Buffer Area 3. The buffer area relevant to the Richmond Hill Precinct is Buffer Area 3 (refer figure 26).

Generally the potential risk and amenity impacts from the Port are considerably less in Buffer Area 3. Nevertheless, the Fremantle Inner Harbour Buffer Definition Study has identified the potential for some noise and odour impacts in this area.

The intent of Buffer Area 3 is the management, as opposed to the control, of sensitive uses.

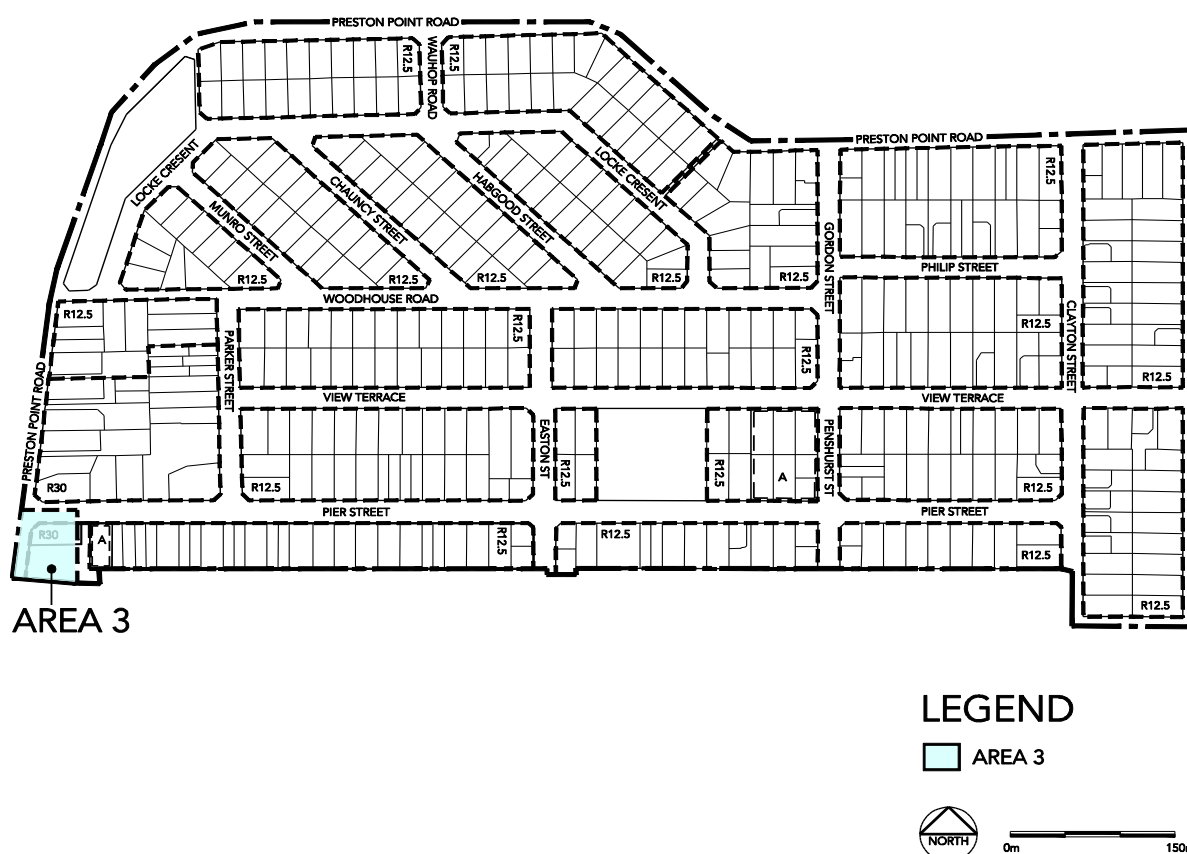


Figure 26- Fremantle Port Buffer Zone Area 3 affecting the Richmond Hill Precinct. Griffiths Architects 2011

3.7.17.4.3.2 Desired Development Outcomes

- i. To minimise potential impacts that may arise from the Port;

- ii. To define separate land use and built form requirements for each buffer area; and,
- iii. To manage sensitive uses.

3.7.17.4.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 There are no general buffer related development controls for Buffer Area 3. However, where a specific location within this area is known to be impacted from port operations (e.g. through a history of formal complaints), Council may, in consultation with Fremantle Ports, apply some or all of the development controls of Buffer Area 2.	<p>A1.1 Developments, additions and alterations must comply with the Fremantle Buffer Area requirements.</p> <p>A1.2 Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.</p>

3.7.17.4.3.4 Administrative Procedures

Where applicable, applicants should be advised as soon as possible of the requirements of this policy. Ideally, this should be prior to lodging a formal application for development, including proposals for subdivision and scheme amendments.

Applicants should be encouraged to liaise with relevant staff including those at Fremantle Ports, in order to understand the requirements of this policy.

Council shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within these guidelines.

Fremantle Port shall within 14 days of notification, advise the Town of its assessment of a development proposal referred as per the requirements outlined above.

In terms of conditions of development approval that arise from the requirements of this policy, Council shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of the conditions have been fulfilled in accordance with the approved plans.

Where appropriate, certification shall be provided prior to the issue of a building permit, certificate of clearance / classification or strata / subdivision clearance.

The applicant shall arrange for certification to be endorsed by Fremantle Ports prior to lodgement of appropriate documentation with the Town.

Buffer Area 3

Council shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

3.7.18 Riverside

3.7.18.1 Statement of Desired Future Character

3.7.18.1.1 Riverside

The desired future character of Riverside is the maintenance of its limited number of single storey Federation period buildings, cohabiting with sympathetic, appropriate scale infill and additions in narrow streetscapes.



3.7.18.2 Access, Parking and Rights-of-Way

3.7.18.2.1 Statement

3.7.18.2.1.1 Riverside South

Riverside South is bounded by Stirling Highway (north inclusive), Riverside Road (east inclusive), Preston Point Road (west inclusive), Bolton Street (south inclusive) and Canning Highway (north inclusive).

Residences in Riverside South have access via a single cross over. Traditional building patterns have parking located at the front of the block. Parking to new developments sometimes occurs in the rear setback area, in contrast to the traditional built pattern.



3.7.18.2.1.2 Riverside North

Riverside North is bounded by Riverside Road (east inclusive), Preston Point Road (west inclusive) and Bolton Street (north inclusive).

Residences in Riverside North have access via a single shared cross over. Parking to multiple dwellings occurs at the front of lots and within the front setback area.

3.7.18.2.2 Desired Development Outcomes

- i. Parking areas of lots and development sites shall reflect the existing streetscape where possible;
- ii. Where possible, parking is to be located to the side of any new developments; and,
- iii. Number of crossovers is to be minimised.

3.7.18.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1 Access and parking for the building is to be adequately provided for within the boundaries of the lot/development site, and does not negatively impact on:</p> <ol style="list-style-type: none">i. The streetscape character and amenity; and,ii. The availability of on-street parking in the locality.	<p>A1.1 Parking areas associated with developments shall reflect the existing streetscapes.</p> <p>A1.2 Additions and alterations to existing buildings shall address any additional parking requirements with reference to the R-Codes.</p> <p>A1.3 Parking areas of lots and development sites for grouped or multiple dwellings are accessed from a shared access way.</p>
<p>P2.1 Where possible parking to multiple dwellings to occur on the lot where appropriate to allow access to river views but still presenting an agreeable streetscape elevation.</p>	<p>A2 Parking to multiple dwelling is designed so that dwellings have maximum access to views. However the design of multiple dwellings should not negate the streetscape in favour of views.</p>
<p>P2.2 Council shall exercise its discretion to vary scheme requirements for places with heritage value where compliance</p>	

would adversely impact on heritage places.

3.7.18.3 Garages, Carports and Outbuildings

3.7.18.3.1 Statement

The location of garages, carports and outbuildings in the Riverside Precinct are mixed i.e. they are not predominantly located to the front rear or side. In some locations they are dominant features of the landscape.

Garages and carports are compatible in the Riverside Precinct.



3.7.18.3.2 Desired Development Outcomes

- i. Where garages and carports are part of a development they must be incorporated into, and be compatible with the design of the dwelling;
- ii. Garages and carports shall not visually dominate the dwelling as viewed from the street;
- iii. Where possible garages and carports to multiple dwellings shall not visually dominate the dwelling as viewed from the street;
- iv. Materials should not detract visually from the streetscape; and,
- v. Carports associated with existing residences are not required to mimic or match the materials of the house.

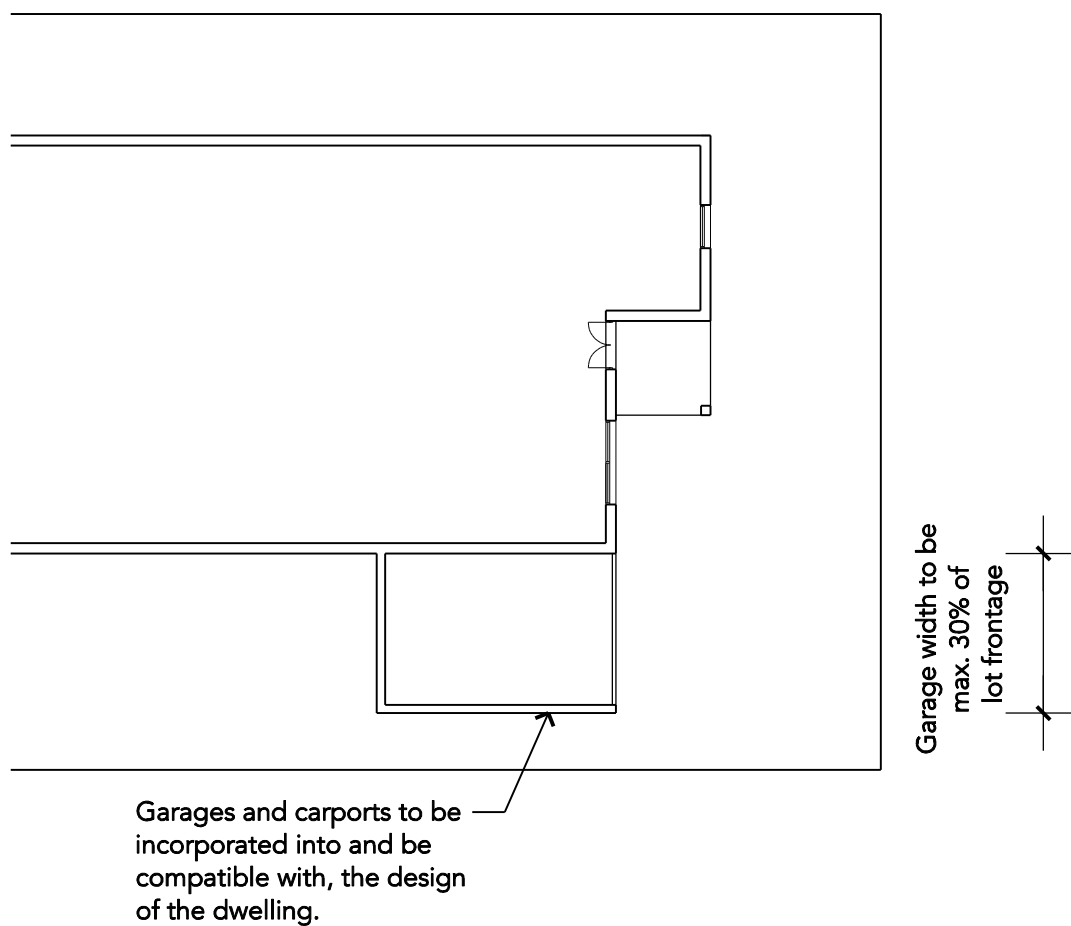


Figure 27 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012.*

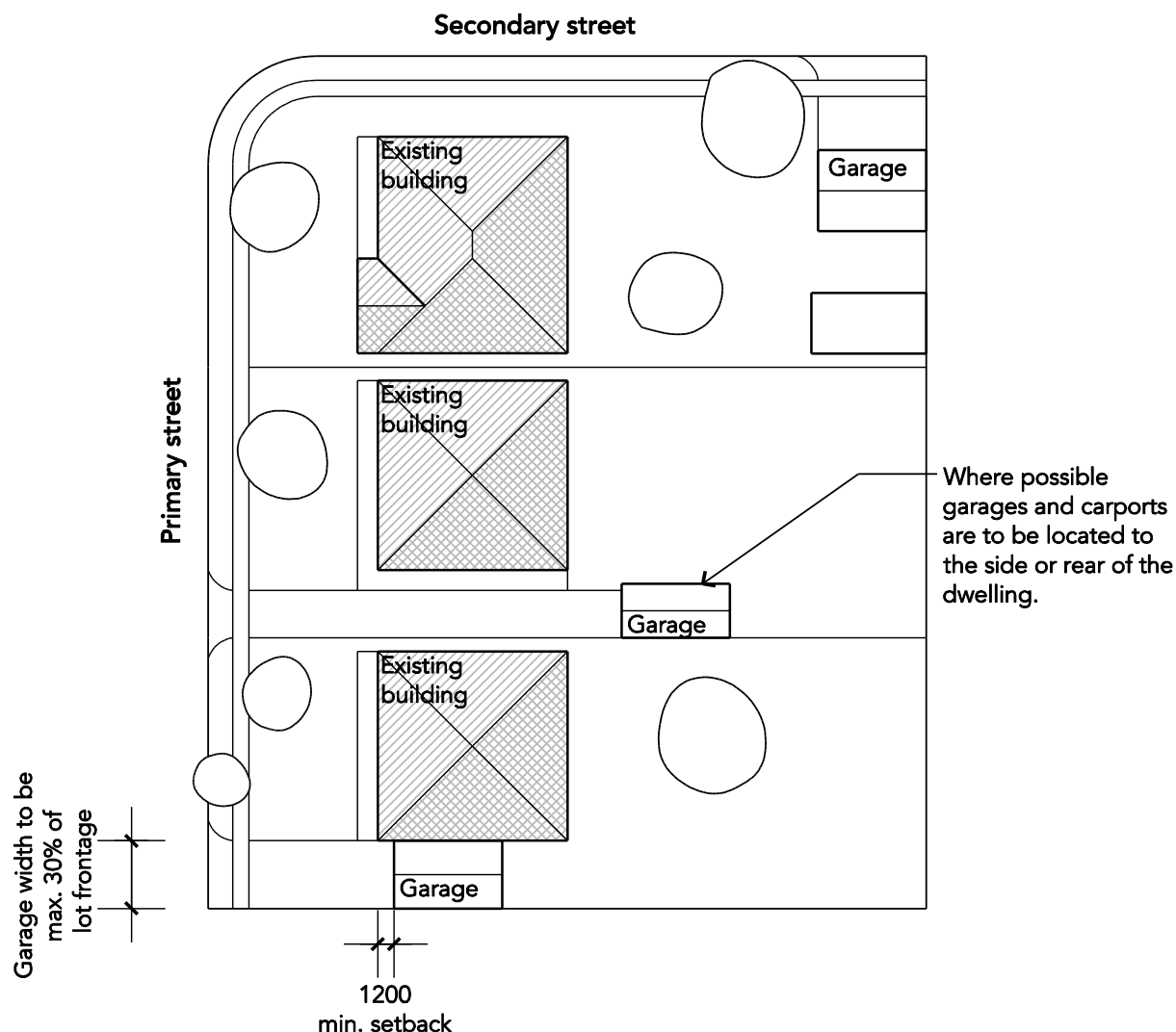


Figure 28 – Site plan illustrating compatible garage locations in residential developments – *Griffiths Architects 2012*.

3.7.18.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>All Dwellings</p> <p>P1 Garages, carports or outbuildings should comply with the recommended building materials for the Precinct.</p> <p>P2 For existing buildings where there are no alternatives, carports may be located forward of the building line, provided they:</p>	<p>All Dwellings</p> <p>A1 Refer Section on Materials and Colours. Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the existing dwelling.</p> <p>A2 Garages and carports are constructed behind the building line and comply with the following:</p>

- i. Do not visually dominate the streetscape or the buildings to which they belong; and,
- ii. Do not detract from the heritage character of a contributory building. Street elevations may be required where a place is included in the MHI.

New Dwellings

- P3 Garages and carports are designed to be incorporated into, and compatible with, the design of the dwelling.

Multiple and Grouped Dwellings

- P4 Adequate car and bicycle parking provided on-site in accordance with development requirements.
- P5 Where possible garages and carports to multiple dwellings to occur at the rear and side of the lot.

- i. Setback a minimum distance of 1.2m behind the building line; and,
- ii. The width of garages and carports are not greater than 30% of the frontage of the lot.

New Dwellings

- A3 Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage on the new dwelling.

Multiple and Grouped Dwellings

- A4 Refer R Codes for car space and bicycle space requirements.
- A5 Garages to multiple dwelling are designed so that dwellings have maximum access to views. However the design of multiple dwellings should not negate the streetscape in favour of views.

3.7.18.4 Building Design Requirements

3.7.18.4.1 Building Height, Form, Scale & Bulk

3.7.18.4.1.1 Statement

3.7.18.4.1.1.1 Riverside South

The prevailing built form is large multiple storey residences built along the crest of a hill. Developments display a variety of construction methods with varying scale and bulk. Lot sizes and setbacks vary depending on the topography of the area. Building bulk and orientation is predominantly defined by river views.



3.7.18.4.1.1.2 Riverside North

The prevailing building typology is double storey masonry construction with tiles and corrugated iron roofing. The prevailing building stock is from the last 30 years.



3.7.18.4.1.2 Desired Development Outcomes

- i. Appropriate design approach to the topography of the landscape;
- ii. New developments should reflect the prevailing form, bulk and scale of the immediate locality;
- iii. New developments shall respect and follow the immediate locality in terms of roof pitch, orientation and articulation; and,
- iv. The bulk of multiple storey developments and additions should be appropriate to the topography of the landscape.

3.7.18.4.1.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.	A1.1 Developments to comply with all design elements of this Local Planning Policy.
	A1.2 Additions and alterations are single storey and located at the rear of the existing

	dwelling. The existing building remains intact.
P2 Form and bulk of new developments to be designed appropriately to the topography of the landscape.	<p>A2.1 Relevant drawings to demonstrate impact on the existing topography to be provided. This is to include site plans, plans, elevations and sections.</p> <p>A2.2 Two storey developments comply with the following:</p> <ul style="list-style-type: none"> i. Reflect the immediate locality in terms of setbacks and form; and, ii. They do not visually dominate the streetscape. <p>A2.3 Category 'B' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards where:</p> <ul style="list-style-type: none"> i. significant water views from neighbouring properties will not be affected; ii. the 'Acceptable Development' standards of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy are met; and iii. the subject site is not a battle axe lot. <p>A2.4 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 'battle-axe' lot, then the maximum building heights are as follows:</p> <ul style="list-style-type: none"> .. 8.1m to the top of a pitched roof .. 6.5m to the top of an external wall (concealed roof) .. 5.6m to the top of an external wall; and where the following apply.

- i. The proposal demonstrates design, bulk and scale that responds to adjacent development and 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 Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.

A2.5 Category 'A' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable for development which does not meet the requirements of A2.3 and A2.4 above.

3.7.18.4.2 Verandahs and Porches

3.7.18.4.2.1 Statement

3.7.18.4.2.1.1 Riverside South

Verandahs and porches are a strong contributor to the character of the Riverside South and should be encouraged in new developments. This feature is an essential unifying element that contributes to the streetscape character of both Precincts.



3.7.18.4.2.1.2 Riverside North

Verandahs and porches do not contribute to the character of Riverside North and are not required in new developments.

3.7.18.4.2.2 Desired Development Outcomes

- i. Verandahs and porches to be encouraged in new developments in Riverside South. They should complement the immediate locality; and,
- ii. Existing verandahs and porches should be conserved, and missing verandahs reinstated.

3.7.18.4.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
Riverside South	Riverside South
P1.1 The principle façade and main entrance of a new building should address the street in a manner that reflects the predominant character of the traditional development in the immediate locality.	A1.1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.
P1.2 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.	A1.2 Additions and alterations to a contributory building to retain or reinstate the existing verandah or porch. Where appropriate and information available restore/reinstate their original detailing.
P1.3 Missing verandahs to be reinstated.	
Riverside North	Riverside North
P2 The principle façade and main entrance of a new building should address the street in a manner that reflects the predominant character of the traditional development in the immediate locality.	A2 New developments to have openings that are prominent to the street.

3.7.18.4.3 Fremantle Port Buffer

3.7.18.4.3.1 Statement

Fremantle Ports undertook the Fremantle Inner Harbour Definition Study (May 2002), which identified the need for an offsite buffer around the Port. The buffer was determined on a range of potential amenity impacts and risks including noise, odour and public risk.

Three buffer areas around the Port have been identified; Area 1, Area 2 and Area 3. For the purposes of these Guidelines these areas will be known as Buffer Area 1, Buffer Area 2 and Buffer Area 3. The buffer area relevant to the Riverside Precinct is Buffer Area 2 and 3 (refer figure 29).

For buildings within Buffer Area 2 consideration is given to the following potential impacts:

- *Ingress of toxic gases in the event of an incident within the Port;*
- *Shattering or flying glass as a consequence of explosion within the Port;*
- *Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required; and,*
- *Odour.*

Generally the potential risk and amenity impacts from the Port are considerably less in Buffer Area 3. Nevertheless, the Fremantle Inner Harbour Buffer Definition Study has identified the potential for some noise and odour impacts in this area.

The intent of Buffer Area 3 is the management, as opposed to the control, of sensitive uses.



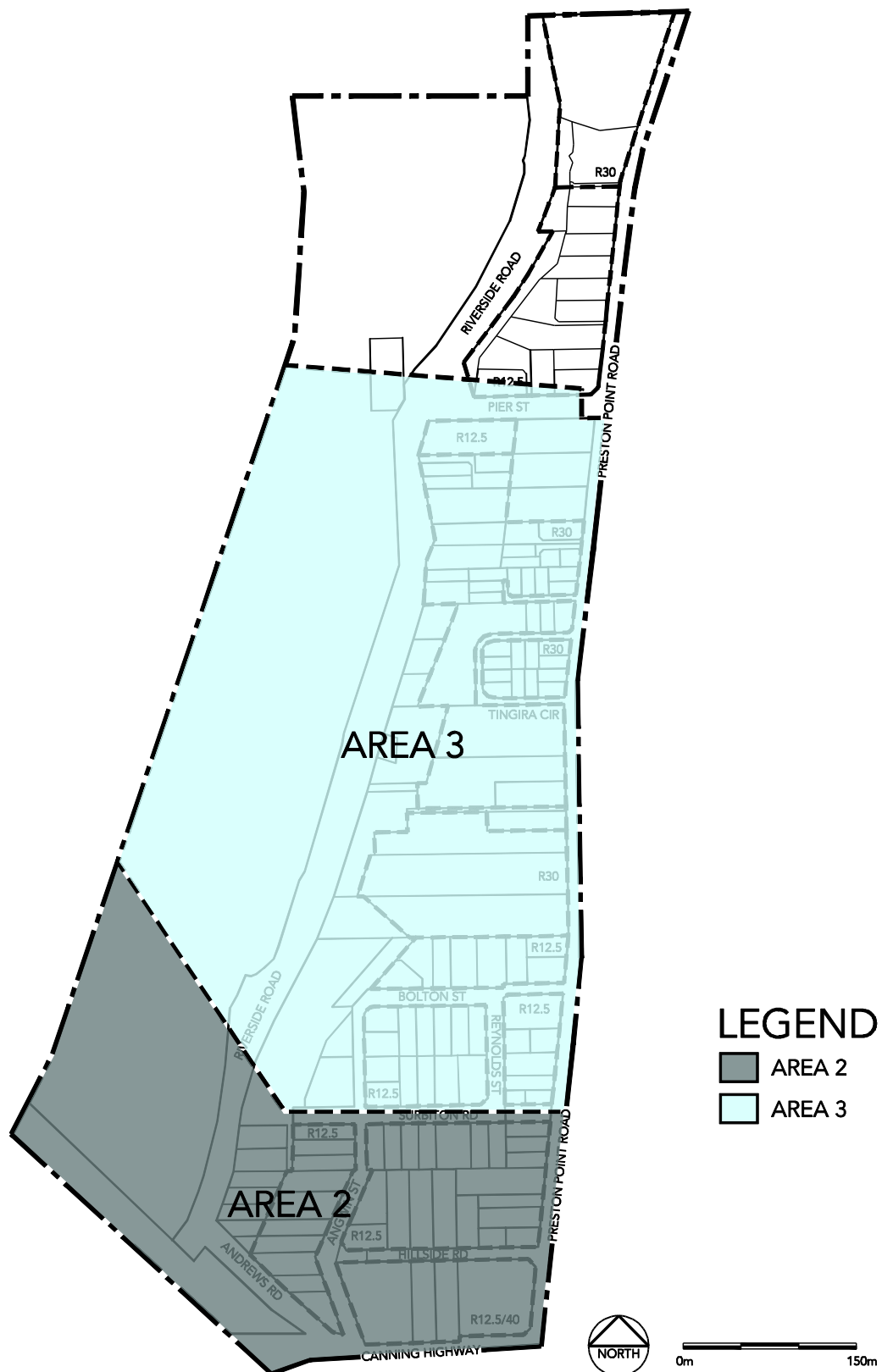


Figure 29- Fremantle Port Buffer Zone Areas 2 & 3 affecting the Riverside Precinct. *Griffiths Architects 2011*

3.7.18.4.3.2 Desired Development Outcomes

- i. To minimise potential impacts that may arise from the Port;
- ii. To define separate land use and built form requirements for each buffer area; and,
- iii. To manage sensitive uses.

3.7.18.4.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 Buffer Area 2 built form requirements shall apply to all residential development other than alterations and additions to existing dwellings.	<p>A1 Buffer Area 2 built form requirements</p> <ul style="list-style-type: none">i. Windows and opening requirements:<ul style="list-style-type: none">a. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm, andb. All safety glass shall be manufactured and installed to an appropriate Australian Standard.ii. Air Conditioning Requirements:<ul style="list-style-type: none">a. Multiple systems to have internally centrally located shut down point and associated procedures for emergency use, andb. Preference for split “refrigerative” systems.iii. Construction requirements:<ul style="list-style-type: none">a. Adopt the general principles of quiet house design for residential developments, andb. All developments shall incorporate roof insulation.

P2 There are no general buffer-related development controls for Buffer Area 3. However, where a specific location within this area is known to be impacted from port operations (e.g. through a history of formal complaints), Council may, in consultation with Fremantle Ports, apply some or all of the development controls of Buffer Area 2.

A2.1 Developments, additions and alterations must comply with the Fremantle Buffer Area requirements.

A2.2 Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.

NOTE: Council recognises that these requirements may not be possible to achieve in the case of the proposals involving some buildings of conservation and heritage significance.

All residential development approvals shall be conditioned in order to require a notification to be placed on title advising of the potential amenity impacts associated with living / working in proximity of the Port.

In the case of all residential subdivision, Council and Fremantle Ports shall request the Western Australian Planning Commission to support the placing of memorials on new titles advising of the potential amenity impacts associated with living in proximity of the Port.

3.7.18.4.3.4 Administrative Procedures

Where applicable, applicants should be advised as soon as possible of the requirements of this policy. Ideally, this should be prior to lodging a formal application for development, including proposals for subdivision and scheme amendments.

Applicants should be encouraged to liaise with relevant staff including those at Fremantle Ports, in order to understand the requirements of this policy.

Council shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within these guidelines.

Fremantle Port shall within 14 days of notification, advise the Town of its assessment of a development proposal referred as per the requirements outlined above.

In terms of conditions of development approval that arise from the requirements of this policy, Council shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of the conditions have been fulfilled in accordance with the approved plans.

Where appropriate, certification shall be provided prior to the issue of a building permit, certificate of clearance / classification or strata / subdivision clearance.

The applicant shall arrange for certification to be endorsed by Fremantle Ports prior to lodgement of appropriate documentation with the Town.

Buffer Area 3

Council shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

3.7.19 Preston Point Precinct

The Preston Point Precinct contains no residential development. The guidelines below offer a proposed set of desired outcomes for residential development in the event that Leeuwin Barracks is decommissioned. The guidelines are based upon the existing built fabric and topography.

Before any residential development occurs the following assessments and plans should be made:

- i. Heritage assessment of the site and its existing buildings;*
- ii. A structure plan; and,*
- iii. A detailed area plan.*



3.7.19.1 Statement of Desired Future Character

3.7.19.1.1 Preston Point

The desired future character of the Preston Point precinct is the maintenance of its commercial and recreational buildings along the foreshore, cohabiting with green public open space. Should Leeuwin Barracks be decommissioned, the place should be conserved, adapted and developed in accordance with ICOMOS Burra Charter principles. Any new residential buildings should contribute to the values of the significant Leeuwin Barrack Buildings.

Under the State Governments “Directions 2031 and Beyond” growth strategy for metropolitan Perth the Town is required to seek the addition of 600 hundred dwellings within its remit. Consideration should be given to the suitability of a substantial element of medium density housing in this Precinct to meet part of this requirement.

3.7.19.2 Development Pattern and Lot Subdivision

3.7.19.2.1 Statement

The first objective of the structure plan would be to establish densities, circulation and a development pattern that’s compatible with the Heritage values of the site and to propose a pattern of subdivisions for the site.

3.7.20 Richmond Raceway Precinct

3.7.20.1 Statement of Desired Future Character

3.7.20.1.1 Richmond Raceway

The desired future character of the Richmond Raceway Precinct is to maintain the medium density development and to ensure that residences retain their association with the streetscape.



3.7.20.2 Access, Parking and Rights-of-Way

3.7.20.2.1 Statement

Residences in the Richmond Raceway Precinct have access predominantly via a single cross over. Parking to the majority of developments occurs in the front setback area. There are a couple of multiple dwellings in the Richmond Raceway Precinct. Parking to multiple dwellings occurs at the rear of the lots is via shared access over multiple crossovers.



3.7.20.2.2 Desired Development Outcomes

- i. Parking areas of lots and development sites shall reflect the existing streetscape where possible;
- ii. Where possible parking to multiple dwelling to occur at the rear or side of the lot. Access is to be from a shared access way; and,

- iii. Minimise number of crossovers.

3.7.20.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P1 Access and parking for the building is to be adequately provided for within the boundaries of the lot/development site, and does not negatively impact on:</p> <ul style="list-style-type: none"> i. The streetscape character and amenity; and, ii. The availability of on-street parking in the locality. <p>P2 Parking for all dwelling types shall not be prominent on the primary street facade.</p>	<p>A1 Parking areas of lots and development sites for grouped or multiple dwellings are accessed from a shared access way.</p> <p>A2 Parking to all dwellings to be designed at the rear of the lot.</p>

3.7.20.3 Garages, Carports and Outbuildings

3.7.20.3.1 Statement

Garages, carports and outbuildings in the Richmond Raceway Precinct are generally incorporated into the front facade. Parking is to be located to the rear of dwellings.

Garages and carports are compatible with the Richmond Raceway Precinct.



3.7.20.3.2 Desired Development Outcomes

- i. Garages and carports shall be incorporated into and be compatible with, the design of the dwelling;

- ii. Garages and carports shall not visually dominate the dwelling as viewed from the street;
- iii. Materials should not detract visually from the streetscape; and,
- iv. Carports associated with existing residences are not required to mimic or match the materials of the house.

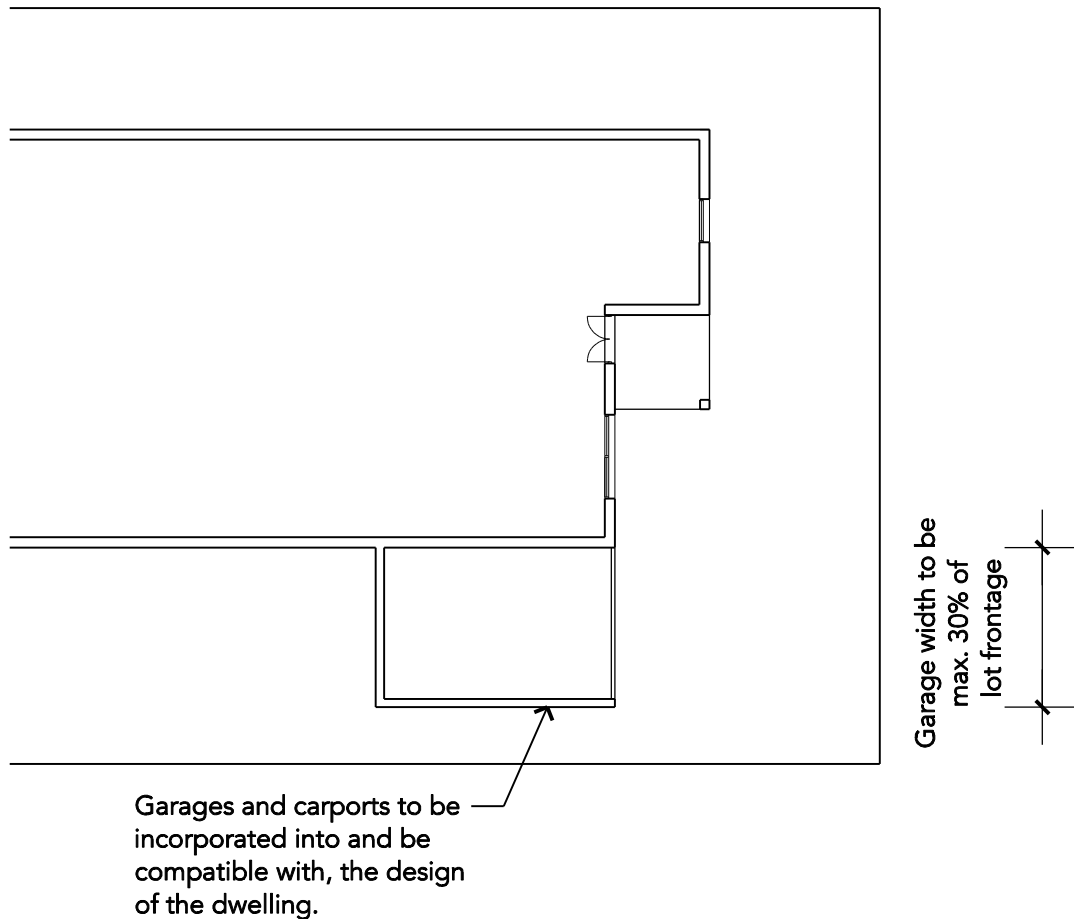


Figure 30 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012.*

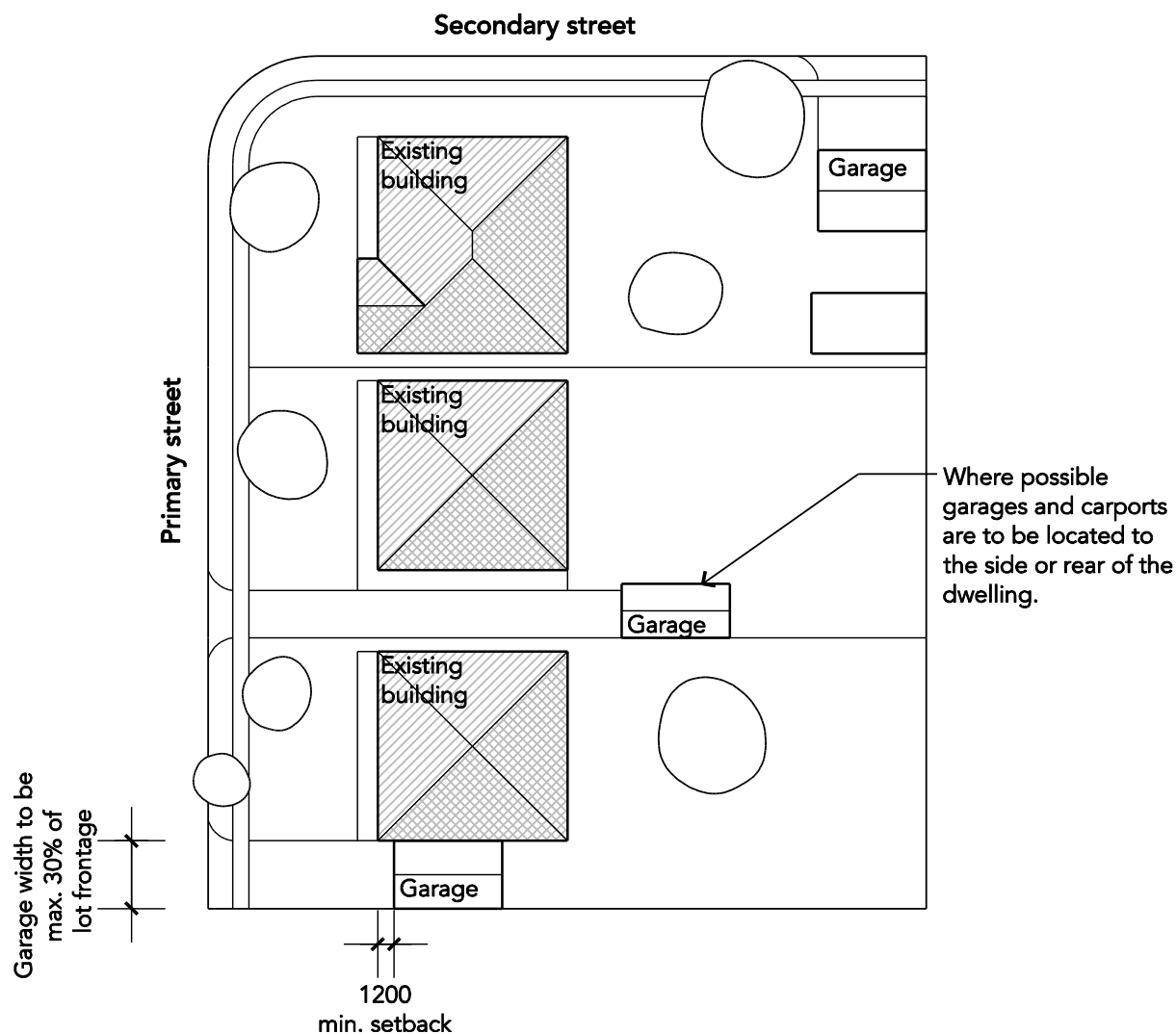


Figure 31 – Site plan illustrating compatible garage locations in residential developments – *Griffiths Architects 2012*.

3.7.20.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>All Dwellings</p> <p>P1 Garages, carports or outbuildings should comply with the recommended building materials for the Precinct.</p>	<p>All Dwellings</p> <p>A1 Refer Section on Materials and Colours.</p>
<p>Existing Dwellings</p> <p>P2 For existing buildings where there are no alternatives, carports may be located forward of the building line, provided they:</p>	<p>Existing Dwellings</p> <p>A2 Garages and carports are constructed behind the building line and comply with the following:</p>

- i. Do not visually dominate the streetscape or the buildings to which they belong.

New Dwellings

- P3 Garages and carports are designed to be incorporated into, and compatible with, the design of the dwelling.

Multiple and Grouped Dwellings

- P4.1 Adequate car and bicycle parking provided on-site in accordance with development requirements.
- P4.2 Garages and carports shall not be prominent on the primary street facade.

- i. Setback a minimum distance of 1.2m behind the building line; and,
- ii. The width of garages and carports are not greater than 30% of the frontage of the lot.

New Dwellings

- A3 Plans, elevations and section drawings are to be provided.

Multiple and Grouped Dwellings

- A4.1 Refer R Codes for car space and bicycle space requirements.
- A4.2 Garages designed at the rear of the lot.

3.7.20.4 Building Design Requirements

3.7.20.4.1 Building Height, Form, Scale & Bulk

3.7.20.4.1.1 Statement

Dwellings that contribute positively to the character of the Richmond Raceway Precinct are generally of similar form, bulk and scale. The prevailing form is modest single and double storey brick residences orientated towards the street. Single and two storey dwellings are compatible in the Richmond Raceway Precinct. Lot sizes and setbacks are also consistent throughout the Precinct. In any new development, the form, bulk and scale will need to be demonstrably compatible with the existing and surrounding residences.



3.7.20.4.1.2 Desired Development Outcomes

- i. New developments should reflect the prevailing form, bulk and scale of the immediate locality; and,
- ii. New developments shall respect and follow the predominant street pattern in terms of roof pitch, orientation and articulation.

3.7.20.4.1.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 New developments, additions and alterations to be of a compatible form, bulk and scale to existing development in the immediate locality.	<p>A1.1 Developments to comply with all design elements of this Local Planning Policy.</p> <p>A1.2 Additions and alterations are single storey or double story.</p> <p>A1.3 Category 'B' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the 'Acceptable Development' standards.</p> <p>A1.4 Category 'A' provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable for development on battle-axe lots. Where upper level portions are nonetheless applied for, consideration shall be given to the relaxation of heights in Category 'A' where the following apply:</p> <ul style="list-style-type: none"> i. The proposal demonstrates design, bulk and scale that responds to the established character 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,

P2 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimized by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

P3 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- i. outdoor living areas;
- ii. major openings to habitable rooms;
- iii. solar collectors; and,
- iv. outdoor habitable areas.

iii. Subject to the provisions of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy.

A2 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following:

- i. are set back, in direct line of sight within the cone of vision, from the boundary of an adjoining property (Refer R Codes Section for setback distances).

Or

- ii. are provided with permanent vertical screening to a height of 1.6m to restrict views from any major opening of an active habitable space.

A3 Notwithstanding the boundary setbacks developments shall be designed that its shadow cast at midday, 21 June onto any other adjoining property does not exceed the following limits:

- i. on adjoining properties coded R25 and less – 25% of the site area; and,
- ii. on adjoining properties coded R30 to R40 inclusive – 35% of the site area.

3.7.20.4.2 Verandahs and Porches

3.7.20.4.2.1 Statement

Verandahs are a strong contributor to the character of the Richmond Raceway Precinct and should be encouraged in new developments. Most verandahs are corrugated iron, bullnose or skillion roofed and are located on the front façades of residences as independent elements from the main roof.



3.7.20.4.2.2 Desired Development Outcomes

- i. Verandahs and porches to be encouraged in new developments. They should complement the immediate locality.

3.7.20.4.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 The principle façade and main entrance of a new building should address the street in a manner that reflects the predominant character of the traditional development in the immediate locality.	A1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.
P2 Verandah or porch to be a separate element from the existing dwelling.	A2 Verandah to be constructed below roof line.
P3 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.	A3 Additions and alterations to a contributory building to retain or reinstate the existing verandah or porch. Where appropriate and information available restore/reinstate their original detailing.

3.7.20.4.3 Fremantle Port Buffer

3.7.20.4.3.1 Statement

Fremantle Ports undertook the Fremantle Inner Harbour Definition Study (May 2002), which identified the need for an offsite buffer around the Port. The buffer was determined on a range of potential amenity impacts and risks including noise, odour and public risk.

Three buffer areas around the Port have been identified; Area 1, Area 2 and Area 3. For the purposes of these Guidelines these areas will be known as Buffer Area 1, Buffer Area 2 and Buffer Area 3. The buffer area relevant to the Richmond Raceway Precinct is Buffer Area 3 (refer figure 32).

Generally the potential risk and amenity impacts from the Port are considerably less in Buffer Area 3. Nevertheless, the Fremantle Inner Harbour Buffer Definition Study has identified the potential for some noise and odour impacts in this area.

The intent of Buffer Area 3 is the management, as opposed to the control, of sensitive uses.



Figure 32- Fremantle Port Buffer Zone Area 3 affecting the Richmond Raceway Precinct. Griffiths Architects 2011

3.7.20.4.3.2 Desired Development Outcomes

- i. To minimise potential impacts that may arise from the Port;
- ii. To define separate land use and built form requirements for each buffer area; and,
- iii. To manage sensitive uses.

3.7.20.4.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
P1 There are no general buffer related development controls for Buffer Area 3. However, where a specific location within this area is known to be impacted from port operations (e.g. through a history of formal complaints), Council may, in consultation with Fremantle Ports, apply some or all of the development controls of Buffer Area 2.	A1.1 Developments, additions and alterations must comply with the Fremantle Buffer Area requirements. A1.2 Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.

3.7.20.4.3.4 Administrative Procedures

Where applicable, applicants should be advised as soon as possible of the requirements of this policy. Ideally, this should be prior to lodging a formal application for development, including proposals for subdivision and scheme amendments.

Applicants should be encouraged to liaise with relevant staff including those at Fremantle Ports, in order to understand the requirements of this policy.

Council shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within these guidelines.

Fremantle Port shall within 14 days of notification, advise the Town of its assessment of a development proposal referred as per the requirements outlined above.

In terms of conditions of development approval that arise from the requirements of this policy, Council shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of the conditions have been fulfilled in accordance with the approved plans.

Where appropriate, certification shall be provided prior to the issue of a building permit, certificate of clearance / classification or strata / subdivision clearance.

The applicant shall arrange for certification to be endorsed by Fremantle Ports prior to lodgement of appropriate documentation with the Town.

Buffer Area 3

Council shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

3.7.21 Development Applications

3.7.21.1 Requirements

The definition of 'development' is set out in the Planning and Development act 2005. The requirements for submissions of Development Applications, are as set out in TPS3.

All developments require a development application and approval unless exempted from the need for an application under the Scheme.

3.7.21.2 Accompanying Material

The Town may require an applicant to provide one or more of the following to assist the Town in the determination of a planning application. This is additional to the requirement for accompanying material set out in Clause 9.2 of TPS 3.

3.7.21.3 Heritage Assessment

A Heritage Assessment may be requested at the applicant's expense for places on the Heritage Schedule adopted under TPS 3.

3.7.21.4 Heritage Impact Statement

A Heritage Impact Statement to be prepared at the applicant's expense may be requested for places on the Schedule attached to TPS 3 where development is likely to have a substantial impact on the cultural heritage values of that place.

3.7.21.5 Conservation Plan

Where a Conservation Plan has been prepared for individual buildings, groups of buildings or places of cultural heritage significance (refer glossary), the Town will take the content of the Conservation Plan into account when determining development applications for the places to which they apply. Where Conservation Plans are available, these, or relevant sections of these, should be provided with the development application.

The Town may require the preparation of a Conservation Plan prior to considering a development application for all buildings or places that are included on the Heritage Council's Register of Heritage Places.

3.7.21.6 Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for the demolition of a place on the Schedule adopted under TPS3, evidence shall be provided from a registered structural engineer with experience in dealing with heritage places, that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or incurring prohibitive

costs. Structural engineers should be selected from the Heritage Council of Western Australia's preferred list of consultants.

This information is additional to the requirements for accompanying material for a development application set out in Clause 9.2 of TPS3.

3.7.21.7 Viewshed Study

Where a development has the capacity to impact on viewsheds, Council may request the inclusion of a viewshed study as part of the development requirements.

Precincts where this is most likely to be a requirement include Riverside, Preston Point and Richmond Hill north abutting Preston Point Road.

3.8 Policy Date Review

Three years from adoption date.

3.9 APPENDIX A – Development Impact Statement

Introduction

Brief description of proposed development.

Reasons for Demolition

Heritage Listings

Refer to Town of East Fremantle's Municipal Heritage (MHI) Inventory for listings.

Statement of Significance

Refer to Town of East Fremantle's MHI for a Statement of Significance.

Description of the Place

Describe:

- Street and the context in which the places were built. Describe scale and construction of dwellings,
- Immediate historic and visual relationship of dwellings in the street,
- Significant garden features,
- Condition of existing house in terms of wall and roof construction and any important features of the house i.e. verandahs, gables and roof forms, and
- Any previous additions.

Heritage Values

Heritage values	
Aesthetic	Degree of significance located on the MHI.
Historic	Degree of significance located on the MHI.
Social	Degree of significance located on the MHI.
Scientific	Degree of significance located on the MHI.
Heritage Attributes	
Rarity	Degree of significance located on the MHI.
Representativeness	Degree of significance located on the MHI.
Integrity	Degree of significance located on the MHI.
Authenticity	Degree of significance located on the MHI.

Significance			
Exceptional	Considerable	Some	Limited or none
Comments: Tick one of the above and provide comment.			

Statement of Heritage Impact

How does the proposed development impact on the heritage significance of the place with regard to the following criteria:	
Degree of change (positive and negative) on the place in light of its heritage significance.	
Degree of permanent impact (irreversible loss of value) that the proposal is likely to have on the heritage significance of the place.	
Compatibility with heritage building in terms of scale, bulk, height – the degree to which the proposal dominates, is integrated with, or is subservient to a heritage place.	
Compatibility with the streetscape and/or heritage area in terms of the siting, local architectural patterns, and the degree of harmonised integration of old and new. Compatibility with viewsheds.	
Compatibility with heritage building in terms of the design solutions and architectural language such as refinement and finesse of detailing, texture, materials, finishes and quality of craftsmanship.	
Degree of impact on the important public views, vistas, landmarks, landscape features.	

INSERT PICTURES OF EXISTING BUILDING

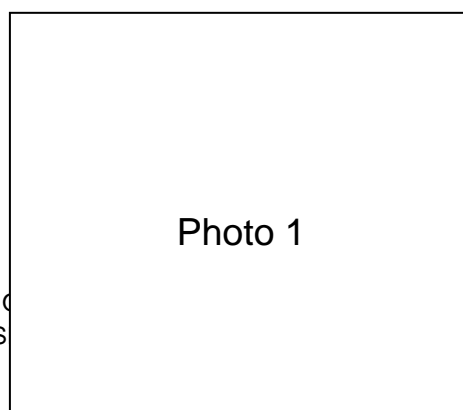
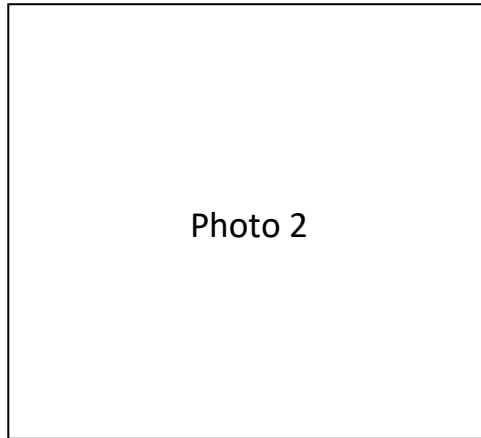


Photo 1 – Street façade photo 1



3.10 GLOSSARY

Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have:

- Planning and Development Act 2005,
- Residential Design Codes,
- Building Code of Australia,
- Relevant Australian Standard, or
- Heritage of Western Australia Act 1990.

The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

Abutment

An intersection between a roof slope and a wall that rises above it.

Archival Record

A document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change.

Building

For the purposes of this Local Planning Policy the term “building” shall have the same meaning as given in the Heritage of Western Australia Act 1990:

“in relation to any land, includes any structure erected or placed on or in that land, and any part of the building or fence or other appurtenance to the building.”

Building Envelope

A building envelope is the separation between the interior and the exterior environments of a building or its outer shape.

Burra Charter

The Australian chapter of the International Council of Monuments and Sites (ICOMOS) Charter for the conservation of places of cultural significance. The Charter has been generally accepted as the standard for heritage practitioners in Australia.

Conservation

Under the Heritage of Western Australia Act 1990 the term “Conservation” means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.

Conservation Plan

A document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of WA provides guidelines for the preparation of Conservation Plans to ensure that all important matters are considered.

Conservation Plan

The aesthetic, historic, social and scientific values of a place for past, present or future generations (Heritage of Western Australia Act 1990).

Contributory Building

A building that appears on the Town of East Fremantle's Municipal Heritage Inventory.

Contributory Fence

An original fence to a contributory building.

Cultural Heritage Significance

Cultural Heritage Significance means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations

Cultural Place

A site, area, building or other work valued for its cultural heritage significance, together with associated contents and surrounds.

Demolition

Demolition means the disassembling or removal in whole or part of any building from a site or part of a building from the remainder of the building.

Development

Development means the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works and, in the case of a place to which a Conservation Order made under s59 of the Heritage of Western Australia Act 1990 applies, also includes any act or thing that:

- Is likely to change character of that place or the external appearance of any building, or
- Would constitute an irreversible alteration of the fabric of any building.

Development Impact Statement (Heritage & Character)

Also referred to as a Heritage Impact Statement. It is a report which has been undertaken by an appropriately qualified person or body as part of any application for planning approval that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the Heritage Area within which it is situated. The report may also outline measures by which any detrimental impact may be minimised.

Experienced Heritage Professional

A person or organisation that is included in the Heritage Council of Western Australia's approved list.

Faux

Not genuine or real; being an imitation of the genuine article.

Faux Heritage

Faux heritage buildings imitate the physical features of existing buildings. However, they detract from and devalue the significance of authentic heritage buildings.

Gable

The triangular part of the end wall of a building with a pitched roof between the barge boards or rafters. A gable may be of any material.

Gable Roof

A roof with gables at one or both ends. The edge of the roof is covering the verge.

Gablet

A small gable.

Gambrel Roof

An end to a pitched roof which slopes up from the eaves, as does a hipped end, but stops part way at a vertical gablet. The shape resembles a horse's hind leg.

Heritage

The evidence of the past, such as historical sites, buildings, and the natural environment, considered collectively as the inheritance of present-day society.

Heritage Agreement

A contract under section 29 of the Heritage of Western Australia Act 1990 (the "Act") which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. Essentially, the purpose of a Heritage Agreement is to secure the long-term

conservation of a heritage place. A Heritage Agreement runs with the land and is confirmed through a Memorial placed on the Certificate of Title.

Heritage Assessment

A systematic assessment that describes a place and its setting and states its significant heritage values (level of contribution) in terms of the criteria adopted by the Heritage Council of Western Australia. These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Council of Western Australia

The State Government's advisory body on heritage matters and is responsible for the State Register of Heritage Places. Under the Heritage of Western Australia Act 1990, places listed in the State Register are given legal protection. The Heritage Council provides advice to the Minister for Heritage on heritage issues identifies and conserves places of cultural heritage significance, facilitates development that is in harmony with cultural heritage values, and promotes awareness and knowledge of cultural heritage.

Heritage of Western Australia Act 1990 (the "Act")

The statutory framework for the identification and conservation of places which have significance to the cultural heritage of Western Australia. The Act also describes the composition and powers of the Heritage Council of WA and requires Local Governments to prepare Municipal Heritage Inventories.

Heritage Place

A building, structure, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.

Hipped Roof

A pitched roof which has four slopes instead of two slopes of an ordinary gabled roof. The shorter sides are roofed with sloping triangles, the hipped ends, each bounded by two hips from eaves to ridge, and by eaves below.

Interpretation

All the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.

Interpretation Plan

A document that explains the ways in which a place could be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.

Lean-to roof, half-span

A pitched roof sloping one way only, with its top edge meeting a wall higher than the roof, forming an abutment.

Local Government

The Town of East Fremantle, or the Council of Town of East Fremantle, as the context requires.

Municipal Heritage Inventory (MHI)

A list of places within the Town of East Fremantle, considered by the Town to be of identified cultural heritage significance and worthy of conservation.

National Trust of Australia (WA)

An independent community organisation established under the National Trust of Australia (WA) Act 1964, and is part of a world-wide movement of National Trusts. The Trust identifies and maintains a list of premises of heritage significance to the State, and is custodian of heritage assets vested in it. The Trust also has a traditional educational role in promoting community concern for, and understanding of, the State's heritage. The Trust does not have the power to impose preventative or restrictive conditions on listed places, however it can lobby on behalf of the community for governments and interested parties to act towards this effect.

Natural Ground Level

At any point for the purposes of determining the height of a wall or building, means the ground level which existed prior to development (including any earth works), and shall be interpolated based on the natural ground level is to be determined. Where there is a level of difference at or immediately adjacent to the boundary, the natural ground level at the boundary shall be taken to be ground level on the lower side of the boundary, unless it can be demonstrated to the satisfaction of the local government, that the lower level has resulted from excavation undertaken after the subdivision by which the relevant boundary was established.

Pergola

An unroofed open frame structure.

Pitched Roof

The commonest roof usually one with two slopes at more than 20° to the horizontal, meeting at a central ridge. It may have gables or hips.

Plinth

A slab or block that forms the lowest part/base of a structure.

Plot Ratio

Defined by Statement of Planning Policy No. 3.1: Residential Design Codes, means the ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs open on at least two sides.

State Planning Policy 3.5 – Historic Heritage Conservation

The objectives of the Policy are:

- To conserve places and areas of historic heritage significance,
- To ensure that development does not adversely affect the significance of heritage places and areas,
- To ensure that heritage significance at both the state and local levels is given due weight in planning decision-making, and
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

Policy Area

The Policy Area is the zone defined by Marmion Street, Petra Street, Jerratt Drive, Riverside Road and East Street.

Storey

Defined by Statement of Planning Policy No. 3.1: Residential Design Codes, means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling.

A “storey” when used in relation to a development that is for residential purposes has the same meaning as Statement of Planning Policy No. 3.1: Residential Design Codes, meaning the vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point.

Structural Condition Assessment

A report prepared by a qualified structural engineer that assesses the structural state of a building or element.

Immediate Locality

The five premises on either side of the proposed development on both sides of the street that the subject building is oriented towards. More significance will be given to development in the immediate locality that is closer to the proposed development, particularly in the case of corner lots.

Traditional

Traditional means the predominant historical development type in areas where there is precinctual heritage value.

Vertical Profile

The height is greater than the width.

Visually Permeable

Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface. That is at least 60% of the wall must be open.

NOTE: This differs from the R-Codes.

Viewshed

A viewshed is an area of land, water, or other environmental element that is visible to the human eye from a fixed vantage point. In this case, viewsheds are areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. Viewsheds are spaces that are readily visible from public areas such as from public roadways, public parks or say the north side of the Swan River.

Zones of Significance

Zones of significance identify the level of significance of spaces and elements in existing buildings. The elements are considered within their historical and physical context and in relation to the significance of the place as a whole.



3.1.2 Signage Design Guidelines - Local Planning Policy

Type:	Regulatory Services - Planning
Legislation:	Planning and Development Act 2005
Delegation:	
Other Related Document:	ToEF Town Planning Scheme No 3

Objective

- To provide adequate opportunities for commercial advertising to support and encourage local business activity.
- To promote and protect significant positive visual elements which contribute to East Fremantle's 'sense of place' and the visual amenity of the streetscape.
- Protect the cultural heritage values of a place of cultural significance.
- Coordinate multiple signage on single buildings through the establishment of an approved signs regime for the site.
- Ensure the type and size of signs is appropriate for their location.
- Minimise the proliferation of advertisements.
- Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety.
- Ensure advertisements are generally erected on land where the advertised business, sale or goods or service is being carried out.

Policy

The purpose of this guideline is to provide a reasonable scope for advertising and information signs for commercial property in a manner which does not overwhelm or compromise visual amenity within the streetscape.

This Design Guideline clarifies the range and extent of signage that is allowable, within the Town of East Fremantle.

1. Application of the Design Guidelines

- 1.1 The provisions of this Design Guideline apply to the erection of all signage within the Town of East Fremantle.
- 1.2 Sign Types are defined by this Design Guideline and have a designated status: Exempt, Permitted, Discretionary and Prohibited.
- 1.3 Exempt signage is listed under clause 5 of this Design Guideline. Such signs do not require a permit unless the conditions specified are not met in which case the sign is discretionary.
- 1.4 Acceptable solutions are specified for a number of sign types in Clause 6 Sign Requirements. If the signs specified meet the acceptable solutions in this clause, they are permitted.
- 1.5 Discretionary signs (i.e. they can be approved or refused) are those which do not meet the acceptable solutions in Appendix 1 or for which no acceptable solution is specified. Signs which do not meet either the acceptable solution or alternative performance

criteria shall be subject to public notification and may be refused or approved at the discretion of the Council.

- 1.6 Sites incorporating multiple tenancies or businesses must have an approved signs regime (see Appendix 2).
- 1.7 Each sign in an approved signs regime (see Appendix 2) must comply with the signage requirements in clauses 2 and 6 and the approval status of the signs regime is the same as the approval status of the individual signs.
- 1.8 Conditions may be placed on approvals for permitted and discretionary signs to ensure that the objectives of this Design Guideline are met.
- 1.9 Notwithstanding, the general provisions of this Design Guideline, a sign shall be deemed to be 'prohibited' if it is determined that it does not conform with the General requirements for Signage in clause 2.
- 1.10 Where street furniture, public telephones, vending machines, automatic teller machines and the like include advertising or signage they should be classified within one of the sign types and dealt with accordingly.
- 1.11 The dimensions indicated on Figure 1 are those applicable where referred to in the Signage Requirements.

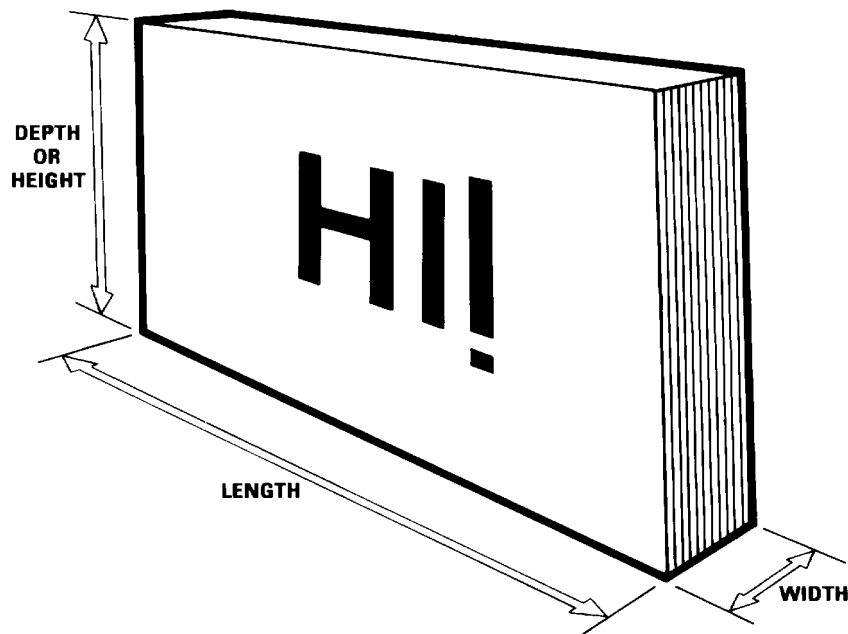


Figure 1 - Sign Dimensions

2. General Requirements for Signage

All signs must comply with the following:

- 2.1 Signs shall relate directly to the activity undertaken on the premises.
 - 2.2 Signs shall not obscure a portion of another sign.
 - 2.3 Signs shall not protrude over another property in different ownership or a carriageway or within 600mm of a kerb line.
 - 2.4 The bottom of any free standing sign shall have a minimum clearance of at least 2.5m above a footpath or pedestrian accessway.
 - 2.5 No sign shall detrimentally affect the safety or impede the movement of vehicular or pedestrian traffic or conflict with or obscure any statutory or directional sign.
-

- 2.6 Signs shall be constructed and located in sympathy with street planting. No trees should be felled or lopped to allow for greater sign visibility.
- 2.7 Signs shall be in harmony with the design, scale and character of the buildings which form their background.
- 2.8 Signs must be structurally and electrically safe.
- 2.9 The principal sign on the premises shall relate to the name and nature of the business or occupier. Identification of goods and services should be secondary.
- 2.10 Sign supports shall be minimal and as unobtrusive as possible.
- 2.11 Signage affixed to a building shall not exceed a maximum of 45% of total exposed wall area for any one wall.
- 2.12 Signs affixed to a building contained on the 'Municipal Inventory' or 'Heritage List' shall not detract from the heritage value of the building, or impact upon the structural integrity of the building, or materially alter the appearance or condition of the buildings structure once removed from that structure.

3. Information to be Submitted

The following information must be submitted with all sign proposals:

- Full working drawings showing dimensions, location in plan or position on a building or site and the method of attachment to the ground or to the building.
- Graphic content of the sign or a graphics concept, showing a range of colours and lettering style.
- Specifications of construction materials of the sign and its supporting structure.
- Method of lighting (if applicable).

4. Definitions (Includes Sign Types)

Approved Signs Regime A comprehensive plan of sign types, sizes, location and restrictions approved by the Council for an entire site.

For the purpose of this Design Guideline, the different sign types are defined as follows and illustrated in Diagram 1.

Sign: Any graphic, pictorial or written display when viewed from a public street and includes, but is not limited to the following:

Arcade Sign	A sign suspended from or attached to the ceiling of an internal pedestrian area.
Awning Fascia Sign	A sign on the fascia or return ends of suspended awnings.
Above Awning Sign	A sign attached to and supported above an awning.
Below Awning Sign	A sign attached to and suspended below an awning.
Banner Sign	A vertical or horizontal fabric sign attached at one or both ends.
Bunting	A string of small flags, or streamers strung in a line from or otherwise attached to a building or other structure.

Business Directory	A sign for a building in multiple tenancy which identifies the name of the business and its location within the building and does not contain any product or other advertising.
Cabinet Sign	A cabinet with a transparent face attached to the wall of a building or structure for the display of information within (e.g. Menus).
Ground Base Sign	A sign permanently attached to the ground on its own supportive structure independent of any building, but not including a pole or pylon sign, or a business directory, or public event and cultural directory signage.
Internal Display	Generally display of goods, services, or produce within a building or structure. <i>Note: these are not regarded as a sign unless they involve the display of proprietary logos or other, text or graphics, within 150mm from the surface of glass.</i>
Interpretative Sign	Provides information for visitors, plans, historic information, location of services, features and businesses, includes artworks which convey meaning. This type of sign can be private (i.e. Placed by and for the benefit of a private business) or public (i.e. Placed by a public agency in the public interest).
Name Plate	A single sign identifying one of the occupants of a property used for professional rooms, attached flush to the wall of a building (e.g. A traditional doctors or lawyers brass plate).
Pole or Pylon Sign	A sign erected on a pole, poles or a pylon independent of any building, provided it is not designed or used as a poster panel (billboard).
Portable Sign (Sandwich Board)	A sign not on a public reservation and not permanently attached to the ground or to a building or other structure.
Poster Panel (Bill Board)	A structure either freestanding or attached to a building designed to accommodate standard Poster Panels, the message of which may be changeable and variable.
Real Estate Sign	Temporary sign erected for purposes of selling/leasing of real estate for the duration of the period the real estate is on the market, which may be more than five days and which is not separately affixed by bolt, nail, adhesive or screw to masonry, brickwork or other face building material.
Roof Sign	A sign erected on the roof or parapet of a building with the highest point of its base not exceeding a vertical distance of 300mm above the roof or parapet.

Screen Sign	Messages, product or proprietary logos, or other graphics printed or displayed on screens used in association with outdoor seating.
Sky Sign	A sign erected on the roof or parapet of a building where the highest point of its base exceeds a vertical distance of 300mm above the roof or parapet.
Statutory Sign	A sign required or specified by statute; and a sign relating to safety of pedestrians, traffic and shipping, including but not limited to a hazard sign, hazchem, traffic control sign, maritime purposes sign, international/national signposting conventions for service provisions and toilets. Does not include the use of standardised logos where it is voluntary to supply information e.g. State visitor information standards, international/national information regarding items other than essential services, parking as opposed to traffic control.
Sun Blind Sign	A sign incorporated into the fabric or structure of a sun blind or canopy situated over a door or window.
Tethered Sign (Balloons and Blimps)	A sign which is suspended from, tethered or (tied) to any structure, or other object (with or without supporting framework). The sign may be made of paper or plastic or fabric or a similar material. The term includes lighter-than-air devices, inflatables such as balloons and blimps, bunting, banners, flags and kites.
Temporary Sign	A sign displayed for a total of more than five days but less than four months in any given year.
Vertical Projecting Wall Sign	A sign projecting from the wall of a building with a vertical dimension greater than or equal to its horizontal dimension.
Wall Mural	A graphical or pictorial painted design which does not convey a defined advertising message.
Wall Sign	A sign painted on or attached parallel to the wall or window of a building.
Window Sign	Sign on a glass surface of a window or located less than 150mm behind a surface. Also includes signs on any window which has been painted opaque.

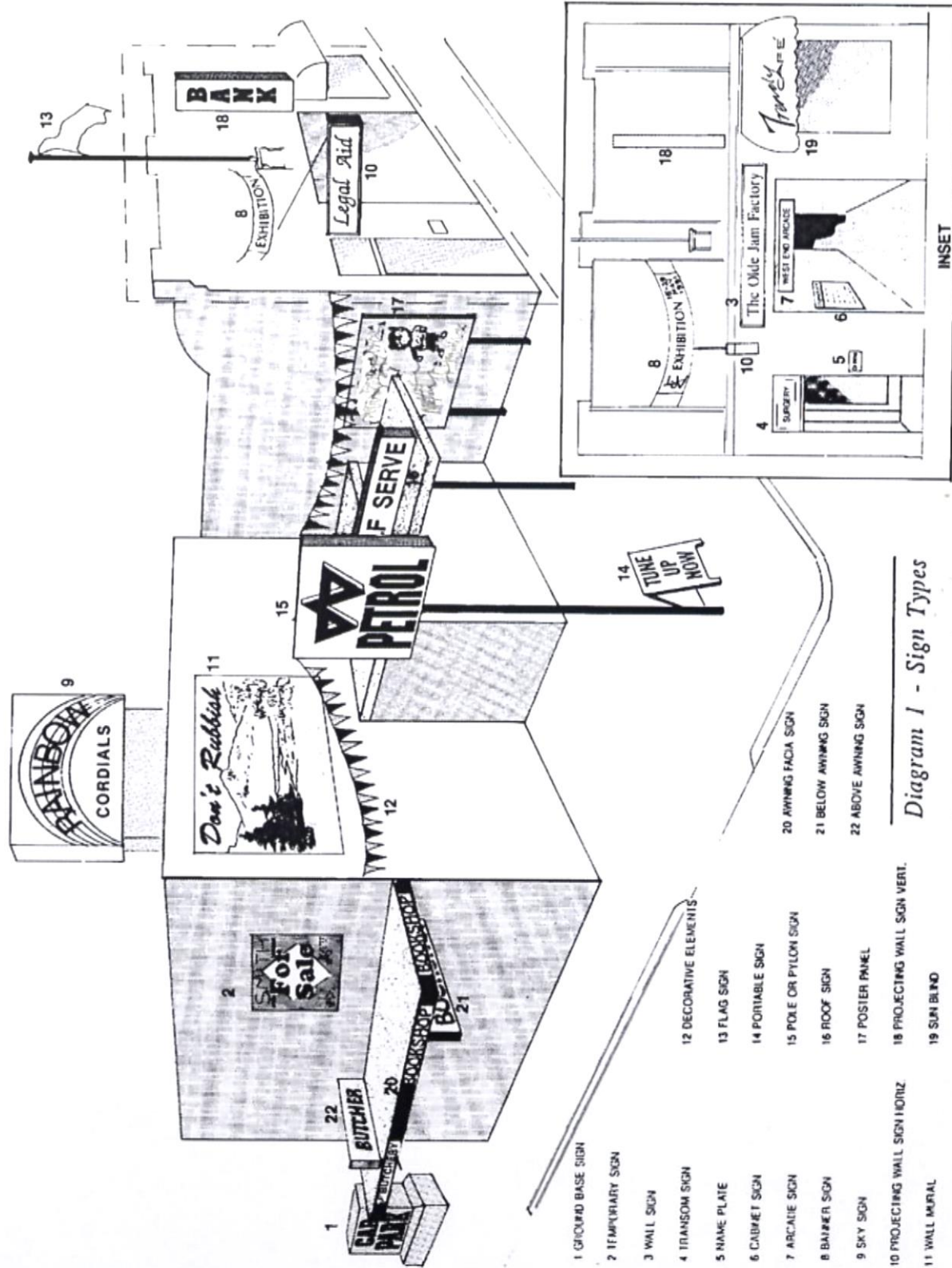


Diagram 1 - Sign Types

5. Exempt Signs

The following types of signs are deemed to meet the requirements for development approval by the Council and do not require an application for development approval providing the specified conditions are met:

N.B. A permit is not required to change the content of an existing approved sign provided that any changes do not result in it being less consistent with the objectives of the Design Guideline than the previous sign.

SIGN TYPE	CONDITIONS
Any Sign	The sign must form part of an approved signs regime.
Banner Sign	<ul style="list-style-type: none">• One sign per building.• To be erected for a defined period not exceeding 30 days.• May be placed on the face of the building at street level providing it can be demonstrated that it meets the requirements specified under Clause 2.• Must not project beyond the face of the building.• Maximum height 2m.• Maximum length 3m.
Business Directory	One sign per building. Maximum horizontal dimension 600mm.
Cabinet Sign	<ul style="list-style-type: none">• Maximum projection from face of wall 40mm.• Maximum dimensions 400mm vertical x 400mm horizontal.• May be internally illuminated.
Direction or Interpretative Signage	Must form part of an agreed (public) or approved (private) signage framework.
Flags	Must show only the natural symbol of any country, state, territory, ethnic group, the standard of a representative of a royal family or visiting dignitaries or an international institution (e.g. United Nations, Red Cross).
Name Plate	A single plate per building of maximum dimensions 600mm horizontal by 400mm vertical. Shall not be allowed where a business directory is provided on the face of the building.
Real Estate Sign	Must be less than 5m ² in area and not contain fluorescent or iridescent colours or finishes.
Statutory Signs	No applicable conditions providing proposed sign complies with the definition for statutory signs.
Street Number	No less than vertical dimension of 100mm x horizontal dimension of 100mm per individual numeral. Must where practical be attached above and central to the principal doorway/entrance to the property and centrally positioned unless incorporated within another sign on the building street frontage.

Special Event Signage/Sponsorship	Must be for a defined period.
Window Sign	<ul style="list-style-type: none"> • Shall not occupy more than 10% of surface area of the window or door. • Only permitted at ground floor/street level windows or doors.

6. Signage Requirements

Refer Appendices 1 & 2

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	21/6/11
Policy Amended/Reviewed:	21/7/15
Next Review Date:	3.1.3

ACCEPTABLE SOLUTIONS AND PERFORMANCE CRITERIA

ATTACHMENT 1

Note: Signs meeting Acceptable Solution Criteria shall be considered as 'permitted' applications. Signs meeting 'alternative performance criteria' or for which no performance criteria are specified, will be considered as 'discretionary' applications.

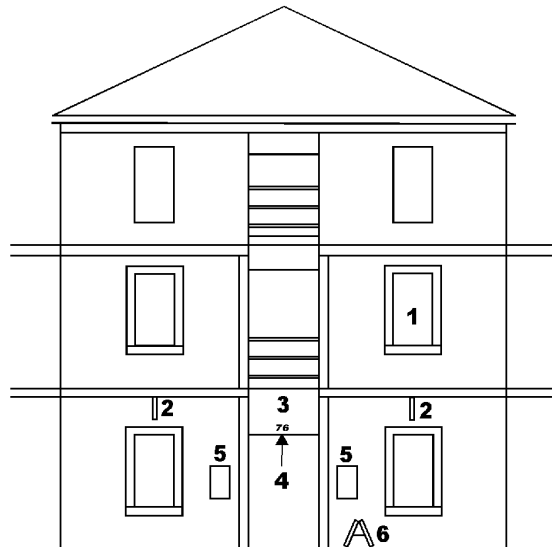
SIGN TYPE	ACCEPTABLE SOLUTION (PERMITTED)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY)
Arcade Signs	<ul style="list-style-type: none"> • Max depth 500mm. • Max width 300mm. • Min clearance from ground level 2500mm. • Not sited in conjunction with another arcade sign or horizontal projecting wall sign. 	<ul style="list-style-type: none"> • Minimum clearance from ground level 2500mm. • Minimum distance from any other arcade sign or horizontal projecting wall sign 2400mm.
Awning Fascia Sign	<ul style="list-style-type: none"> • Shall not project beyond the fascia line of an approved or existing awning. • Shall not project above or below the fascia of the awning. • Maximum height 450mm. 	<ul style="list-style-type: none"> • Shall not project beyond the fascia line of an approved or existing awning. • Maximum height of 500mm.
Above Awning Sign	<ul style="list-style-type: none"> • single blade design. • Max height 450mm. • Max width 300mm. • Shall not project beyond the width of the awning or exceed 2700mm in length whichever is the shorter. • Shall not be approved if there is another Awning Sign or Horizontal Projecting Wall sign on the same site. 	<ul style="list-style-type: none"> • Maximum height 750mm. • Maximum width 300mm. • Shall not project beyond the width of the awning or exceed 2700mm in length whichever is the shorter. • Minimum distance between any other Above Awning Sign or Horizontal Projecting Wall Sign 2400mm. • Minimum distance from side boundary of the lot or site 1200mm.
Below Awning Sign	As for above Awning Sign	As for above Awning Sign
Banner Sign	Exempt – subject to conditions in Clause 5	<ul style="list-style-type: none"> • One sign per building. • May be placed on the face of the building at street level providing it can be demonstrated that it meets the requirements specified under clause 2. • Must not project beyond the face of the building. • Maximum height 2m. • Maximum length 5m.
Business Directory	Exempt – subject to conditions in Clause 5	
Cabinet Sign	Exempt – subject to conditions in Clause 5	<ul style="list-style-type: none"> • Maximum projection from face of wall 40mm. • May be internally illuminated.
Ground Base Sign	To be considered under Alternative Performance Criteria.	<ul style="list-style-type: none"> • Maximum height above ground 2400mm. • Maximum area of each face 2.5m². • The sign shall not encroach on any road or other public reservation. • May be externally illuminated if part of an approved floodlighting regime.

SIGN TYPE	ACCEPTABLE SOLUTION (PERMITTED)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY)
Flag Sign	Exempt – subject to meeting the conditions in Clause 5	<ul style="list-style-type: none"> Maximum dimensions 1600mm x 900mm. Restricted to company logos. No display of products or proprietary items. No fluorescent or iridescent colours.
Horizontal Projecting Wall Sign	As per above and Below Awning Sign.	<ul style="list-style-type: none"> Maximum depth 500mm. Maximum width 300mm. Maximum length 2700mm. Limit of one such sign per building/site unless part of an approved signs regime. Shall not be approved if there is a vertical projecting wall sign on the same site.
Interpretative Sign	<ul style="list-style-type: none"> Must form part of an approved coordinated framework for signage. Must be distinctive. Combinations with artistic or sculptural works are encouraged. 	Must form part of an approved coordinated framework for signage.
Pole or Pylon Sign	To be considered under Alternative Performance Criteria.	<ul style="list-style-type: none"> Total height should not exceed 5m. Total area of each sign face should not exceed 6m². Double sided signs should be identical in dimension and both sides should be less than 300mm apart. Only one pole or pylon sign per site (land parcel). May be internally illuminated.
Real Estate Sign	Exempt – see Clause 5	<p>Greater than 5m² area:</p> <ul style="list-style-type: none"> Does not have a deleterious effect on the streetscape or on any outlooks or views from adjoining buildings or places. Does not obscure any windows.
Roof Sign	To be considered under Alternative Performance Criteria.	<ul style="list-style-type: none"> Maximum distance between bottom of sign and roof or parapet 300mm. Maximum depth 750mm. Maximum length 4500mm. Message may be on a maximum of two faces. Limit of one Roof Sign per site. May not be illuminated.
Sun Blind Sign	<ul style="list-style-type: none"> Minimum clearance above ground level 2500mm. Shall not project beyond a point within 450mm of the kerb alignment. May not be illuminated. 	<ul style="list-style-type: none"> Minimum clearance above ground level 2400mm. Shall not project beyond a point within 450mm. of the kerb alignment. May be illuminated.
Temporary Sign	<ul style="list-style-type: none"> Max period of 2 months. Max dimensions 400mm x 400mm. 	<ul style="list-style-type: none"> Greater than 2 months and less than 4 months. Greater dimensions than 400mm x 400mm.

SIGN TYPE	ACCEPTABLE SOLUTION (PERMITTED)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY)
Tethered Sign (Balloons and Blimps)	To be considered under Alternative Performance Criteria.	<ul style="list-style-type: none"> • Located wholly within boundaries of subject lot. • Not be less than 2.7m or greater than 8m from ground level. • Not be within 10m of a pylon sign or service structure. • Not exceed 7m in diameter or 9m in height. • Not be displayed for more than 30 days in aggregate for any one calendar year.
Vertical Projecting Wall Sign	To be considered under Alternative Performance Criteria.	<ul style="list-style-type: none"> • Maximum vertical dimension 1m or 5% height of building wall. • Maximum projection 450mm. • Limit of one such sign per building/site unless part of an approved signs regime. • Shall not be approved if there is a horizontal projecting wall sign on the same site.
Wall Mural	To be considered under Alternative Performance Criteria.	Must demonstrate its ability to convey, complete or restore an image of historical or cultural significance.
Wall Sign	<ul style="list-style-type: none"> • A single sign per building. • Maximum height 1m. • Maximum length 3m. 	<ul style="list-style-type: none"> • Multiple wall signs or wall signs exceeding the acceptable solution provisions shall only be considered as part of an approved signs regime. • Signs must face a primary space. • Maximum height equivalent to 10% of height of building wall or 2m, whichever is greater. • Maximum length 5m.
Window Sign	Exempt – see Clause 5	<ul style="list-style-type: none"> • Signs shall occupy less than 50% of the surface area of a window. • May be located on other than ground floor/street level windows.

APPENDIX 2

Example of Signs Regime



KEY TO SIGNS

Ref N°	Sign Type	Max. Width (mm)	Max. Height (mm)
1	Window Sign	1200	
2	Hanging Sign	600	500
3	Wall Sign	1600	900
4	Street Number		200
5	Nameplate	300	600
6	Portable Sign	600	800



(Note - Dimensions need to be specified as well as sign type and location)



3.1.3 Town Centre Redevelopment Guidelines – Local Planning Policy

Type:	Regulatory Services - Planning
Legislation:	Planning and Development Act 2005
Delegation:	N/A
Other Related Document:	ToEF Town Planning Scheme No 3

Objective

The intent of this document is to provide detailed guidance for new development within the East Fremantle town centre. The document provides:

- A background summary of the prevailing planning context.
- A statement of desired intent that describes a vision for how the town centre should grow and evolve.
- A set of planning objectives to support the statement of intent.
- Detailed guidance in respect to a series of elements that need to be considered during the planning and design of new development.

The document is supported by attached plans that indicate:

- A context plan that identifies the relationship between the Town of East Fremantle and other centres within and adjacent to the Town (Plan 1).
- The area to which the document applies and a set of precincts within that area (Plan 2).
- A plan that identifies important pedestrian connections to surrounding destinations within the Town of East Fremantle (Plan 3).
- A plan identifying important desired pedestrian connections within the town centre (Plan 4).
- A concept plan that indicates how the structure and built form of the town centre might evolve (Plan 5).
- A height plan that identifies notional building height limits across the town centre precinct (Plan 6).

Background

Whilst the surrounding suburban areas show signs of prosperity, the East Fremantle town centre itself is generally regarded as unattractive and outdated, with a significant proportion of the local community seeking their needs at other centres with greater amenity and a broader and more attractive range of services. The town centre has seen recent development of denser urban housing, notably along St Peters Road, which has improved the appearance of the centre and contributed to the development of a stronger local community within the centre. However, the commercial core of the town centre and the Canning Highway environment remains largely unimproved.

Centres of activity, such as the East Fremantle town centre, have increasingly become the focus of State Government planning policy. In 2010, the Western Australian Planning Commission (WAPC) released *Directions 2031 and Beyond - Metropolitan planning beyond the horizon* and *SPP 4.2: Activity*

Centres Policy for the Perth and Peel Regions; together these documents identify the need and the means to encourage a greater intensity of development in activity centres to enable more people to live within close proximity of the services they need, to reduce car dependence and increase the long-term sustainability of the region. The main implication of this State Government policy is that the Town of East Fremantle town centre would ideally accommodate more than 600 additional dwellings by 2031, in order to meet the targets in the policy, which are designed to help support local services and public transport, and to relieve pressure on suburban residential areas for greater residential capacity.

A more sustainable town centre also means ensuring that there is a variety of housing types that appeal to a broad range of future residents, and developing building stock that can adapt to changes of use over time in response to the needs of the existing community and future generations to come.

The recent State Government policies also reinforce the fundamental principle of *Liveable Neighbourhoods* (WAPC: 2009 update) that describes how urban areas should be composed of a network of interconnected mixed-use centres that lie at the heart of their own walkable catchments. The location of the East Fremantle town centre and its notional walkable catchment is identified in Plan 1. In response to Liveable Neighbourhoods, it is important that additional growth in the town centre and surrounding areas is in a manner conducive to pedestrian movement.

Another important implication of this policy approach is that focussing growth in activity centres relieves development pressure on the surrounding suburban neighbourhood. This is particularly relevant to East Fremantle where much of the surrounding neighbourhood contains a long-established building stock with a desirable character, including some with heritage significance.

Given the refocussing of State Government planning policy towards activity centres, and subsequent interest within the development industry about the potential for significant development in these locations, it is important that the Town of East Fremantle adopts a position on what constitutes an acceptable form of development to meet higher order planning policy; what will satisfy the concerns of the local community; and enables the viable redevelopment of the under-performing town centre – that is the purpose and function of this document.

Policy

Extent of the East Fremantle Town Centre Detailed Area Plan

This document is applicable to the area defined in Plan 2. Whilst the area includes all of the existing town centre and adjacent mixed-use zones in the Town Planning Scheme, it has been extended to include some of the surrounding area – principally an area to the north of Canning Highway, and more of the Canning Highway corridor. The reasons for this are:

- The current town centre zone reflects an emphasis on the permissibility of commercial uses, whereas the new *SPP 4.2: Activity Centres Policy for the Perth and Peel Regions* places a much stronger emphasis on the incorporation of residential development within activity centres – particularly where medium to high density residential development is used as a transition from a busy centre to the quieter suburban surrounds.
 - The Canning Highway corridor is the most visible part of the town centre to visitors and should be seen as an integral part of the town centre.
-

- The Canning Highway corridor should be treated as a street with a degree of consistency on each side, rather than a barrier between two different environments.

A series of precincts have been identified within the designated town centre area (as shown on Plan 2). These are:

- Town Centre Core Precinct
- Canning Highway Precinct
- Frame Precinct

The purpose of the precincts is to group together areas with similar characteristics and enable differing development provisions to be applied to each precinct where applicable.

Statement of Desired Intent

The intent of the Town of East Fremantle is to encourage the evolution of the East Fremantle town centre into a robust, vibrant, mixed-use urban village with enough residents, jobs and services to sustain and meet the local needs of the existing community and future generations to come. More specifically, the desired intent of the Town Centre Core Precinct is to be the principal focus of the commercial activity within the town centre.

The desired intent of the Canning Highway Precinct is to establish a mixed-use urban corridor of development with small-scale office-based commercial activities at ground floor with predominantly residential uses above.

The desired intent of the Frame Precinct is to provide a predominantly medium-density residential transition between the town centre and the surrounding suburban residential areas. It is envisaged that this transitional area would consist of more urban forms of development such as multiple and grouped dwellings.



A montage of images that suggests the overall desired intent for the East Fremantle town centre.

The overall intent for the town centre is elaborated upon in the following set of planning and urban design objectives:

Planning and Urban Design Objectives:

The proposed Town of East Fremantle's planning and urban design objectives for the East Fremantle town centre are to:

- Encourage and stimulate renewal of the town centre and transform it into a desirable urban village that is the focal point for the local community.
- Establish a character that is sympathetic to, but not a continuation of, the surrounding suburban neighbourhoods.
- Establish an active and attractive street experience.
- Provide diverse and adaptive housing types that are not readily available in the local area.
- Encourage mixed-use development.
- Create a context for a diverse range of businesses and services.
- Retain a local supermarket, and other attractors such as a Post Office, within the town centre.
- Maintain and improve, where possible, pedestrian connectivity to the surrounding neighbourhoods.
- Restrict the perceived and overall heights of new buildings to a scale that is appropriate to their settings within an urban village.
- Encourage buildings that are elegantly proportioned and richly articulated to provide visual interest and relief from uniformity.
- Maintain the significance and visual prominence of the Town Hall, and treat adjacent buildings with respectful sensitivity.
- Reduce the scale of new development at the edge of the town centre where there is an interface with existing suburban residents.
- Avoid disruption of the urban form with large areas of car parking, and encourage parking that is under, above, or behind new buildings.
- Retain and enhance existing view corridors.
- Encourage the use of alternative modes of transport to the motorcar.
- Distribute traffic movement where possible and avoid 'bottlenecks'.
- Incorporate a network of publicly accessible open spaces, such as arcades and piazzas.
- Incorporate a generous amount of vegetated landscape, either by means of new planting or the retention of existing.
- Maintain a degree of continuity in the landscaping of publicly accessible areas.

Detailed Urban Design Guidelines

In support of the above planning and urban design objectives, the Town of East Fremantle will refer to the following performance criteria and acceptable development standards in each Element for additional guidance in the assessment of development proposals.

Element 1: Urban Structure

Town structure describes the pattern of development, streets, and other publicly accessible spaces that together make up the built environment.

In regard to urban structure the policy objectives are:

- To ensure that the East Fremantle town centre is integrated with the broader urban and suburban environment.
- To ensure that the movement network and accessible spaces - encourage walking and community interaction, and, thus, lead to a more attractive and sustainable centre.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
To achieve good urban structure within the East Fremantle town centre, development should: <ul style="list-style-type: none">.. Maintain a hierarchy of legible, permeable and interconnected streets that maximise walkability to, and within, an activity centre to encourage visible human activity and reduce reliance on car-use... Provide a robust urban framework of streets, street blocks, lanes, footpaths, services, and open spaces that can adapt to changes of use over time... Provide publicly accessible spaces to foster the community interaction and a sense of belonging... Incorporate views and vistas to nearby landscape features such as existing parkland and the Swan River into the urban structure to strengthen the identity of the town centre and its sense of place.	<ul style="list-style-type: none">.. Provide for the pedestrian connections identified in Plans 3 and 4... Maintain, as a minimum, the current degree of permeability for vehicle movement on gazetted streets... For all developments with a NLA equivalent floorspace of more than 5,000m², provide publicly accessible open spaces* with a combined area of at least 150m². <p>* <i>May include arcade type spaces that are partially open to the elements, but shall not include fully enclosed internal floorspace.</i></p>

Element 2: Land Use

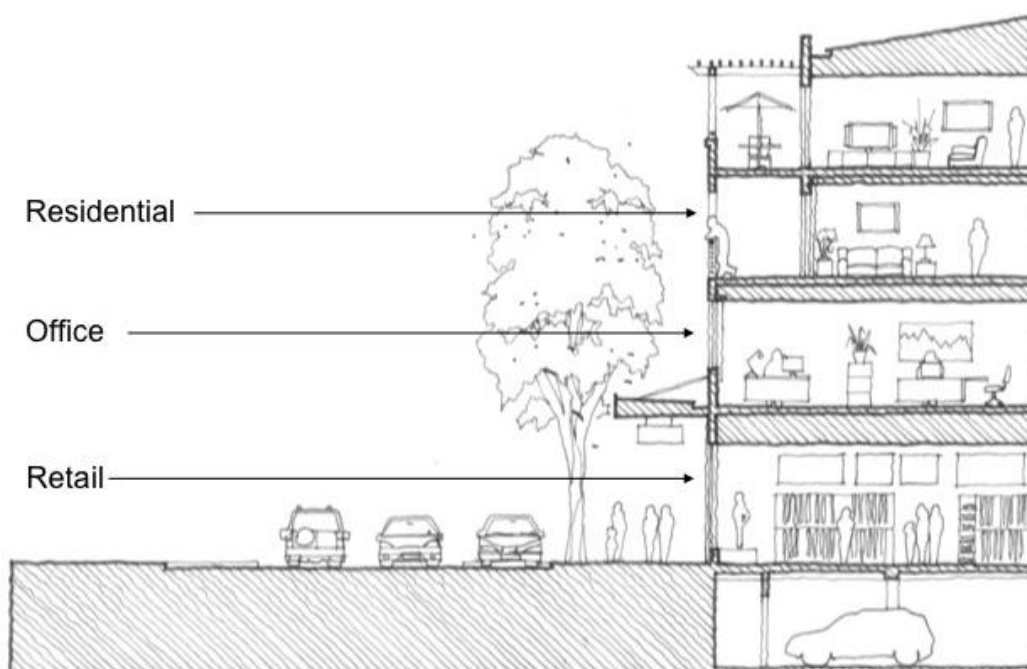
Land use describes the range of activities that occurs within the town centre.

In regard to land use, the policy objectives are:

- To provide a vibrant, interesting, attractive focus for human interaction in the community.
- To provide an appropriate context for intensive land uses that employ or attracts relatively high numbers of people, and encourages pedestrian movement between different activities.
- To encourage mixed-use development.
- To engender a residential community within the town centre to create a sense of community and provide opportunities for passive surveillance, or 'eyes on the street', outside normal business hours.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
In regard to land uses within the East Fremantle town centre, development should:	<ul style="list-style-type: none">.. Town Centre and Canning Highway Precincts: Developments shall incorporate commercial uses consistent with those 'permitted' under the relevant TPS No. 3 zoning and shall

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
<ul style="list-style-type: none"> .. Provide attractive locations for different but compatible types of land uses, which recognise the different spatial needs of different land uses and the appropriateness of the scale of the centre. .. Provide a diverse range of complementary land uses within comfortable walking distance of each other to reduce car-dependence & the need for expensive land-consumptive road & parking infrastructure. .. Incorporate 'attractors' with high visitation rates that regularly encourage people to an activity centre. .. Incorporate uses that will generate activity at different times of the day to establish a highly visible human presence in streets and other public places. .. Enable a residential community to be established within an activity centre to engender a sense of community within the place; increase the number of people within the centre outside business hours; and provide the potential for 'eyes on the street'. Council may exercise discretion to increase the residential density by up to 50% where there is significant public benefit in the development, and where the residential mix includes short-term accommodation or smaller and more affordable apartments. .. Incorporate land uses that create a higher density of jobs to help increase the number of people within the centre during business hours. .. Identify opportunities for affordable housing to ensure that urban living is an accessible choice for everyone, including those people who can least afford to live far away from jobs, services and public transport. .. Identify opportunities to establish home-based business and live-work housing, where the premises can evolve in time to small office accommodation. 	<p>incorporate a minimum of 40% of Net Lettable Area (NLA) floorspace for multiple dwellings and/or short stay accommodation.</p> <ul style="list-style-type: none"> .. Frame Precinct: The preferred use is multiple dwellings and grouped dwellings. Small-scale commercial uses may be incorporated as components of mixed-use developments providing they are compatible with a residential environment. .. Provide residential development in accordance with the relevant standards* in the Residential Design Codes of WA for R-AC 2 (Town Centre Core Precinct), R160 (Canning Highway Precinct), and R100 (Frame Precinct). <p>* unless otherwise varied by this Planning Policy</p>



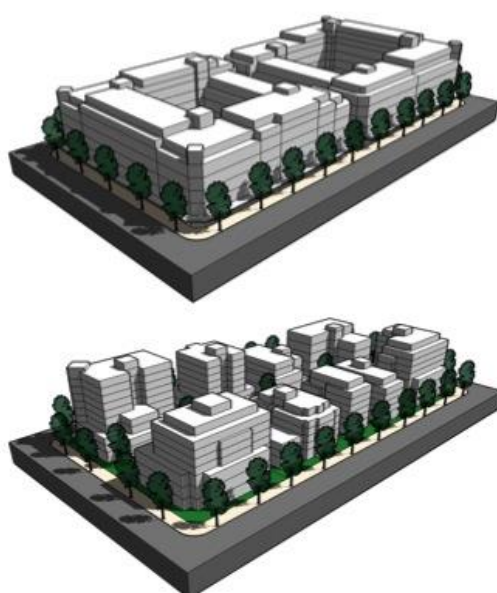
Element 3: Building Form, Scale and Height

Building form, scale and height provide definition to the overall shape and size of buildings.

In regard to building form, scale and height, the policy objectives are:

- To allow a sufficient mass of building within the town centre to accommodate enough people and activities within the centre to generate a sense of liveliness.
- To balance the need for denser, higher, and more efficient urban built form with the desire to match the scale of development in the town centre to its functional role in the regional hierarchy – fulfil the function of neighbourhood activity centre as determined by the State Activities Centres Policy.

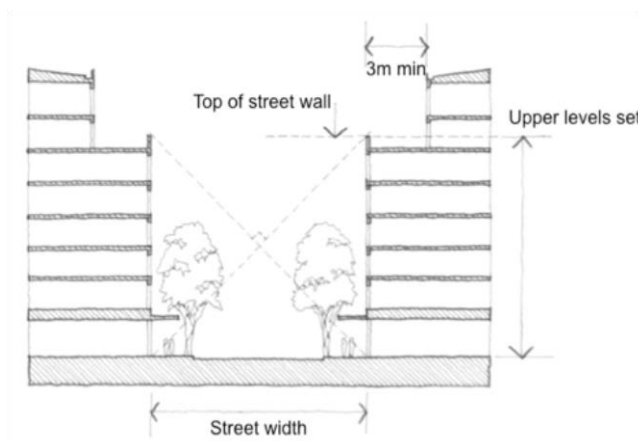
Three main scales of urban development
2: Urban Scale (notionally 3-8 storeys)



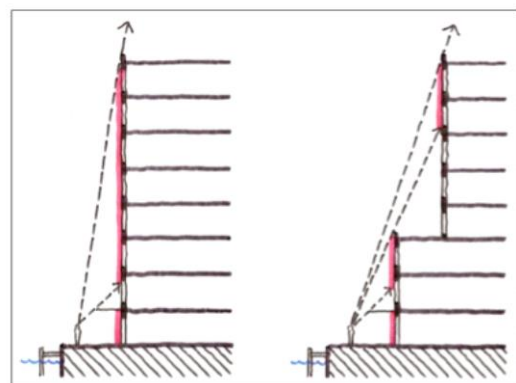
Indicative examples of appropriate scales and forms for buildings in a town centre.

Performance Criteria	Acceptable Development Standards
<i>New development should meet these criteria.</i>	<i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>In regard to building form, scale and height within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none">.. Establish a scale of development that is reflective of the centre's role as an urban village... Maintain an attractive scale to streets and other public spaces through the use of appropriate	<ul style="list-style-type: none">.. Limit the overall mass of new development to a plot ratio of 3.5 (for the Town Centre Core Precinct), 3.0 (for the Canning Highway Precinct, and 2.0 (for the Frame Precinct)... Limit the overall height of new development to the heights as indicated in Plan 6, except where the development provides significant public benefit (such as publicly accessible spaces, public car-parking, or activities that are deemed to be

Performance Criteria	Acceptable Development Standards
<i>New development should meet these criteria.</i>	<i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>building facade heights, particularly for the lower and most visible levels of buildings where they define the edge of a street or other public space.</p> <ul style="list-style-type: none"> .. Establish a reasonable transition between larger-scaled development within an activity centre and the domestic scale of any existing adjacent residential development. .. Modulate the building mass to create visual interest and break down the perceived scale of large developments. 	<p>advantageous to the community or the town centre as a whole), and where the additional height is set back a minimum distance of 3 metres to avoid excessive overshadowing of adjacent properties, and treated in a visually recessive manner to reduce its visual impact on the street.</p> <p><i>* Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area</i></p> <ul style="list-style-type: none"> .. In addition to the overall height limits shown on Plan 6, limit the 'street wall' height to 5 storeys in the Town centre core and 3 storeys in the Canning Highway Precinct, except for buildings in the 'Town Hall Sensitivity Zone' shown on Plan 6, where the height shall be no greater than the height of the town hall parapet, with any further development above that height to be set back a minimum of 3 metres and treated in a visually recessive manner to reduce the apparent scale of the building. Refer to diagram 'A' below. .. As indicated on Plan 6, limit the overall height of buildings, in the Frame Precinct to 3 storeys. .. In the Canning Highway and Frame Precincts, new development shall be limited to 3 storeys within 12metres of adjacent existing residences.



Indicative example of a building's street wall with the upper levels set back



Setting the upper levels of development back from the street reduces the perceived height of development

Example of how setting upper levels back reduces the perceived bulk of a building

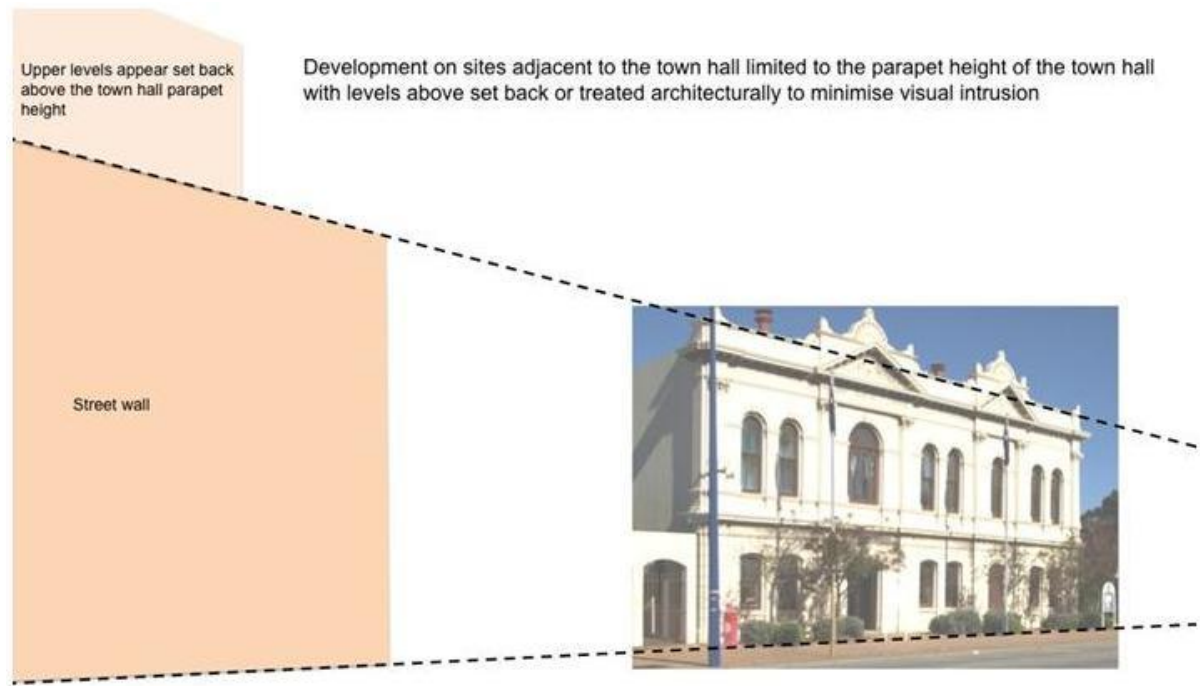


Diagram A

Element 4: Occupant Amenity

Occupant amenity refers to the quality of experience enjoyed by residents and other building users within the town centre.

In regard to occupant amenity, the policy objectives are:

- To recognise that urban living is a different experience from suburban living and that the aspirations of suburban dwellers for quiet, privacy and solitude cannot be applied to the same extent to urban dwellers.
- To provide a reasonable and appropriate degree of noise insulation and privacy for residents within the centre.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria</i>
<p>To ensure a reasonable level of occupant amenity within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none"> .. Ensure that all buildings promote a high standard of living and workplace for occupants to maintain the option of urban living or working as a desirable choice. .. Provide reasonable access to natural light, natural ventilation and sunlight wherever possible to reduce energy consumption and increase the quality of the occupant experience. .. Maintain a reasonable distance between activities that are clearly incompatible or incorporate design measures to mitigate potential nuisances on adjacent occupants. 	<p>.. Development shall be consistent with the relevant standards* in the Residential Design Codes of WA for R-AC2 (Town centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct), with exception plot ratio conflicts with</p> <p>* <i>unless otherwise varied by this Planning Policy.</i></p>

.. Provide a reasonable degree of privacy for centre residents within the context of an urbanised environment.	
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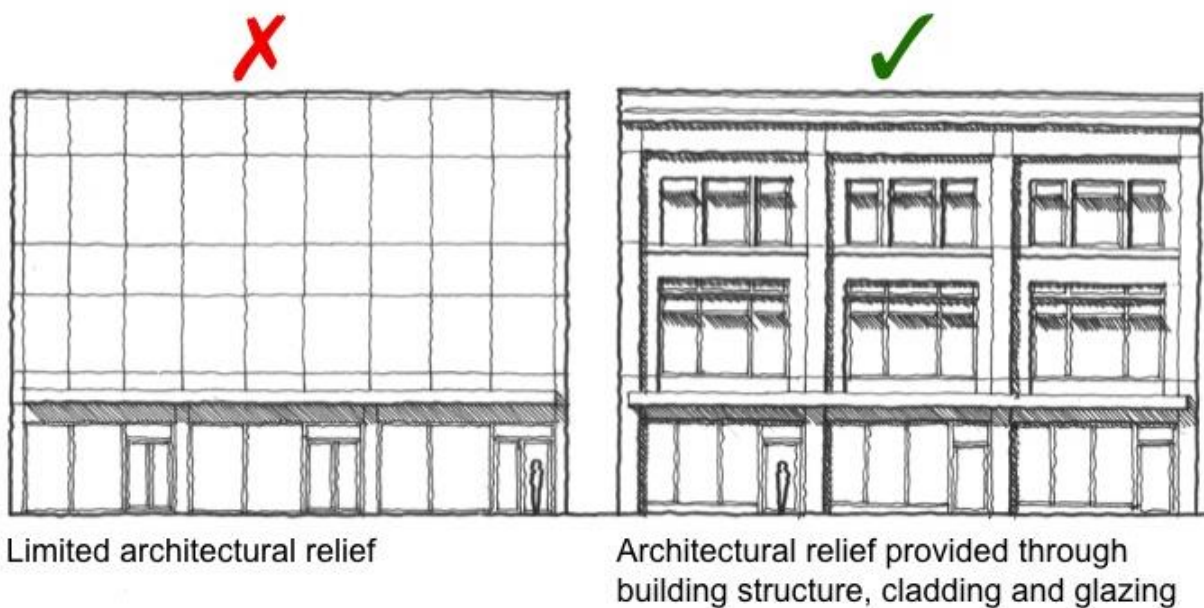
Element 5: Street Interface

Street interface refers to the relationship between buildings and the adjacent streets, particularly at ground level where the relationship is more strongly perceived by pedestrians.

In regard to street interface, the policy objectives are:

- To create a 'friendly' relationship between buildings and the adjacent streets.
- To create an attractive and interesting urban environment.
- To create an urban environment where it is easy to understand what is private and what is public.
- To ensure that buildings provide a strong definition to the edges of urban spaces.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>In regard to the street interface of buildings within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none"> .. Establish building frontages with glazed openings and doors at street level to encourage human activity on the adjacent street and optimise interaction between people inside and outside buildings. .. Maximise continuity of the building frontage with the street reserve, particularly where there are commercial activities at ground floor level, to provide a strong definition to streets and other public urban space. .. Avoid ambiguity by clearly defining the difference between spaces that are publicly accessible and those that are for private use only. .. Provide architectural richness using articulation of buildings and window displays to create interest, particularly at the street level. .. Provide openings at all building levels to enable passive surveillance of adjacent publicly accessible areas. .. Create interstitial or 'inside-outside' spaces through the use of canopies, arcades and other shade structures, to provide shade to window displays, shelter to pedestrians, and to create a softer transition between the inside and outside. .. Utilise building scale and design to create an identifiable scale and character for adjacent streets and publicly accessible spaces. .. Locate service areas behind buildings, or screened from view, to avoid the intrusion of noise, odour, or visual pollution on publicly accessible areas. .. Enable the opportunity for temporary overspill activities, such as al fresco dining and external displays, that provide additional interest to the street. 	<ul style="list-style-type: none"> .. Ground floor commercial elevations to streets (other than Right of Ways) shall consist of a minimum of 66% (two-thirds) glazing. .. Where a commercial tenancy is adjacent to a street reserve, the primary entrance to the tenancy will be from that street. .. Commercial and mixed-use buildings shall be built up to the street boundary for at least 80% of the frontage. .. Residential setbacks shall be as per the relevant standards* in the Residential Design Codes of WA for R-AC 2 (Town centre core precinct), R160 (Canning Highway precinct), and R100 (Frame precinct). * <i>unless otherwise varied by this Planning Policy.</i> .. Street elevations shall incorporate at least two different materials. .. All new development shall provide openings to habitable rooms to any adjacent street reserve or public space. .. Service areas shall either be located away from the public domain or be screened from view from the public domain, except in the case of Right of Ways.



An indicative example of how architectural relief adds visual interest to the streetscape.

Element 6: Pedestrian Amenity

Pedestrian amenity describes the quality of experience enjoyed by pedestrians as they walk to, and around the town centre.

In regard to pedestrian amenity, the policy objective is to make walking an attractive option by providing suitable paths to walk on, protection from inclement weather, safe places to cross roads, good lighting, a feeling of personal security, and interesting things to see and do along the way.

Performance Criteria	Acceptable Development Standards
<i>New development should meet these criteria.</i>	<i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>In regard to pedestrian amenity within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none"> .. Provide shade and shelter for pedestrians in outdoor spaces to make walking an attractive alternative to car use. .. Employ CPTED principles (Crime Prevention Through Environmental Design) to create a safe, and well-lit pedestrian environment with good surveillance to make walking a psychologically comfortable alternative to car use, particularly at night. .. Provide obvious and direct pedestrian routes to, and between, major attractors to make walking a legible and convenient alternative to car use. .. Enable ease of pedestrian movement across streets to give pedestrians greater confidence and a sense of 'ownership' of the street environment. 	<ul style="list-style-type: none"> .. Buildings with a commercial ground floor adjacent to footpaths shall incorporate a canopy or awning that extends at least 2.4m over the footpath, but not within 0.3m of the kerb, and with a minimum height of 2.7m above the footpath. .. Development shall be consistent with the WAPC document <i>Designing Out Crime</i>. .. Development shall meet all relevant BCA requirements for universal access. .. Provide for the pedestrian connections identified in Plans 3 and 4.

<ul style="list-style-type: none"> .. Provide equitable access for all street users (that is, no separation of wheelchair users), wherever possible, to ensure that streets 'belong' to everyone. .. Provide choices in direction within the pedestrian movement network to enable flexibility of movement and greater interest for pedestrians. .. Provide local landmarks, artwork and landscape elements as an aid for legibility. .. Provide continuous paved surfaces along all streets and other identified pedestrian desire lines to make walking a convenient alternative to car use. .. Provide resting opportunities for pedestrians such as bench seats or other street furniture and landscape elements that encourage sitting in the public domain. 	
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Element 7: Vehicle Movement and Access

Vehicle movement and access refers to the movement of private cars and service vehicles within and around the town centre, and how those vehicles enter buildings and car parks.

In regard to vehicle movement and access, the policy objectives are:

- To carefully balance the needs of vehicle users with other street users such as pedestrians, cyclists, and public transport users.
- To ensure that the needs of vehicles do not unduly compromise the objectives of creating an attractive urban environment with a high level of pedestrian amenity.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>In regard to vehicle movement within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none"> .. Ensure a legible and permeable street layout that can disperse traffic movement and, thus, reduce the traffic volumes on the street network. .. Manage traffic behaviour and speed in areas of high pedestrian movement to provide greater confidence and safety to pedestrians and cyclists. .. Utilise on-street parking wherever possible. .. Minimise the number of vehicle crossovers, and locate them to avoid disruption of pedestrian amenity along the principal pedestrian routes. .. Identify designated delivery truck access routes through the centre to ensure that the number of delivery truck/pedestrian conflict points can be minimised, or design measures taken to increase pedestrian safety at conflict points. .. Provide for the safe use of alternative transport modes (such as bikes, scooters, gophers) to encourage their use in preference to car travel. 	<ul style="list-style-type: none"> .. Utilise shared surfaces, raised plateaus and other traffic management design devices to reduce traffic speeds and raise driver awareness of pedestrians. .. New development shall be limited to one crossover per street, excluding Rights of Way. .. Development adjacent to Canning Highway shall comply with any MRWA requirements, which may restrict direct vehicle access where there is an alternative means of access.

Element 8: Vehicle Parking

Vehicle parking refers to the storage of stationary cars within the town centre.

In regard to vehicle parking, the policy objectives are:

- To minimise the extent of on-grade car parking, and reduce the visual impact of car parks on the street environment.
- To maximise the use of on-street parking and other forms of reciprocal parking.
- To encourage parking provision for alternative forms of transport to the private car.

Performance Criteria	Acceptable Development Standards
<i>New development should meet these criteria.</i>	<i>The acceptable development standards are ways of meeting the performance criteria.</i>
In regard to vehicle parking within the East Fremantle town centre, development should: <ul style="list-style-type: none">.. Provide for the reciprocal use of car parking bays to encourage a high turnover of parking bays and reduce the need to provide large amounts of expensive and land-consumptive car-parking infrastructure for specific activities... Locate large car parks away from areas of high pedestrian movement to avoid separating pedestrians from the interest, shade and shelter that buildings provide, and to avoid visually blighting the public domain... Locate large car parks so that the pedestrian routes from them encourage people to walk past activities that would otherwise not be well supported by the movement economy... Create amenity through the use of passive surveillance, shade and shelter along the pedestrian routes leading to car parks, recognising that car occupants become pedestrians once they leave their cars... Support the potential for the use of the park-side street reserves around the park to the south of St Peters Road as a source of shared visitor parking for both the East Fremantle town centre and the George Street precinct... Provide attractive and secure parking for bicycle, motorbike, gopher and scooter users, and suitable end-of-trip facilities, to encourage their use as an alternative to car travel... Provide parking for disabled drivers in accordance with the relevant standards and locate the bays as close as possible to the entrance points of the main activities within the town centre.	<ul style="list-style-type: none">.. On-site car parking shall be located out of sight from the adjacent public domain (except for Rights of Way)... New development shall incorporate bicycle storage at a minimum rate of 1 per 60sqm of floorspace or 1 per dwelling which ever is greater... Development with an office floorspace greater than 250sqm shall provide appropriate end-of-trip facilities for cyclists... Car parking shall be provided at a rate consistent with the TPS No. 3 minimum requirements, but with a discount of 20% in the case of mixed-use buildings where the residential component accounts for at least 40% of the total plot-ratio area.

Element 9: Landscape and Public Spaces

Landscape and public spaces refers to the incidental elements that 'furnish' a street, and the open spaces that punctuate the urban structure and enable the public to rest and relax.

In regard to landscape and public spaces, the policy objectives are to:

- Add character, and enhance the legibility of the town centre.
 - Create additional physical and psychological comfort to occupants and users of the town centre.
-

- Avoid an excessive maintenance burden on the Town of East Fremantle.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>In regard to landscape and public spaces within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none"> .. Create attractive and well-landscaped streets, parks and other public spaces that enhance the quality and experience of the public realm. .. Employ drought-tolerant and low-maintenance plants. .. Use deciduous vegetation to provide shade in summer and allow sun penetration into buildings and public spaces during winter. .. Use paving materials and street furniture that are robust and easy to clean and maintain. .. Integrate public art into the design of the built environment to help explain the place in which it situated and endow it with cultural significance. 	<ul style="list-style-type: none"> .. Landscape and street furnishings in the public domain shall use materials and plants, and street furniture that have been agreed as acceptable by the Town of East Fremantle. .. Public art shall be incorporated into external façade of new development or the adjacent streetscape, to the value of 0.5% of the construction value, up to a maximum of \$150,000 per development. Development less than \$2M in value is excluded from the requirement for public art. .. Developments with a commercial component of more than 1000sqm shall incorporate toilet facilities that are accessible by the public during operating hours. .. Street trees shall be planted at a rate of not less than one per 15m of linear street length, subject to verge width and underground service constraints.

Element 10: Resource Conservation

Resource conservation describes the ability of development to reduce the consumption of natural resources, by reducing the use of new materials, energy or water:

In regard to resource conservation, the policy objectives are to:

- Encourage the design and construction of more energy and water efficient buildings and landscape in the town centre.
- Encourage the recycling and reuse of buildings and materials.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
<p>In regard to resource conservation within the East Fremantle town centre, development should:</p> <ul style="list-style-type: none"> .. Create an environment that encourages non-automotive modes of travel between activities to reduce transport energy consumption. .. Orientate buildings and openings to benefit from passive climatic heating and cooling opportunities to reduce fixed energy consumption. .. Incorporate energy-generation systems, energy recovery systems, and energy efficient plant wherever possible, to reduce net energy consumption of buildings. .. Enable the retention and adaptive re-use of existing structures, where appropriate, to reduce the consumption of additional building materials and the energy required to manufacture them. 	<ul style="list-style-type: none"> .. All development shall exceed the prevailing requirements of the BCA in respect to energy efficiency. .. Residential components of new development shall achieve a NatHers rating of at least 6 stars. .. Commercial components of new development shall achieve a NABERS rating of at least 3.5 stars.

<ul style="list-style-type: none"> .. Maximise the retention and reuse of stormwater for irrigation purposes to reduce the need for expensive stormwater infrastructure, and to reduce the burden on the metropolitan water supply. .. Minimise the landfill component of waste generation, wherever possible, by providing facilities for the storage and collection of recyclable material. 	
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Element 11: Signage and Services

Signage and services refers to advertising signs, and mechanical equipment (and associated pipes, conduits and ducting) that is attached to buildings.

In regard to signage and services, the policy objective is:

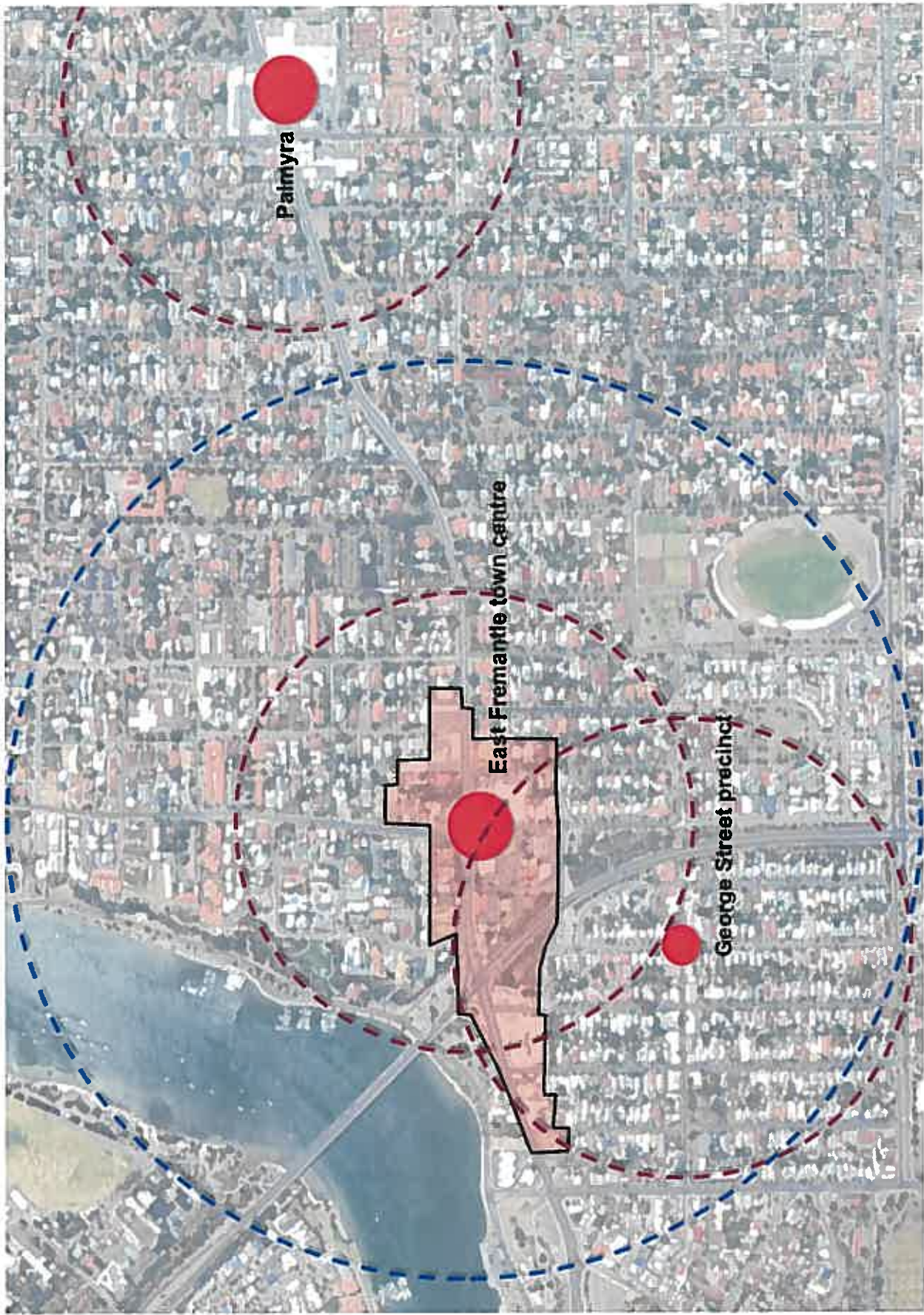
- To minimise the visual impact of signage and services on the streetscapes of the town centre.

Performance Criteria <i>New development should meet these criteria.</i>	Acceptable Development Standards <i>The acceptable development standards are ways of meeting the performance criteria.</i>
<ul style="list-style-type: none"> .. In regard to signage and services within the East Fremantle town centre, development should comply with the Town of East Fremantle local planning policies. .. Mechanical equipment (and associated pipes, conduits and ducting) should be located to minimise visual impact on adjacent streets or public open spaces. 	<ul style="list-style-type: none"> .. Signage shall comply with the Town of East Fremantle's signage policy. .. Solar Panels and Solar Hot Water Heaters shall comply with the Town of East Fremantle's policy - Guidelines for Solar Collectors. .. Other mechanical equipment (and associated pipes, conduits and ducting) shall be located in basements, in screened enclosures, on roofs, or at the rear of buildings.

ATTACHMENTS

- Plan 1:** Context Plan
- Plan 2:** Policy Area and Precincts
- Plan 3:** External Pedestrian Connections and Local Destinations
- Plan 4:** Internal Pedestrian Connections and Public/Urban Spaces
- Plan 5:** Concept Plan
- Plan 6:** Building Height Plan

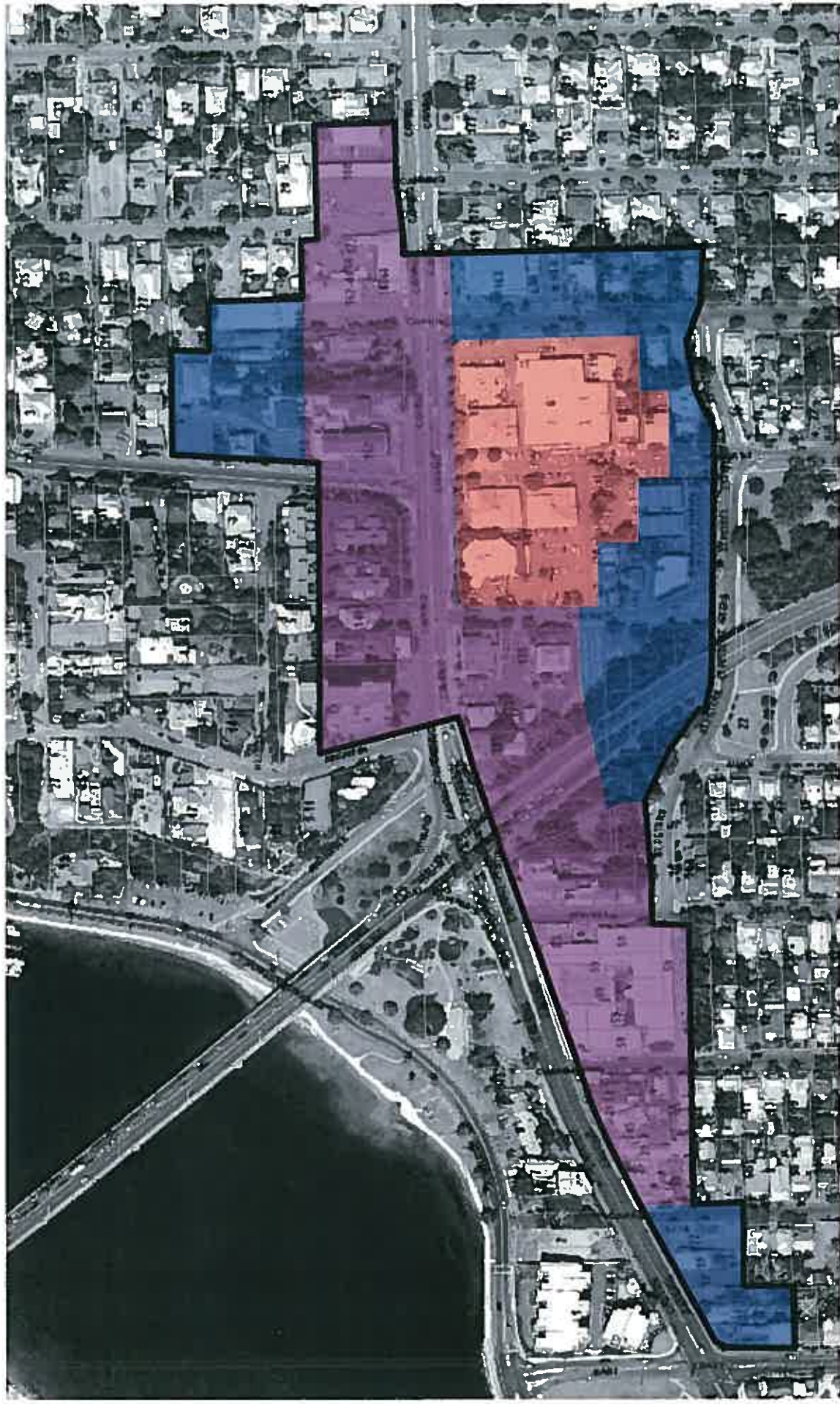
Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	15/11/11
Policy Amended/Reviewed:	21/7/15
Former Policy No:	3.1.4



LEGEND

- Town centre policy area
- Notional 5 min walk
- Notional 10min walk

Plan 1: Context plan
Updated October 2011





Plan 2: Policy Area and Precincts
Updated October 2011 v2



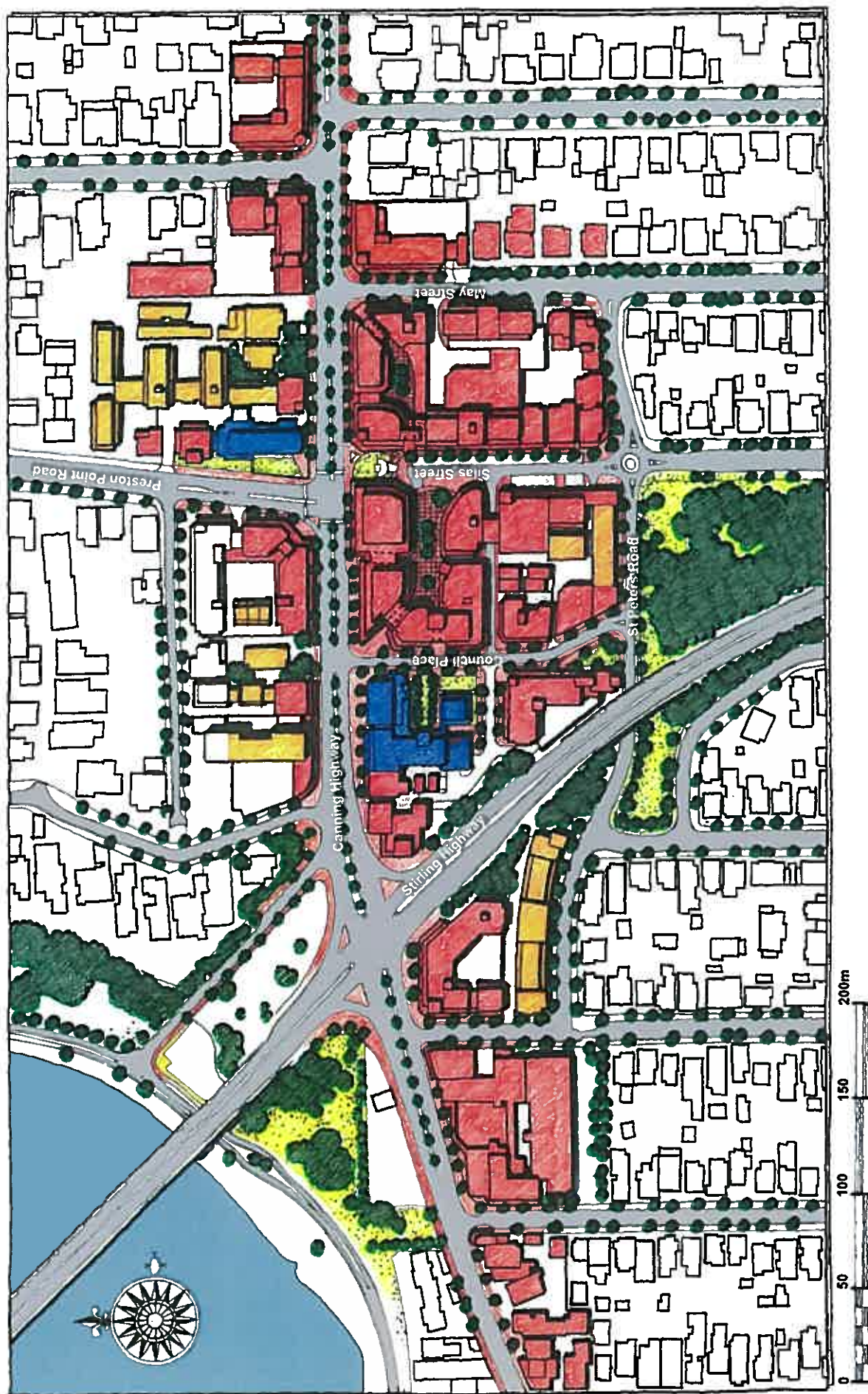
Plan 3: External pedestrian connections and local destinations
April 2011



LEGEND

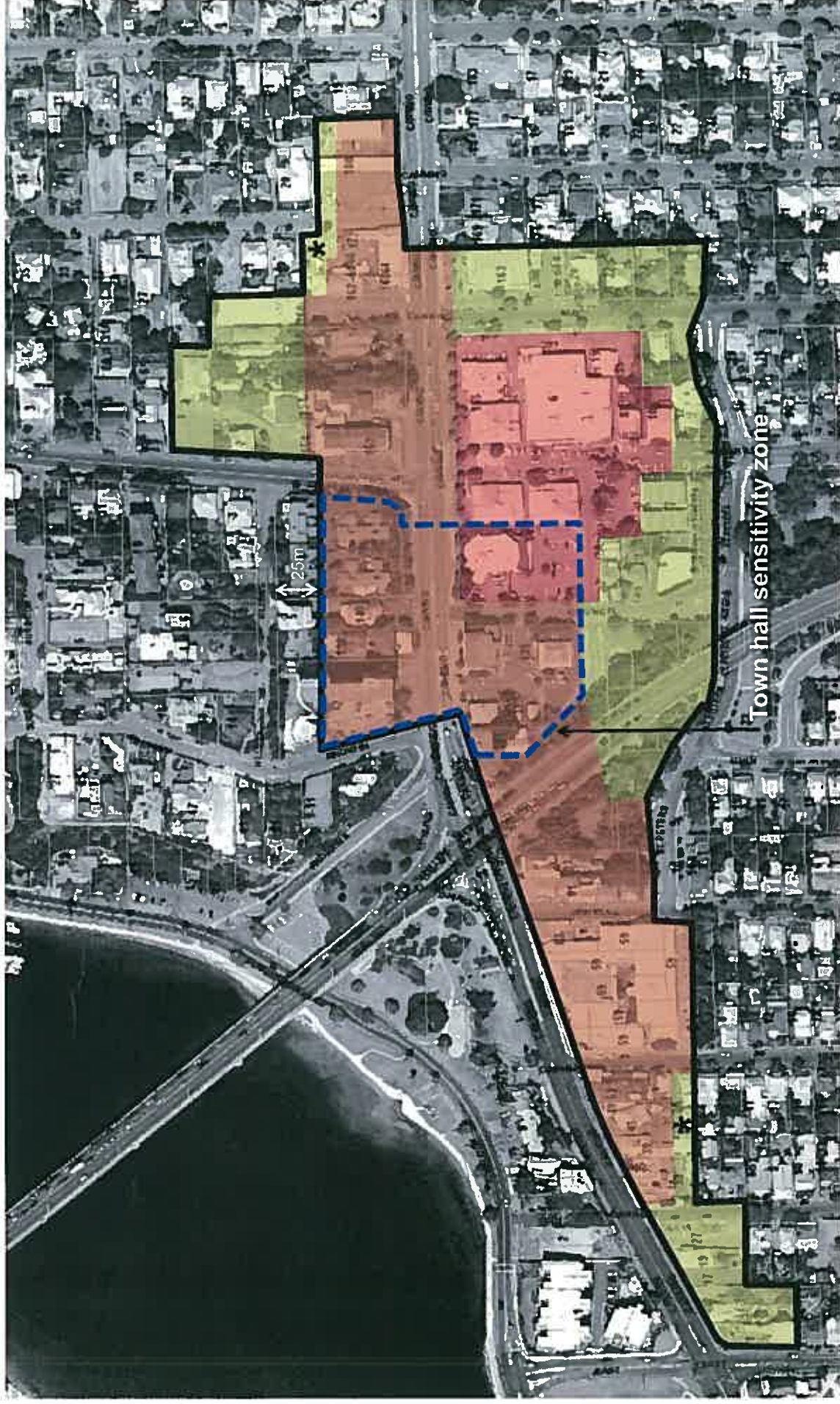
-  Public space
-  Urban space (privately owned but publicly accessible)

Plan 4: Internal pedestrian connections and public/urban spaces
Updated October 2011



LEGEND – Indicative land uses only - refer to Element 2: Land Use (and TPS No 3) for details on preferred land uses.

- Mixed use (e.g. Residential, short-stay, retail, office, etc)
- Institutional use (e.g. Civic and ecclesiastical) - may also include other associated commercial uses
- Residential



- LEGEND**
- Maximum of 5 storeys for the street wall and 8 storeys overall
 - Maximum of 3 storeys for the street wall and 5 storeys overall
 - Maximum of 3 storeys overall

* 3-storey maximum within 12m of adjoining existing residential properties beyond the town centre area.

Plan 6: Building height plan
Updated October 2011 v2



3.1.4 George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking – Local Planning Policy

Type:	Regulatory Services
Legislation:	Planning and Development Act 2005
Delegation:	N/A
Other Related Document:	ToEF Town Planning Scheme No 3

Objective

The objectives of this policy are:

1. Establish a clear, consistent and equitable framework for the application of contributions from new development towards a defined parking strategy.
2. Provide for the sustainable co-existence of a mix of land uses including residential, retail, recreational, commercial and entertainment uses.
3. Contribute to the effective management of future access and parking demands in the Precinct to the benefit of commercial and residential land users.
4. Assist in the protection of the amenity of existing and future residents within (and near) the mixed-use precinct.
5. Facilitate the establishment of mixed use, commercial and residential developments where adequate on site parking provisions cannot be established.

Introduction

The George Street Precinct is developing as a vibrant mixed use precinct in accordance with the Town's strategic and statutory planning objectives and such has been the rate of progress it is necessary to consider additional measures to the provisions of TPS No 3 if businesses are to thrive and residential amenity is to be protected in accordance with the Town's planning objectives.

The existing amenity and streetscape character support the commercial and residential development potential and attractiveness of the Precinct. However because of the prevailing existing building stock and small lots, very limited on-site parking capacity is available to service commercial and residential uses. Parking and access provisions are required which will protect the existing streetscape character whilst facilitating the sustainable growth of a designated range of uses and protect the residential amenity in the precinct and surrounding areas.

Policy

- This policy shall apply to all new development and proposals for change of use and redevelopment within the George Street Mixed Use Precinct as defined on the Town of East Fremantle Town Planning Scheme No 3, Town Planning Scheme Map No.1.

- Contributions will be required at the rate of \$9,000¹ per space for each space not provided on site, after onsite and immediately adjacent on-street parking spaces (where it is determined that these can be attributed to meet the parking demand of the development) have been deducted from the estimated parking space requirement. The contribution will be required as a condition of Planning Approval and payment will be required prior to the grant of a building licence.
- Contributions will be held in trust by the Town and used for the purposes of funding the development of a strategy plan and works and activities in support of Parking and Access Management. Contributions will be refunded in the event the Plan and/or works do not proceed.
- Council may at its discretion vary the applicable rate of the Contribution in recognition of any site specific issues associated with a development proposal. In considering any variation in the applicable rate of Contribution Council shall have regard to those matters contained in Clause 5.8, 7.5 and 10.2 of the Town Planning Scheme No.3.

Draft Condition of Planning Approval

The Policy shall be implemented by the application of the following condition of Planning Approval.

Prior to the grant of a building licence the owner of the land shall pay to the Town of East Fremantle (Town) \$..... representing the owner's contribution (Contribution) to works and activities undertaken in the management of Parking and Access in the George Street Precinct and surrounding residential areas. No use the subject of this approval may be commenced prior to the receipt of the Contribution by the Town.

The Contribution is to be held in a reserve fund by the Town, and may be used for the purposes of funding in whole or in part the development of a strategy plan and carrying out works and actions consequent on the Plan.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	16/8/11
Policy Amended/Reviewed:	21/7/15
Former Policy No:	3.1.5

¹ The rate shall be subject to escalation at the annual rate of the C.P.I. for each year, or part there of, from the date of the adoption of this Policy until the date of planning approval.



3.1.5 Community Design Advisory Committee

Type:	Regulatory Services - Planning
Legislation:	Local Government Act 1995
Delegation:	N/A
Other Related Document:	

Objective

- To provide independent expert advice to the Council, Town's Administration and applicants on the design of specified development proposals. This shall be limited to, architectural and urban design elements, heritage, landscape architecture, and environmental sustainability.
- To facilitate an improvement in urban design and the quality of the built environment within the Town of East Fremantle through the provision of information, expert advice and recommendations.

Policy Statement Definitions

"CDAC" means the Community Design Advisory Committee referred to in this Policy. CDAC

"Financial Interest" has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

"Proximity Interest" has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

"Impartiality Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

Policy Scope

Status and Role of the CDAC

- The CDAC (the Committee) provides professional and technical advice, in a non- adversarial and informal manner to the Town's Administration and the Council in relation to the design of buildings and other related matters. The CDAC performs an advisory function only and does not make decision on, or approve applications.
- The CDAC is not a committee established pursuant to Section 5.8 of the *Local Government Act 1995*.
- CDAC members either collectively or individually are not authorised to speak on behalf of the Town or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.
- The CDAC (or its members) are not to provide advice directly to an applicant or Council Members in respect of any item under consideration at the CDAC meeting.
- The CDAC are to provide comments and advice to the Town's Officers to assist the Town's Officers in formulating recommendations to the Council meetings on particular applications for planning approval, or in determining applications under delegated authority.
- The Committee shall only deal with matters which have been referred to them by the Executive

Manager Regulatory Services.

Policy

Terms of Reference

1. To provide the Town of East Fremantle with independent expert advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to proposals referred to the Committee for consideration.
2. To act in an advisory capacity on specified proposals with respect to matters including, but not limited to:
 - (a) The overall built form merits;
 - (b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;
 - (c) The relationship with and impact on the broader public realm and streetscape;
 - (d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;
 - (e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;
 - (f) The demonstration of other qualities of best practice urban design including "Crime Prevention through Environmental Design performance, protection of important view corridors and lively civic places.
 - (g) To examine the plans of all development proposals referred to them, and provide professional and technical advice to the Town's Planning Services in relation to matters identified in the Residential Design Guidelines, Burra Charter and R-Codes etc., relating to urban design, architecture, landscape design, sustainability or heritage.

Membership

1. The Membership of the CDAC shall comprise of up to ten (10) external members approved by the Council and appointed by the Chief Executive Officer.
2. The Town will seek to engage external members so that the CDAC meetings will consist of ten (10) members (excluding Chairperson) having:
 - (a) a demonstrated high level of expertise and knowledge in their particular field of architecture, urban design, landscape architecture, sustainability or heritage; or
 - (b) the relevant skills and experience to provide independent expert advice.

Preference will be given to residents of the Town who have a detailed knowledge of the composition of the Town. Non-residents may be appointed if suitable candidates cannot be established from the Town's residents or if determined by the Council.

The Chairperson

1. The CDAC Chairperson is an Elected Member of Council and appointed by Council.
2. The Chief Executive Officer shall give all assistance to the CDAC Chairperson in respect to administrative support for the Committee.

Applications to be Referred to the Committee

1. The following applications for development approval for proposed development (Development Applications) are to be referred to the CDAC for their consideration and comment:
 - (a) Development which will have a significant impact upon the significance of a Heritage Place.
 - (b) Development which will have a significant impact upon the streetscape character of the
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locality or in the opinion of the Chief Executive Officer/Executive Manager Regulatory Services is likely to have a significant impact on the locality or the Town;

2. The Executive Manager Regulatory Services may refer an application to the CDAC, regardless of whether the application is to be determined by the Council or under delegated authority.
3. The Executive Manager Regulatory Services may refer other planning matters to the CDAC where it is considered that the Town will benefit from the CDAC members' input.
4. The CDAC will examine design elements of development applications having regard to the Town's Residential Design Guidelines, the Residential Design Codes and Burra Charter.
5. Matters referred for review at the State Administrative Tribunal will not be referred to the CDAC.
6. Matters to be determined by a Development Assessment Panel will not be referred to the CDAC.

Meeting Procedure and Process

1. Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the CDAC shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
2. Members will be required to provide sufficient notice of their ability or inability to attend the next scheduled meeting.
3. CDAC Meetings are not open to the Public.
4. Having reviewed the development application, the CDAC members are to provide comments and advice within the context of the relevant provisions of the Town's Residential Design Guidelines, Burra Charter and R-Codes, together with any other comments or advice the CDAC wishes to provide.

Quorum

1. A quorum for the meeting of the Committee will be four (4) voting members (including the Chairperson).
2. The CDAC meeting shall not proceed unless a quorum is present.

Chairperson

The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair.

Agendas

1. The Executive Manager Regulatory Services (or an Officer authorised by the Executive Manager Regulatory Services) will determine the Agenda for each meeting.
2. All meetings shall be confined to items listed on the Agenda.
3. Agendas will be distributed to all members at least five (5) working days in advance of meeting dates. The Agendas are to provide only descriptive headings of items to be discussed.
4. Detailed plans of the proposal will be distributed to Committee members at least five (5) working days in advance of the meeting dates.

Minutes

1. The CDAC Chairperson (in liaison with the Executive Manager Regulatory Services) shall be responsible to ensure the preparation and accuracy of the Minutes/Meeting notes.
 2. Items considered at the meeting will not be formally voted upon. The Minutes/Meeting notes of the Committee will record consensus agreement and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, the Minute Taker in attendance
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will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.

3. The Minutes/Meeting notes of the Meeting will be prepared by the Responsible Officer and distributed to members within five (5) working days after the date of the meeting.
4. The CDAC Minutes/Meeting notes are to be presented in the form of:
 - (a) explanatory comments on each proposal conveying the CDAC's general views regarding the proposal; and
 - (b) a formal recommendation to the Town, where appropriate reflecting the views of the majority of members present at the meeting.
5. The CDAC Chairperson will endorse the Minutes/Meeting notes and proposed design recommendations.
6. An original copy of the endorsed Minutes/Meeting notes is to be retained for record purposes, and a copy provided to the applicant.

Administrative Support

A Town employee will be assigned to provide administrative support to the CDAC. This person will be responsible for the following;

- Issuing of the Agenda;
- Recording of Apologies prior to the meeting;
- Preparation of the Minutes/Meeting notes;
- Room booking; and
- Catering requirements.

Code of Conduct

1. The Town's Code of Conduct shall apply to members of the CDAC.
2. All CDAC members shall be required to declare any conflicts of interest in matters being considered.
3. A copy of the Town's Code of Conduct will be provided to each member upon their appointment.
4. The Town's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of interest.
5. Contact and lobbying of Community Design Advisory Committee members by applicants is considered to be inappropriate.
6. The presentation of proposals by applicants to the Community Design Advisory Committee members, either jointly or severally, is not permitted.

Conflict of Interest

1. All members need to be aware that any conflict of interest needs to be recognised. On receipt of the Agenda, if a member has an interest in the matter, then the member is required to declare the interest.
2. Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

Financial and Insurances

The Town will arrange all insurance to cover CDAC members whilst discharging their normal course of duty, including travel to and from the meeting.

Tenure of Appointment

1. The Council will appoint a member to the CDAC including the prescribed Term and any conditions.
 2. The CDAC Membership is normally for a period of four (4) years from the period of the
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ratification of the CDAC by the Council. (Generally the term is from November after the Ordinary local government elections to October of the fourth year).

3. Once selected by the Council, if a member fails to attend three (3) consecutive meetings of the CDAC, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the CDAC. The Chief Executive Officer shall advise any member, in writing, when their membership of a Committee is terminated.
4. The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
 - (a) The Chairperson and Chief Executive Officer consider that the member is not making a positive contribution to the CDAC; or
 - (b) The member is found to be in breach of the Town of East Fremantle Code of Conduct or a serious contravention of the Local Government Act 1995; or
 - (c) A member's conduct, action or comments brings the Town of East Fremantle into disrepute.

Vacancies

Vacancies shall be filled by calling for nominations of external members. Members filling a vacated position will hold that position for the remainder of the four (4) years duration of the convened CDAC, as approved by the Council.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	21/6/16
Policy Amended:	19/7/16, 15/10/19
Former Policy No:	3.1.6



3.1.7 Wood Encouragement - Council

Type:	Regulatory Services - Planning
Legislation:	Local Government Act, 1995
Delegation:	N/A
Other Related Document:	ToEF Residential Design Guidelines Policy

Objective

- a) To encourage the use of wood in the construction and fit out of Council buildings and infrastructure
- b) To recognise all of the benefits that make wood a smart choice for Council buildings and infrastructure
- c) To demonstrate local and national leadership by enacting the Wood Encouragement Policy on Council buildings and infrastructure

This Wood Encouragement Policy for the Council has been developed to clearly articulate how the Town of East Fremantle will encourage the use of wood in the construction and fit out of Council buildings and infrastructure.

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

Policy Scope

The Policy relates specifically to any Council owned building/ infrastructure.

Policy

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

This Policy does not in any way mandate the use of wood, only that wood is at least considered as a suitable material for construction and fit out in any development or redevelopment of a Council building/ infrastructure.

Council recognises the importance of forestry and the timber industry to the broader Western Australian region. Central to Council's desire to be environmentally and ecologically sustainable is supporting the broader Australian timber industry, whilst also to give wood a preference where practical as it has a substantially lower carbon impact than other building materials.

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

Council will encourage the increased utilisation of wood in Council assets by:

- ensuring that all briefs for new Council projects consider the requirement to use wood as a material for both construction and fit out purposes, where wood is deemed a suitable material for the proposed application
- endeavouring to seek those who can find, practical, efficient, versatile and cost-effective building and design solutions using wood when sourcing design and architectural expertise
- where possible, sourcing locally (West Australian) produced wood products for construction and fit out purposes

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

- facilitating the promotion of using sustainable wood as a construction and fit out material in the Local Government area in any development/ redevelopment
- where possible/ practical, utilising locally (West Australian) produced and sourced wood products for construction and fit out purposes
- encouraging designers/ architects/ engineers or similar professions to use new, innovative wood products/ materials and manufacturers to work with the existing built environment to enhance the urban fabric of the Local Government Area
- ensuring that it represents value for money

In using wood as a construction material for Council infrastructure, Council will have regard to:

- the utilisation of wood products that meet the Australian Forest Standard, Program for the Endorsement of Forest Certification and/or Forest Stewardship Council certifications
- maintenance required throughout the life of the project
- pest and fungus protection
- using wood only when it is the right material for the selected application (i.e. there are no technical reasons for it not to be used)
- ensuring that it represents value for money

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	21/10/17
Policy Amended/Reviewed:	15/10/19
Former Policy No.	3.1.7



3.1.8 Wood Encouragement – General

Type:	Regulatory Services - Planning
Legislation:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Delegation:	N/A
Other Related Document:	ToEF Residential Design Guidelines – Local Planning Policy

Objective

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

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

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

Policy Scope

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

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

Policy

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

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

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

3.7.9.1 Statement

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

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

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

3.7.9.2 Desired Development Outcomes

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

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

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

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

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

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

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

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	12/12/17
Policy Amended/Reviewed:	15/10/19
Former Policy No:	3.1.8



3.1.9 Percent for Public Art – Local Planning Policy

Type:	Regulatory Services - Planning
Legislation:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure:	N/A
Delegation:	N/A
Other Related Document:	Public Art Strategy; Public Art Panel 4.1.2; Public Art Policy 4.1.3

Objective

The objectives of the Percent for Public Art Policy are:

- to contribute to a sense of place;
- to enhance public enjoyment and understanding of places;
- to create local landmarks;
- to make streets, open spaces, and buildings more distinctive; and
- to develop public art that captures the spirit of East Fremantle, is responsive to East Fremantle's distinct domains and considers the foreshore as a natural destination to explore.

Policy Scope

This policy applies to all new developments within the Town of East Fremantle including multiple dwellings comprising fifteen or more dwellings, mixed use, commercial and non-residential developments, with an estimated construction cost of three million dollars or greater.

The policy details the requirements for public art contributions as part of a development proposal and provides performance standards to guide the provision of public art and assessment of development applications that include public art.

Applicants are encouraged to contact the Town of East Fremantle as early as possible to discuss options for the provision of public art in their development.

Any development proposals requiring planning approval of a construction value greater than AUD\$3,000,000 will be required to provide public art under this policy.

The public art contribution is set at a contribution rate of 1% of the construction cost* until the construction cost reaches \$100,000,000 and then the contribution rate is set at 0.75%.

*For the purpose of the Policy "construction cost" means the estimated cost of the equipment, financing services and utilities that are required to carry out a development but does not include the cost of land acquisition. The Council will generally accept this to be the same as the estimated cost of the development stated by the applicant on the Building Permit application. This does not include GST.

Developments excluded from this requirement to contribute are as follows:

- demolition;
- single residential developments;
- group dwelling developments;
- multiple dwellings less than fifteen dwellings;
- State and Federal projects where an equivalent public art contribution policy is applied; and
- heritage works.

Policy

Section 1: Background

1.1 Form of Percent for Public Art Contribution

On submission of a development approval application the applicant must nominate the way in which the public art contribution will be met for the consideration of the Town of East Fremantle Public Art Panel (the Panel).

Following the consideration of the public art proposal by the Panel and at the discretion of the Council the proponent will meet their public art contribution in one or more of the following ways:

- (i) by established public art 'on-site' as a component of their development;
- (ii) by providing public art in the vicinity of the site in the public realm; and/or
- (iii) by providing cash in lieu for the provision of public art as identified in the Public Art Strategy to the amount specified within the development approval condition.

In some cases, the cash-in-lieu contribution may be required by the Council as a condition of planning approval.

1.2 Public Art Delivery Guidance

Within the development or on public land within the vicinity of the development (the location to be determined by the Panel) as outlined in the Public Art Strategy.

The expenditure of cash in lieu will be undertaken as soon as practically possible and the artwork will carry a plaque indicating the source of the contributions.

Section 2: Approval Process

2.1 Approval Process

2.1.1 Town of East Fremantle Public Art Panel

- The Council will appoint a Town of East Fremantle Public Art Panel as per the Public Art Panel Policy No. 4.1.5.
 - Where Council determines that the proponent will provide the public art, the proponent shall submit a Public Art Report to the Town which addresses the criteria outlined under Clause 3.1 of this Policy.
 - The Public Art Report will be submitted with the development application.
 - All of the documentation contained in the Public Art Report is to be submitted to the Public Art Panel for consideration and approval.
 - The Public Art Report will be required to be considered by the Public Art Panel prior to the lodgement of a Building Permit application for the given development.
 - The Public Art Report will be considered by the Public Art Panel and the proponent will be notified of its approval or refusal no later than 60 days from the date of submission
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(or such other period agreed by the proponent). If modifications are required, the Public Art Panel will liaise with the proponent prior to making any final decision on the proposal.

- Where it has been determined under this Policy that the proponent will provide the public art contribution, and the Public Art Panel considers that the Public Art Report fails to meet the objectives and criteria outlined in this policy, the proponent may be directed to provide more detailed plans, modifications to plans or provide a cash-in-lieu contribution.
- Council may apply further conditions regarding the proposed public artworks on the original development approval.
- Public art in fulfilment of a condition of planning approval shall not require a further development application. Where the public art entails structural elements a building permit application will be required.
- The proponent will be required to forward copies of the artist's contract, maintenance schedule and artist contact details to the Town at the commencement of the art project.
- Where provided by the proponent, the public art must be installed prior to the issue of an Occupancy Permit.
- Where development does not proceed within the timeframe for which planning approval is granted (24 months), the requirement for public art will no longer apply unless an extension of the development approval has been granted by the Responsible Authority.

2.1.2 Cash-in-lieu Contribution

Collection and expenditure of cash-in-lieu for public art

- Cash-in-lieu shall be paid into Council's Arts & Sculpture Reserve.
- Contributions within a domain area may be accrued in the Arts & Sculpture Reserve, for larger public art projects.
- Where applicable, the Town is to have received the cash-in-lieu contribution prior to the issue of an Occupancy Permit.
- Funds are to only be expended on public art located on public land within the vicinity of the development (for instance adjacent to the site or within the Town Centre) unless otherwise agreed between the applicant and the Council.
- Cash-in-lieu funds may be accrued for more comprehensive public art projects as determined by the Town.
- Cash-in-lieu funds may be used towards maintenance of public artworks.
- Funds will be refunded to the owner/applicant in the event the development does not proceed.

2.2 Initiation

Applicants are required to contact the Town for information about the appropriate approval processes. If the Town determines that an applicant is to develop a public artwork on site, then the applicant must engage a Public Art Consultant at the earliest opportunity.

2.3 Development Approval Application

The applicant must submit a Public Art Report to the satisfaction of the Town with the Development Approval application.

The Public Art Report will be assessed by the Town against this policy, the Public Art Policy, and the Public Art Strategy and any other statutory provisions that may be required.

Alternatively, where the applicant elects, and the Council agrees, the public art contribution may be satisfied by cash-in-lieu.

2.4 Prior to Occupancy

Prior to issue of an Occupancy Permit, the applicant must submit proof of a Section 70A Notification under the Land Administration Act being registered on the Certificate of Title, in accordance with Section 3.3 (PS.9)

Section 3: Development Approval Requirements

Development applications for public art must clearly demonstrate that the proposal meets the Performance Standards for Development Approval (see Section 3.3 of the Policy) and any other statutory provisions that may apply, including:

- the objectives of this policy;
- other development policies; and
- and design or development guidelines that may apply to the site.

3.1 Development Application Submission Requirements

A Public Art Report for all proposed artworks is to be prepared and submitted with the Development Application to ensure public art is integrated into a public place, development site or building design.

The Public Art Report must be prepared by a Public Art Consultant or Artist and will include:

- (i) Details of the artist's qualification, experience and suitability to the project;
- (ii) Design documentation - including research, concept development and a detailed statement addressing compliance with this Percent for Public Art Policy, Public Art Policy and Public Art Strategy;
- (iii) Detailed plans of the public art. Plans are to be to scale and include dimensions, materials, colours and installation details;
- (iv) Plans showing location of proposed public art;
- (v) Details of cost calculations including construction cost and the public art contributions costs, in accordance with this Policy;
- (vi) For public art to be located on or over the public land, written consent of the landowner and/or authority with management control of the land; and
- (vii) Details of requirements and written consent from the artist for any ongoing operational details, care and/or maintenance of the artwork by the owner or the Town.

3.2 Structure Plan Submission Requirements

For large scale development projects, such as those requiring a Structure Plan, a Public Art Strategy is required to be prepared by a Public Art Consultant, outlining the themes, locations and installation staging of artwork across the development site/s.

3.3 Performance Standards for Development Approval

PS1. Where it is determined that the applicant will commission a public artwork, the artwork is to be located within the lot boundaries of the development site.

PS2. The artwork is to be designed and created by a professional artist (refer to definitions).

- PS3.** The artwork must be clearly visible from, or located in, the public realm.
- PS4.** The artwork must contribute to an attractive, stimulating environment and not detract from the amenity, safety or function of the public realm.
- PS5.** The artwork is original and of high aesthetic quality.
- PS6.** The artwork is permanent (i.e. for the life of the artwork stated in the maintenance Report) durable and easy to maintain.
- PS7.** The artwork is consistent with any applicable public art policy or strategy prepared or approved by the Town of East Fremantle for the relevant project area or domain.
- PS8.** A plaque or similar identifier is to be installed on, or near the public art which details the artist's name, name of the installation and date of the installation.
- PS9.** A notification pursuant to Section 70A of the Transfer of Land Act is to be lodged against the Certificate of Title to the land on which the public art is located to make the proprietors and prospective purchasers aware of the requirements to maintain the public art, in accordance with Section 3.4 of this Policy.

3.4 Maintenance

The applicant and any subsequent owner/s of the development are required to fully maintain the artwork to the satisfaction of the Council. The artwork must be kept safe and in good condition, for the life stated in the Maintenance Report.

The applicant/s (and any subsequent owners) of the subject development are to comply with any reasonable request by the Council.

3.5 Infringement and complaints

The Town may act:

- where the artwork has become unsafe, damaged, "tagged" with graffiti or vandalised or irreparable;
- to allow future works in the public place; or
- where the artwork is not being maintained to the satisfaction of the Town.

If the applicant/owner fails to comply, the Town in its absolute discretion, after giving the owner of the artwork twenty-eight (28) days' notice in writing of the Town's intention to do so, and the owner failing to comply with the requirements of the notice, may carry out the requirements of the notice. This may include the removal of the art work from the site for either cleaning, repairing, storing, relocating permanently or temporarily, selling or otherwise disposing of the art work.

The Town may recover any costs associated with such works from the applicant/owner.

Section 4: Related Policies and Plans

Interpretation and implementation of this Policy is in accordance with the Town of East Fremantle documents as outlined below.

- Town of East Fremantle Public Art Strategy
 - Town of East Fremantle Public Art Policy 4.2.5
 - Town of East Fremantle Public Art Panel Policy 4.1.5
-

Other Related Policies or Plans

- Town of East Fremantle Strategic Community Plan 2017-2027

Section 5: Definitions

Public Art

For the purposes of this Policy, public art is defined as a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- *the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;*
- *landscape art enhancements such as walkways, bridges or art features within a public garden;*
- *murals, tiles and mosaics covering walls, floors and walkways; and*
- *sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.*

Public art does not include:

- *business logos;*
- *advertising signage;*
- *art objects which are mass produced or off the-shelf reproductions; and*
- *landscaping or architectural features which are considered by the Council to be normally integrated into the building or development.*

Attachment

For an extended list of detailed definitions please refer to the Appendix

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	20/02/18
Policy Amended/Reviewed:	15/10/19
Former Policy No:	3.1.9

A. Types of public art

The descriptors that follow indicate the diversity of approaches to public art projects.

Ephemeral Artworks: those works that are short lived, based on a specific occasion or event and are transitory in nature. Ephemeral art describes projects that may be environmental, lighting or projection where there is no physical artwork created. The term also applies to physical works in non-permanent materials such as natural found materials that degrade as part of the art process.

Functional Artworks: where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated.

Ground Plane Artworks: form part of the ground in a public setting and may be experienced as carved/shaped paving elements, metal relief elements, toughened glass panels and ceramic or mosaic inserts, amongst others. Ground plane works are designed to be viewed closely by pedestrians in the space, potentially slowing their movement through the area and creating the opportunity for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a way finding tool.

Iconic Artworks: a significant, freestanding work, where the approach is largely independent of other considerations.

Integrated Artworks: works that are fully incorporated within the design of the built or natural environment.

Interactive Artworks: are works that are designed to encourage a tactile response.

Interpretive Artworks: where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Intervention Artworks: provoke an idea or thought or an element of surprise often in an unexpected location.

Landmark Artworks: could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of a capital works project.

Medium Scale/Human Scale Artworks: are artworks approximately the size of an average person. These artworks are easily interacted with and are accessible to pedestrians.

Memorial: a structure, sculpture or other object erected to commemorate a person or an event.

Nodal Artwork: an artwork that comprises of a series of component parts and a central focus element.

Site Specific Artworks: designed specifically for and responding to a particular site through scale, material, form or concept.

Permanent Artworks: refers to public art with a lifespan of at least twenty years.

Plaque: a flat tablet or sign, affixed to an object, building or pavement, of metal, stone or other appropriate material, which may include text and/or images in order to provide interpretive information. Plaques may identify an artwork, commemorate a person, place, object or an event and/or provide historical text or information relevant to its location.

Street Art: may include spray or aerosol art, stencils, sticker art, paste-ups (wheat pasting and poster art), video projection, art interventions, guerrilla art, flash-mobbing and installations.

Temporary Artwork: refers to artwork that is made to last for a specific duration for example, one week or one year. This may include one off or scheduled events such as outdoor exhibitions or installations. The dynamic nature of temporary works are an important place activation tool.

Textural Artworks: are small in scale, often items of architectural, streetscape and landscape detail, which contributes to the local character of a place.

Transition Artworks: provide an element that links one space to another such as an internal to an external public space or a hardscaped space to a landscaped space.

B. Definitions

Artist

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person whose work is represented in major public or private collections; and
- a person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions. In some cases, this definition may be relaxed where it may be specified for a particular project.

For example, a project involving emerging artists, Indigenous artists, students or street/graffiti artists.

Artist Fees

That portion of the art project budget reserved for payment to the artist for his/her creative services for design, fabrication, and/or project management services.

Artwork or Work of Art

Any work or object designed by an Artist.

Collection Management

The administration and management of an Art Collection. This encompasses the management of collection records both electronic and hard copy, the database, catalogues, inventories and condition assessments, maintenance and conservation programs, accession of new acquisitions and overseeing the deaccession, disposal or relocation of public artwork.

Community Art

A process where the community initiates or participates in the art project.

Contemporary Art

Artwork created in the present day that engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice.

Hand-over

The transfer of ownership of an artwork from one party to another. This includes the transfer of legal title and the supplying of the Maintenance Manual and other associated contractual documents.

Maintenance Manual

Those forms completed by the artist detailing the maintenance and technical information for the completed artwork.

Public Art

Public art is a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;
- landscape art enhancements such as walkways, bridges or art features within a garden;
- murals, tiles and mosaics covering walls, floors and walkways; and
- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

Public art does not include:

- business logos;
- advertising signage;
- art objects which are mass produced or off the-shelf reproductions; and
- landscaping or architectural features which would normally be integrated into the building or development.

Public Art Maintenance & Conservation Program

The coordinated administration of regular treatments, professional conservation and repairs to works in an Art Collection to maintain their integrity.

Public Art Consultant

A professional specialising in public art, engaged to provide expert advice or project management.

Public Art Project Manager

A professional employee or contractor responsible for the planning, execution, contract management and close-out of the public art project.



3.2 ENVIRONMENTAL HEALTH

3.2.1 Healthy Eating

Type:	Regulatory Services – Environmental Health
Legislation:	N/A
Delegation:	N/A
Other Related Document:	Health Eating Procedure PRO3.2.1 Dietary Guidelines for Australians The Australian Guide to Healthy Eating

Objective

The purpose of this policy is to ensure access to healthy food and drink choices at Council operated facilities, workplaces and Council sponsored events that encourage the community to make food and drink choices that will impact positively on health.

Policy Scope

This policy will affect the Town of East Fremantle community, staff, volunteers and visitors and applies to food and drinks funded and or supplied by the Town of East Fremantle.

This policy does not apply to food and drinks that staff, visitors or volunteers bring from home for their personal use or to share for personal celebrations such as birthdays or farewells.

Policy

The Town of East Fremantle provides a range of healthy food and drink choices that reflect the Dietary Guidelines for Australians, The Australian Guide to Healthy Eating and other government recommendations for people living in Australia to achieve and maintain good health.

When applying this policy, Town of East Fremantle staff will be guided by the principles outlined in the Healthy Eating Procedures PRO/3.2.1.

Attachment

Healthy Eating Procedures

Responsible Directorate:	Regulatory Services
Reviewing Officer:	PEHO
Decision making Authority:	Council
Policy Adopted:	17/11/15
Policy Amended/Reviewed:	17/9/19
Former Policy No:	1.2.1

HEALTHY EATING PROCEDURES (PRO3.2.1)

Objective

The objectives of this procedure are to provide a role model for healthy food and drink choices to the Town of East Fremantle community, staff, volunteers and visitors, and support community initiatives that have the potential to impact positively on the health and wellbeing of the community by:

- ensuring healthy food and drink choices are always available;
- increasing the availability of healthy food and drink choices over time;
- promoting healthy food and drink choices in a positive way; and
- presenting health food and drink choices as appealing and attractive alternatives to unhealthy food and drinks.

Procedure

This procedure applies to all food and drink provided at the Town of East Fremantle operated facilities, services and workplaces as well as council sponsored events. This procedure applies to:

Internal catering and food provision:

- Provision of food and drinks to staff, visitors, volunteers and elected members in the event of meetings, workshops, training events and conferences.
- Provision of tea and coffee facilities for staff at the Town Hall, Dovenby House, Tricolore Day Centre and Council Depot.
- Provision of BBQ meals associated with tool box meetings at the Council Depot.

External catering and food provision:

- Provision of food and drinks at Council's Home and Community Care Program including meals provided at Tricolore Day Centre, during bus trips, and at Sumpton Green for the duration of the holiday program.
- Provision of healthy food and drink options during the annual East Fremantle Festival.

This procedure does not apply to food and drinks that staff, visitors or volunteers bring from home for their personal use or to share for personal celebrations such as birthdays or farewells. It applies to food and drinks funded by the Town of East Fremantle.



3.2.2 Noise Attenuation

Type:	Regulatory Services – Environmental Health
Legislation:	Planning & Development Act 2005
Delegation:	N/A
Other Related Document:	ToEF Town Planning Scheme No 3 (Part 2) Residential Design Guidelines Policy (3.1.1)

Objective

This Noise Attenuation Policy aims to achieve the following:

- Provide a clear framework for addressing noise concerns in (and near) mixed-use areas and areas subject to ambient environmental noise, that may be subject to higher levels of noise than average suburban areas;
- Establish appropriate criteria for measuring and identifying potential noise impacts before they occur;
- Clarify the process and extent of reporting required in certifying proposed noise attenuation measures; and
- Protect the amenity of existing and future residents within (and near) mixed-use precincts and areas subject to ambient environmental noise, through enhanced building design and construction.

Policy

In providing for the sustainable co-existence of a mix of land uses (including residential, retail, recreational, commercial and entertainment uses) within, or adjacent to, areas that are likely to be subject to ambient environmental noise, measures need to be taken to minimise the adverse impacts of noise.

There are various provisions for the regulation of noise levels in respect to established land uses² This policy is intended to reduce the potential for 'nuisance' occurring from noise by providing for the appropriate assessment and design responses to be incorporated within development proposals. This Policy is intended to clarify the Council's approach to noise-generating and noise-sensitive developments within the Town of East Fremantle.

To achieve appropriate acoustic environments within noise sensitive premises, ambient environmental noise needs to be considered as part of the application for planning approval for

² Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 provide powers for officers of the Department of Environment, WA Police Service and authorised Environmental Health officers from Local Governments to regulate noise where it is deemed to constitute a 'nuisance'.

The Director Liquor Licensing Division has power to deal with noise issues and anti-social behaviour under section 117 of the Liquor Licensing Act 1988.

developments, and subsequently addressed during design development and documentation for implementation during construction.

AMBIENT ENVIRONMENTAL NOISE

Sources

Ambient environmental noise relates to the measurable existing (or projected) noise levels at a particular location. Environmental noise sources that may occur include:

(a) Traffic Noise

Major roads contribute to the ambient environmental noise of an area. In most cases, these roads are characterised by a daily traffic noise pattern with an average daily traffic count of more than 15,000 vehicles.

(b) Port Operations

The Port of Fremantle is Western Australia's dedicated container port. The Port is a significant noise source which impacts on the amenity of noise-sensitive premises, particularly residential uses. Council's Residential Design Guidelines established three buffer areas surrounding the port within which restrictions or prohibitions on development are applied to ensure the continuation of Fremantle as a working port. The provisions of these Guidelines take precedent and are additional to, the Noise Attenuation Policy.

(c) Noise from Entertainment and Other Uses

Developments that accommodate entertainment and other uses including cafes, restaurants, markets, hotels and other entertainment venues are integral to the vitality and enjoyment of mixed-use localities. Noise emission from such venues is regulated under the Environmental Protection (Noise) Regulations 1997 however, residual 'break-out' noise does occur, contributing to general ambient environmental noise. Alfresco areas associated with hotels, cafés and restaurants can be a major contributor to general ambient environmental noise.

(d) Street Noise

Urban locations containing the mix of lifestyle uses that contribute to the vitality and enjoyment of such areas are also characterised by increased levels of pedestrian activity. The noise associated with this pedestrian activity, including movement to and from different establishments, and persons getting into and out of parked cars can contribute significantly to general ambient environmental noise (particularly when this occurs late at night or early morning). This can create an impact on the amenity of noise sensitive premises, particularly residential.

(e) Mechanical Plant

Air-conditioning and related service hardware can impact on the amenity of noise sensitive premises. In a residential setting, the noise emission from air conditioner condensers can affect the amenity of neighbouring property. In mixed use locations, exhaust fans associated with commercial kitchens, smoke exhaust systems, refrigeration compressors and chillers and other equipment associated with the air conditioning of larger premises are significant noise sources that impact on the general ambient environmental noise.

MEASURES REQUIRED

1. General

In order to address noise from the above sources, the potential noise impacts upon new development shall be addressed at the planning and design stage. Measures to minimise the impacts of noise are to be incorporated at the time of construction.

For residential uses, measures are required to manage noise intrusion from sources, including:

- (a) Traffic noise;
- (b) Port noise;
- (c) Residual break out noise from entertainment uses and venues;
- (d) Street noise; and
- (e) Mechanical plant (on adjoining or adjacent properties).

For commercial uses, measures are required to control noise emissions generated by the use, including:

- (a) Noise break out from non-residential and other uses such as entertainment venues; and
- (b) Mechanical plant.

2. Acoustic Reporting Requirements

The Council will require an acoustic report to form part of a proposal for development which it determines may be subject to (or emit) environmental noise. The report shall demonstrate how the proposed development has been acoustically assessed and designed for the purpose of minimising the effects of noise intrusion and/or noise emissions.

Where the Council requires a report, the report shall:

- (a) be prepared by an acoustical consultant with relevant qualifications and experience equivalent to those required for admission as a Member of the Australian Acoustical Society (to the satisfaction of Council);
 - (b) be lodged during the development approval application stage; and
 - (c) to the satisfaction of the Council, address all matters that are required to demonstrate that the acceptable noise criteria will be achieved including:
 - (i) for developments that may receive noise (noise intrusion):
 - the identification of all significant existing and potential environmental noise sources;
 - the measurement of all identified noise sources including, adequate sampling to enable the establishment of reliable design noise levels. For example, for traffic noise, measurements at different times such as during peak traffic times and late at night on weekends;
 - the character of the noise source to be adequately described in terms of frequency analysis (minimum of octave bands);
 - the establishment of appropriate interior design sound levels for various areas of occupancy in accordance with the Noise Criteria (outlined below);
 - a detailed description of the construction measures that are required to be included, or which have been included, in the proposed development to achieve
-

the noise levels prescribed in the Noise Criteria (outlined below). Calculations shall be based on octave band noise source data and octave band sound reduction performance for construction elements; and

- the provision of the following:
 - date, time and results of measurements;
 - design noise levels used in assessment;
 - design sound levels used for internal spaces; and
 - recommendations for construction.

(ii) for developments that may emit noise (noise emissions):

- the identification of all noise sources to be addressed, including alfresco areas for Entertainment Uses such as cafes, restaurants and hotels;
- determination of noise source levels and character;
- acoustic data to be in octave bands where noise sources are internal;
- the establishment of Assigned Levels for noise sensitive premises in the vicinity in accordance with the Environmental Protection (Noise) Regulations 1997;
- a detailed description of the construction measures that are required to be included, or which have been included, in the proposed development to achieve the noise levels prescribed in the Noise Criteria (outlined below). Calculations shall be based on octave band noise source data and octave band sound reduction performance for construction elements;
- for commercial premises that have external noise sources, a description of the measures that are required to be included, or which have been included, in the proposed development to comply with the Environmental Protection (Noise) Regulations 1997; and
- the provision of the following:
 - date, time and results of measurements;
 - design noise levels used in assessment;
 - Assigned Levels determined for adjacent areas/noise sensitive premises in the vicinity; and
 - recommendations for construction and noise control.

ACCEPTABLE NOISE CRITERIA

Noise Intrusion (Residential Development)

Buildings containing a residential component are to be designed so that the interior of residential units achieve the following design sound levels:

- (a) Leq 35 dB(A) in sleeping areas (bedrooms); and
- (b) Leq 40 dB(A) in living / work areas.

For residential dwellings fronting a major road³, a design sound level tolerance of 5 dB in excess of the above levels is acceptable.

³ A major road shall have the same meaning as the definition contained in the Environmental Protection (Noise) Regulations 1997 being "a road estimated to have an average daily traffic count of more than 15,000 vehicles". Major roads within the Town of East Fremantle are the Canning and Stirling Highways. For residential dwellings within 150m of a rail corridor, a design sound level tolerance of 5 dB in excess of the above levels is acceptable.

Construction Requirement

Multi-residential developments shall be constructed to meet the requirements of the Building Code of Australia (BCA) Part F5 – Sound Transmission and Insulation.

For all other development, unless another level is specifically prescribed in this Policy, noise intrusion is to be controlled to achieve the indoor design sound levels for buildings as set out in Australian Standard AS/NZS2107: Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors.

Noise Emission

Noise emission from all developments shall comply with the *Environmental Protection (Noise) Regulations 1997*.

PLANNING & DESIGN CONSIDERATIONS

The consideration of sound attenuation at the planning stage of a development can contribute significantly to achieving the required Noise Criteria - as well as reducing the eventual cost of construction. Factors that affect the acoustic performance of a building that should be considered include:

- (a) the identification of existing/potential environmental noise sources;
- (b) development orientation and layout taking into account the location of existing/potential environmental noise sources;
- (c) the location of bedrooms away from noise sources;
- (d) the location of outdoor living areas including balconies and the location of windows away from noise sources;⁴
- (e) the use of development built form (blade walls etc) to screen noise sources; and
- (f) the use of building design elements (balcony balustrades, decorative screens etc) to provide some reduction in noise impact on windows.

Design Development (Documentation) Considerations

At the design documentation stage, working drawings should reflect the outcomes and recommendations in the acoustic report that was prepared and submitted at the planning application stage.

Construction Considerations

Noise attenuation measures that may be addressed in the acoustic report and implemented into the construction of the development to achieve the Noise Criteria include:

- (a) Windows:
 - (i) heavyweight / thicker glass;
 - (ii) double glazing;
 - (iii) allow for window construction to be readily upgraded to double glazing in the future;
 - (iv) special acoustic requirements for window frames; and

⁴ For further guidance refer to State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning, section 5.3 Noise Criteria which apply to outdoor living areas.

- (v) specific acoustic performance requirements – Laboratory tests data.
- (b) Walls:
 - (i) stud frame walls may require acoustic upgrading;
 - (ii) acoustic attenuation for exhaust vents through wall;
 - (iii) specific acoustic requirements for external doors; and
 - (iv) appropriate selection of garage doors to reduce noise.
- (c) Roof - Ceiling:
 - (i) specific acoustic requirements for sealing roof;
 - (ii) timber framing or insulated metal framing;
 - (iii) upgraded acoustic performance for ceiling;
 - (iv) closing / sealing of eaves;
 - (v) insulation of ceiling void; and
 - (vi) acoustic attenuation for vents through roof.

Attention to sealing all gaps is critical to successful noise amelioration.

Noise Emission

- (a) Environmental Protection (Noise) Regulations 1997:
 - (i) Assigned Levels identified for various times of day; and
 - (ii) adjustments for noise characteristics identified.
- (b) Noise breakout from premises:
 - (i) acoustic upgrade of windows;
 - (ii) acoustic lobbies at entry and exit points in the building;
 - (iii) acoustic upgrade to walls and roof-ceiling construction;
 - (iv) process for determining maximum allowable internal noise level;
 - (v) use of permanent noise monitoring with integrated audio control system;
 - (vi) management strategies to control breakout noise; and
 - (vii) management strategies for control of noise during deliveries and disposal of rubbish.
- (c) Mechanical Plant:
 - (i) importance of selecting an appropriate location; and
 - (ii) noise control measures required including barriers and enclosures.

NOTIFICATIONS ON TITLE

Notifications on title may be proposed by the Council as a condition of approval for subdivision/development proposals where the area forms part of (or is adjacent to) a current and/or proposed mixed use area or environmental noise source.

The title notifications are proposed because future resident's response to noise intrusion into their property can be influenced by their expectations for the environment they are entering. In a mixed use environment, the noise levels experienced are generally higher than those within a more traditional suburban environment. At the subdivision and/or development approval stage of any development with a residential component, notifications shall be sought on the title pursuant to

section 70A of Transfer of Land Act 1893, together with section 165 of the Planning and Development Act 2005 to inform prospective future residents of the likelihood of higher noise levels in the locality.

Sample Conditions of Subdivision and or Development

1. A Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the Certificate Of Title to the land (the subject of the proposed subdivision/development) prior to works proceeding on site, to notify owners and prospective purchasers of the land, that the land is located in (or adjacent to) an area where non-residential uses may be approved and the land may be affected by activities and noise not normally associated with residential development.
2. The Section 70A Notification shall be prepared to the satisfaction of the Town of East Fremantle and all costs of and incidental to the preparation of and registration of the Section 70A notification including related Council Solicitors' costs shall be met by the applicant or the owner of the land.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	15/2/11
Policy Amended/Reviewed:	20/7/15, 17/9/19
Former Policy No:	3.1.2



4. OPERATIONS

4.1 PUBLIC INFRASTRUCTURE

4.1.1 Removal of Graffiti

Type:	Operations – Public Infrastructure
Legislation:	
Delegation:	N/A
Other Related Document:	Removal of Graffiti Procedures PRO4.1.1

Objective

This policy sets out the criteria for the removal of graffiti within the Town.

Policy Scope

This policy will affect private property and Town of East Fremantle assets and infrastructure.

Policy

The Town of East Fremantle resolves to remove graffiti within five (5) working days of it being reported and offensive graffiti will be given a higher priority.

The Town of East Fremantle may arrange a contractor to remove graffiti from privately owned property where:

- the property owner has reported the graffiti to the Goodbye Graffiti Hotline by calling 1800 44 22 55 or online at www.goodbyegraffiti.wa.gov.au
- the property owner has submitted a graffiti waiver form to the Town of East Fremantle to enable the removal or painting out of graffiti, without the potential for liability claims.
- the private property adjoins a public walkway or thoroughfare.
- the Town will provide this service on a cost plus 25% recovery basis.

Notwithstanding the above, the Town reserves the right to remove offensive or unsightly graffiti from private property at its discretion.

Attachment

Removal of Graffiti Procedures

Responsible Directorate:	Operations
Reviewing Officer:	Operations Manager
Decision making Authority:	Council
Policy Adopted:	20/10/15
Policy Amended:	17/9/19
Former Policy No	2.1.1

REMOVAL OF GRAFFITI PROCEDURE (PRO4.1.1)

Objective

The Town of East Fremantle undertakes to remove graffiti from Council and private property in the following manner.

Procedure

Graffiti may be reported to Council by a number of means:

- Direct telephone call, letter, email from resident to the Town or via the Goodbye Graffiti website.
- Via Neighbourhood Watch Coordinator.

All graffiti reports are to be sent to Town of East Fremantle Operations Manager. It is recommended that graffiti reports be accompanied by a photograph.

Graffiti will be removed within five (5) working days.

Offensive graffiti will be removed as soon as possible.

Public Assets

The Operations Manager will allocate staff to remove graffiti from Town assets including bus shelters, structures, buildings, signs and bins. Staff time and resources will be costed to Expenditure Account E11424.

Private Property

Operations Manager is to arrange a contractor to remove graffiti from privately owned property where:

1. the property owner has reported the graffiti to the Goodbye Graffiti Hotline.
2. the property owner has submitted a graffiti waiver form to the Town of East Fremantle to enable the removal or painting out of graffiti, without the potential for liability claims.
3. the private property adjoins a public walkway or thoroughfare.

The Town will provide this service on a cost recovery basis comprising cost plus 25% administration fee.



4.1.2 Public Art Panel

Type:	Operations – Public Infrastructure
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	Public Art Policy 4.1.3

Objective

To establish a Public Art Panel to guide the Town of East Fremantle Public Art Strategy in accordance with associated policies, processes and procedures.

Policy Statement Definitions

“The Panel” means the Public Art Panel referred to in this Policy.

“Financial Interest” has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

“Proximity Interest” has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

“Impartiality Interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

Policy Scope

Background

Consultation and research undertaken has shown that it is best practice for Local Government Authorities to appoint a panel or committee with responsibility for making decisions and recommendations about public art.

The Town of East Fremantle Public Art Panel should comprise Elected Members, staff and dedicated experts in the field. It is important that Panel Membership covers a range of expertise in public art to ensure a balance of skill and opinion.

The Panel would conduct itself according to the role given to it by the Council, which would outline the Panel’s responsibilities, operations and composition.

Status and Role of the Panel

The Public Art Panel will:

1. oversee and make recommendations to the Council on matters related to:
 - 1.1 the strategic direction, policy and public program matters of the Town of East Fremantle Public Art Strategy;
 - 1.2 the development of public art project briefs;
 - 1.3 the deaccession, relocation, removal and disposal of public artworks; and
 - 1.4 to assess and determine the suitability of percent for public art proposals submitted in accordance with the Town’s Percent for Public Art Policy
2. consider the recommendations of specialist selection panels;

3. assess the implementation of the public art annual action plan.

Positions on the Panel will be non-paid.

Policy

Section 1: Terms of Reference

- To provide guidance for the Town of East Fremantle Public Art Strategy.
- To act in an advisory capacity and make recommendations on specified projects in relation to the acquisition of public art; development projects with public art components; and any proposed projects that have the potential for public controversy and/or risk to the Town's reputation (noting that this does not include the selection or approval of new works where they meet the Policy);
- The Panel will provide expert advice in the development and review of the Town's public art program and on public art projects.
- The Panel's advice will help the Town achieve high-quality public art outcomes; an excellent reputation with stakeholders; effective relationships with partners and the arts sector.

Section 2: Membership

- The Town will engage the correct or suitable expertise (art, architecture, urban design and cultural expertise) to achieve high-quality art outcomes for the Town.
- It is important that Panel Members are specialists in their field and that the membership covers a range of expertise in public art to ensure a balance of skill and opinion.
- Artists, curators, architects and other design and cultural experts will help the Council achieve public art outcomes for the Town of East Fremantle that are world-class and innovative, and that surprise, delight, challenge and stimulate.
- Invitations to nominate for the Public Art Panel are to be advertised biennially. Nominees will be invited to provide a response to the criteria.
- The Council will appoint Panel Members on the recommendation of the administration following the assessment of applications.
- The Panel should have up to eight representatives (including the Chair) covering a range of expertise and ideally made up as follows:
 - Two Elected Members (including the Mayor or representative);
 - Chief Executive Officer (or representative)
 - Five other specialists such as a practising artist, public art coordinator, curator, art historian, academic, art critic or design professional (expertise in theory and/or practice of contemporary art, urban design or related practice or national and international public art perspectives should be rated highly).

The Chairperson

- The Panel Chairperson is an Elected Member of Council and appointed by Council.
- The Chief Executive Officer shall give all assistance to the Panel Chairperson in respect to administrative support for the Panel.

Section 3: Meeting Procedure and Process

- Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Panel shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
 - Members will be required to provide sufficient notice of their ability or inability to attend the next scheduled meeting.
-

- Panel Meetings are not open to the Public.

Quorum

- A quorum for the meeting of the Committee will be at least 50% of voting members (including the Chairperson).
- The Panel meeting shall not proceed unless a quorum is present.

Chairperson

The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair.

Agendas

- The Chief Executive Officer will determine the Agenda for each meeting. All meetings shall be confined to items listed on the Agenda. Agendas will be distributed to all members at least four (4) working days in advance of meeting dates.
- Detailed documents will be distributed to Panel members at least four (4) working days in advance of the meeting dates.

Minutes

- The Panel Chairperson (in liaison with the Chief Executive Officer) shall be responsible to ensure the preparation and accuracy of the Minutes/Meeting notes.
- Items considered at the meeting will not be formally voted upon. The Minutes/Meeting notes of the Panel will record consensus agreement and any points of agreement/disagreement. They will not reflect verbatim discussion on matters discussed during debate prior to consensus agreement being reached. The Minutes/Meeting notes of the Meeting will be prepared by an officer of the Town and distributed to members within five (5) working days after the date of the meeting.
- The Panel Minutes/Meeting notes are to be presented in the form of:
 - explanatory comments on the matters before Panel and general views regarding the proposal;
 - formal recommendation to the Council, where appropriate reflecting the views of the majority of members present at the meeting;
 - The Panel Chairperson will endorse the Minutes/Meeting notes and proposed recommendations; and
 - Original copy of the endorsed Minutes/Meeting notes to be retained for record purposes.

Administrative Support

A Town employee will be assigned to provide administrative support to the Panel. This person will be responsible for the following;

- Issuing of the Agenda;
 - Recording of Apologies prior to the meeting;
 - Preparation of the Minutes/Meeting notes;
 - Room booking; and
 - Catering requirements.
-

Code of Conduct

- The Town's Code of Conduct shall apply to members of the Panel.
- All Panel members shall be required to declare any conflicts of interest in matters being considered.
- A copy of the Town's Code of Conduct will be provided to each member upon their appointment.
- The Town's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

Conflict of Interest

- All members need to be aware that any conflict of interest needs to be recognised. On receipt of the Agenda, if a member has an interest in the matter, then the member is required to declare the interest.
- Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

Financial and Insurances

The Town will arrange all insurance to cover Panel members whilst discharging their normal course of duty, including travel to and from the meeting.

Tenure of Appointment

- The Council will appoint a member to the Panel including the prescribed term and any conditions.
- The Panel Membership is normally for a period of 2 years from the period of the ratification of the Panel by the Council. (Generally the term is from November after the Ordinary local government elections.).
- Once selected by the Council, if a member fails to attend three (3) consecutive meetings of the Panel, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Panel. The Chief Executive Officer shall advise any member, in writing, when their membership of Panel is terminated.
- The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- The Chairperson and Chief Executive Officer consider that the member is not making a positive contribution to the Panel; or
- The member is found to be in breach of the Town of East Fremantle Code of Conduct or a serious contravention of the Local Government Act 1995; or
- A member's conduct, action or comments brings the Town of East Fremantle into disrepute.

Vacancies

Vacancies shall be filled by calling for nominations of external members. Members filling a vacated position will hold that position for the remainder of the vacant positions' term as approved by the Council.

Section 4: Related Policies and Plans

Interpretation and implementation of this Policy is in accordance with the Town of East Fremantle documents as outlined below.

- Town of East Fremantle Public Art Strategy
 - Town of East Fremantle Local Planning Policy - Percent for Public Art
 - Town of East Fremantle Public Art Annual Action Plan 2017/18 – 2020/21
-

- Town of East Fremantle Public Art Panel Policy

Other Related Policies or Plans

- Town of East Fremantle Strategic Community Plan 2017-2027

Section 5: Definitions

Public Art

For the purposes of this Policy, public art is defined as a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- *the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;*
- *landscape art enhancements such as walkways, bridges or art features within a public garden;*
- *murals, tiles and mosaics covering walls, floors and walkways; and*
- *sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.*

Public art does not include:

- *business logos;*
- *advertising signage;*
- *art objects which are mass produced or off the-shelf reproductions; and*
- *landscaping or architectural features which are considered by the Town to be normally integrated into the building or development.*

Attachment

For an extended list of detailed definitions please refer to the Appendix.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/10/17
Policy Amended/Reviewed:	17/04/18, 17/9/19, 15/10/19
Former Policy No:	4.1.6

A. Types of public art

The descriptors that follow indicate the diversity of approaches to public art projects.

Ephemeral Artworks: those works that are short lived, based on a specific occasion or event and are transitory in nature. Ephemeral art describes projects that may be environmental, lighting or projection where there is no physical artwork created. The term also applies to physical works in non-permanent materials such as natural found materials that degrade as part of the art process.

Functional Artworks: where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated.

Ground Plane Artworks: form part of the ground in a public setting and may be experienced as carved/shaped paving elements, metal relief elements, toughened glass panels and ceramic or mosaic inserts, amongst others. Ground plane works are designed to be viewed closely by pedestrians in the space, potentially slowing their movement through the area and creating the opportunity for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a way finding tool.

Iconic Artworks: a significant, freestanding work, where the approach is largely independent of other considerations.

Integrated Artworks: works that are fully incorporated within the design of the built or natural environment.

Interactive Artworks: are works that are designed to encourage a tactile response.

Interpretive Artworks: where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Intervention Artworks: provoke an idea or thought or an element of surprise often in an unexpected location.

Landmark Artworks: could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of a capital works project.

Medium Scale/Human Scale Artworks: are artworks approximately the size of an average person. These artworks are easily interacted with and are accessible to pedestrians.

Memorial: a structure, sculpture or other object erected to commemorate a person or an event.

Nodal Artwork: an artwork that comprises of a series of component parts and a central focus element.

Site Specific Artworks: designed specifically for and responding to a particular site through scale, material, form or concept.

Permanent Artworks: refers to public art with a lifespan of at least twenty years.

Plaque: a flat tablet or sign, affixed to an object, building or pavement, of metal, stone or other appropriate material, which may include text and/or images in order to provide interpretive information. Plaques may identify an artwork, commemorate a person, place, object or an event and/or provide historical text or information relevant to its location.

Street Art: may include spray or aerosol art, stencils, sticker art, paste-ups (wheat pasting and poster art), video projection, art interventions, guerrilla art, flash-mobbing and installations.

Temporary Artwork: refers to artwork that is made to last for a specific duration for example, one week or one year. This may include one off or scheduled events such as outdoor exhibitions or installations. The dynamic nature of temporary works are an important place activation tool.

Textural Artworks: are small in scale, often items of architectural, streetscape and landscape detail, which contributes to the local character of a place.

Transition Artworks: provide an element that links one space to another such as an internal to an external public space or a hardscaped space to a landscaped space.

B. Definitions

Artist

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person whose work is represented in major public or private collections; and

A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions. In some cases, this definition may be relaxed where it may be specified for a particular project.

For example, a project involving emerging artists, Indigenous artists, students or street/graffiti artists.

Artist Fees

That portion of the art project budget reserved for payment to the artist for his/her creative services for design, fabrication, and/or project management services.

Artwork or Work of Art

Any work or object designed by an Artist.

Collection Management

The administration and management of an Art Collection. This encompasses the management of collection records both electronic and hard copy, the database, catalogues, inventories and condition assessments, maintenance and conservation programs, accession of new acquisitions and overseeing the deaccession, disposal or relocation of public artwork.

Community Art

A process where the community initiates or participates in the art project.

Contemporary Art

Artwork created in the present day that engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice.

Hand-over

The transfer of ownership of an artwork from one party to another. This includes the transfer of legal title and the supplying of the Maintenance Manual and other associated contractual documents.

Maintenance Manual

Those forms completed by the artist detailing the maintenance and technical information for the completed artwork.

Public Art

Public art is a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;
- landscape art enhancements such as walkways, bridges or art features within a garden;
- murals, tiles and mosaics covering walls, floors and walkways; and
- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

Public art does not include:

- business logos;
-

- advertising signage;
- art objects which are mass produced or off the-shelf reproductions; and
- landscaping or architectural features which would normally be integrated into the building or development.

Public Art Maintenance & Conservation Program

The coordinated administration of regular treatments, professional conservation and repairs to works in an Art Collection to maintain their integrity.

Public Art Consultant

A professional specialising in public art, engaged to provide expert advice or project management.

Public Art Project Manager

A professional employee or contractor responsible for the planning, execution, contract management and close-out of the public art project.



4.1.3 Public Art

Type:	Operations – Public Infrastructure
Legislation:	N/A
Delegation:	
Other Related Document:	Public Art Strategy, Public Art Plan, Public Art Panel Policy 4.1.2, Percent for Public Art Local Planning Policy 3.1.9

Objective

This Public Art Policy has been developed to clearly articulate how the Town of East Fremantle will administer the procurement and management of public art.

Other documents have been developed to support this policy and provide detailed procedures for administering aspects of the Public Art Strategy.

The vision is to develop public art that captures the spirit of East Fremantle, is responsive to East Fremantle's history, distinct neighbourhoods, Town Centre and river foreshore.

Policy Scope

This policy will affect art and public art acquisitions including paintings and donated artworks, pictures and photographic works and functional equipment for public places.

Policy

Section 1: Objectives

The objectives of the Public Art Policy provide the strategic context and direction for all public art planning.

1.1 Cultural

To enhance the cultural and aesthetic environment of East Fremantle by:

- interpreting aspects of its unique cultural heritage;
- ensuring that public artworks respond to the site;
- valuing quality over quantity; and
- acknowledging and celebrating Aboriginal culture and stories.

1.2 Sustainability

To contribute to a sustainable environment by using public art to:

- develop environments where walking and cycling is encouraged; and
- demonstrate environmentally responsible use of materials, services and lighting.

1.3 Social

To enhance social cohesion within East Fremantle by:

- creating landmarks that provide reference points and enable people to orientate themselves;
- using public art to develop attractive, diverse places, that the community enjoy; and

- using public art to develop meeting places, that community members want to visit.

1.4 Economic

To contribute to economic vitality within East Fremantle by using public art to develop:

- unique and recognisable places, enhancing the 'place brand';
- employment opportunities for local artists, craftspeople and associated businesses; and
- social, cultural and economic confidence, thereby stimulating investment and economic growth.

Section 2: Principles

The following principles should be used to guide the development of all public artwork in the Town of East Fremantle:

2.1 Place-making

Public art should be designed to enhance the experience of and activate public spaces.

2.2 Site Specific

Public art should be designed to be responsive to its specific location.

2.3 Universal Access

Public art should be designed to engage, and include our diverse community, irrespective of age, ability, social or cultural background.

2.4 Local and Unique

Public art should be designed to contribute to creating a sense of place developing identity and pride in a community.

2.5 Best Practice

Public art should be designed in accordance with professional standards, to ensure public safety and the longevity of the work in accordance with the intent of the artwork.

2.6 Collection Management

Any public artwork commissioned should be maintained, conserved and preserved in accordance with a Maintenance Plan, which should be provided to the Town by the Artist at hand-over.

2.7 Criteria

Public art in the Town of East Fremantle should satisfy all the following criteria:

- be located where it can be clearly seen from the public realm;
 - be an original artwork;
 - be of high quality;
 - be durable, sustainable and easy to maintain;
 - contribute to an attractive and stimulating environment;
 - not detract from the amenity or safety of the surrounding area;
 - where considered appropriate, be lit at night;
 - be responsive to the site and reflect the local area's natural, physical, cultural and/or social history, considering surrounding buildings and activities;
 - consider the existing public art in the vicinity to avoid repetition and to ensure the artwork is unique;
 - the project may be curated and coordinated by a specialist public art consultant;
-

- be resistant as possible to vandalism; and
- have a minimum lifespan of twenty years unless otherwise stated in the Artist's brief.

Section 3: Resources

The Town of East Fremantle will ensure the successful progression of public art and allocating appropriate funds in accordance with the Town's budget.

The Town of East Fremantle will allocate an annual budget to enable the delivery of a quality public art program. If these funds are not spent within the financial year, the budget allocation will be included in the Arts & Sculpture Reserve.

The Town of East Fremantle will also make budget provisions to care for works in the Council's Public Art Collection.

3.1 Percent for Public Art – Town of East Fremantle Works

The Town of East Fremantle will allocate a minimum of one percent (1%) of any capital building works project budget to integrating public art into each Council project. This applies to, but is not limited to, all Capital Works Building Projects (excluding public works infrastructure) and all Urban Design Projects with a minimum budget of \$1 million with a maximum cap of \$100,000

Maintenance projects, land acquisitions and general capital expenditure are exempted.

Private developers are required to adhere to the Town of East Fremantle's Local Planning Policy - Percent for Art.

3.2 Arts & Sculpture Reserve

The Arts & Sculpture Reserve is the means for collecting and administering monies for the Public Art Strategy. The purpose of the Reserve is to fund the Public Art Strategy and to accumulate a fund to support major public art projects.

Council will consider a contribution to the Arts & Sculpture Reserve each year. Of this, an amount is made available for the implementation of the Public Art Strategy as outlined in the Public Art Annual Action Plan. Reserve funds are also acquired through developer contributions via the Local Planning Policy - Percent for Art. .

3.3 Project Planning

The Town of East Fremantle will endeavour to take a design exemplar approach to all public art projects by taking time to design well in the initial planning stage and by involving artists at the earliest stage of the design of public spaces and new developments.

3.4 Public Art Panel

A Public Art Panel will be appointed to provide guidance for the Council's Public Art Strategy. The Public Art Panel has responsibility for overseeing and making recommendations to the Council on matters related to the Public Art Strategy.

See Public Art Panel Policy 4.1.2

3.5 Acquisitions

The Council may consider employing a public art curator to prepare a report on proposed new acquisitions. The report will include an assessment against the criteria and principals outlined in this policy as well information on installing the work and best practice. This report will be provided to the Public Art Panel to ensure informed decisions are made.

3.6 Management of the Collection

The Town will:

- Review the collection, update the database and submit a condition and insurance report (as required) and make recommendations regarding the general maintenance and conservation of the collection and an appropriate maintenance budget allocation for the collection;
- The collection shall be well maintained and the annual budget allocation should reflect the conservation requirements of the current collection based on recommendations sought from suitably qualified professionals;
- The public art collection database shall detail all works, including the name of artists, work title, date of production, media, technical details, size, preferred viewing specifications, inscriptions, comments or background by the artist and others etc;
- A comprehensive photographic archive shall be maintained; and
- The collection shall be valued at least every five years, or as recommended by professional advice and the valuation is to be recorded in the collection database.

3.7 Planning

The Town of East Fremantle will prepare a Four Year Public Art Action Plan as a framework to guide the implementation of the Public Art Strategy.

The Four Year Public Art Action Plan will provide a strategic platform for the ongoing development of the Public Art Strategy with clear direction and enough flexibility to evolve and change as necessary.

3.8 Promote

The Town of East Fremantle will provide media announcements, signage, publications, online and other methods to promote its Public Art Collection.

Section 4: Related Policies and Plans

Interpretation and implementation of this Policy is in accordance with the Town of East Fremantle documents as outlined below.

- Town of East Fremantle Public Art Strategy
- Town of East Fremantle Local Planning Policy - Percent for Public Art
- Town of East Fremantle Public Art Annual Action Plan 2017/18 – 2020/21
- Town of East Fremantle Public Art Panel Policy

Other Related Policies or Plans

- Town of East Fremantle Strategic Community Plan 2017-2027

Section 5: Definitions

Public Art

For the purposes of this Policy, public art is defined as a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

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 - *landscape art enhancements such as walkways, bridges or art features within a public garden;*
 - *murals, tiles and mosaics covering walls, floors and walkways; and*
-

- *sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.*

Public art does not include:

- *business logos;*
- *advertising signage;*
- *art objects which are mass produced or off the-shelf reproductions; and*
- *landscaping or architectural features which are considered by the Town to be normally integrated into the building or development.*

Attachment

For an extended list of detailed definitions please refer to the Appendix.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/10/17
Policy Amended/Reviewed:	17/9/19
Former Policy No:	4.2.6

A. Types of public art

The descriptors that follow indicate the diversity of approaches to public art projects.

Ephemeral Artworks: those works that are short lived, based on a specific occasion or event and are transitory in nature. Ephemeral art describes projects that may be environmental, lighting or projection where there is no physical artwork created. The term also applies to physical works in non-permanent materials such as natural found materials that degrade as part of the art process.

Functional Artworks: where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated.

Ground Plane Artworks: form part of the ground in a public setting and may be experienced as carved/shaped paving elements, metal relief elements, toughened glass panels and ceramic or mosaic inserts, amongst others. Ground plane works are designed to be viewed closely by pedestrians in the space, potentially slowing their movement through the area and creating the opportunity for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a way finding tool.

Iconic Artworks: a significant, freestanding work, where the approach is largely independent of other considerations.

Integrated Artworks: works that are fully incorporated within the design of the built or natural environment.

Interactive Artworks: are works that are designed to encourage a tactile response.

Interpretive Artworks: where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Intervention Artworks: provoke an idea or thought or an element of surprise often in an unexpected location.

Landmark Artworks: could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of a capital works project.

Medium Scale/Human Scale Artworks: are artworks approximately the size of an average person. These artworks are easily interacted with and are accessible to pedestrians.

Memorial: a structure, sculpture or other object erected to commemorate a person or an event.

Nodal Artwork: an artwork that comprises of a series of component parts and a central focus element.

Site Specific Artworks: designed specifically for and responding to a particular site through scale, material, form or concept.

Permanent Artworks: refers to public art with a lifespan of at least twenty years.

Plaque: a flat tablet or sign, affixed to an object, building or pavement, of metal, stone or other appropriate material, which may include text and/or images in order to provide interpretive information. Plaques may identify an artwork, commemorate a person, place, object or an event and/or provide historical text or information relevant to its location.

Street Art: may include spray or aerosol art, stencils, sticker art, paste-ups (wheat pasting and poster art), video projection, art interventions, guerrilla art, flash-mobbing and installations.

Temporary Artwork: refers to artwork that is made to last for a specific duration for example, one week or one year. This may include one off or scheduled events such as outdoor exhibitions or installations. The dynamic nature of temporary works are an important place activation tool.

Textural Artworks: are small in scale, often items of architectural, streetscape and landscape detail, which contributes to the local character of a place.

Transition Artworks: provide an element that links one space to another such as an internal to an external public space or a hardscaped space to a landscaped space.

B. Definitions

Artist

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person whose work is represented in major public or private collections; and

A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions. In some cases, this definition may be relaxed where it may be specified for a particular project.

For example, a project involving emerging artists, Indigenous artists, students or street/graffiti artists.

Artist Fees

That portion of the art project budget reserved for payment to the artist for his/her creative services for design, fabrication, and/or project management services.

Artwork or Work of Art

Any work or object designed by an Artist.

Collection Management

The administration and management of an Art Collection. This encompasses the management of collection records both electronic and hard copy, the database, catalogues, inventories and condition assessments, maintenance and conservation programs, accession of new acquisitions and overseeing the deaccession, disposal or relocation of public artwork.

Community Art

A process where the community initiates or participates in the art project.

Contemporary Art

Artwork created in the present day that engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice.

Hand-over

The transfer of ownership of an artwork from one party to another. This includes the transfer of legal title and the supplying of the Maintenance Manual and other associated contractual documents.

Maintenance Manual

Those forms completed by the artist detailing the maintenance and technical information for the completed artwork.

Public Art

Public art is a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;
 - landscape art enhancements such as walkways, bridges or art features within a garden;
 - murals, tiles and mosaics covering walls, floors and walkways; and
-

- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

Public art does not include:

- business logos;
- advertising signage;
- art objects which are mass produced or off the-shelf reproductions; and
- landscaping or architectural features which would normally be integrated into the building or development.

Public Art Maintenance & Conservation Program

The coordinated administration of regular treatments, professional conservation and repairs to works in an Art Collection to maintain their integrity.

Public Art Consultant

A professional specialising in public art, engaged to provide expert advice or project management.

Public Art Project Manager

A professional employee or contractor responsible for the planning, execution, contract management and close-out of the public art project.



4.1.4 Directional Signs

Type:	Operations – Public Infrastructure
Legislation:	
Delegation:	N/A
Other Related Document:	

Objective

This policy sets out the criteria for directional signs within the Town.

Policy Scope

Directional signs are defined as those signs which the Council may erect within its boundaries for public guidance as to the location of places of public assembly such as schools, universities, regional shopping centers homes for the aged, hospitals, sporting facilities, churches, scout halls, libraries, or any other facility which the Council considers to be of community benefit, or the Council facilities.

Directional signs shall be of two types:

- i) The Council-owned facilities, and
- ii) Non Council-owned facilities.

Policy

Purpose

Directional signs shall be for the following purposes:

- a) Those which are intended to direct the public from a major regional road or main road via the Council local road system to a particular facility that is deemed to provide a service to the public.
- b) Those which are intended to direct the public from the Council local road system to a particular public facility.

Procedure

Applications from the public for directional signs for any Council or Government facility shall be first presented to the Chief Executive Officer.

Following approval the applicant shall be notified in writing of the costs and conditions and that all such costs are payable to the Council prior to any sign being erected or maintained. All Council owned Building directional signs would be erected and maintained at council's cost.

Installation

- a) Directional signs for erection on a regional or main road shall be designed as a guide to the location of any of those facilities and in general shall be erected on a multiple signing structure as specified herein. Except that where one only directional sign is required at any one location such sign may be erected on a single sign post.
 - b) Directional signs on the Council local road system may be erected on multiple or single sign posts depending upon number required.
 - c) Unless otherwise directed by the Council all directional signs shall be erected at the expense of the applicant.
-

- d) Applications for the erection of directional signs for a non-Council facility used for public assembly shall be delegated to the Chief Executive Officer to administer under the guidelines of the Council requirements for directional signs.

Specifications

- a) Directional signs shall not be erected on street name plate standards except in cases where one only directional sign is to be provided and subject to the Chief Executive Officer reporting that such sign will not interfere with the street name plates.
- b) Directional signs shall be located on the nearest Western Power Light pole on approach to the intersection of the junction of streets and shall be in line with the corner truncation of the side on which the sign is to be erected.
- c) All directional signs shall be in reflectorised WHITE lettering on BLUE background on aluminum extruded section.
- d) When multiple signs are required the maximum number of signs to be erected on any one standard shall be decided by the Council.
- e) The aluminum-extruded section shall be mounted on the Western Power Light pole using steel strap banding painted to match the colour of the light pole.
- f) Where such signing is erected in an area subject to pedestrian traffic the minimum head clearance of 2200 mm shall be provided; where the signs are erected and do not conflict with pedestrian traffic the minimum head clearance may be reduced to 600 mm.
- g) All such signs shall be erected and located under the direction of the Chief Executive Officer.

Maintenance

The Council at the cost of the applicant shall maintain all directional signs.

Responsible Directorate:	Operations
Reviewing Officer:	Operations Manager
Decision making Authority:	Council
Policy Adopted:	16/04/02
Policy Amended/Reviewed:	17/9/19
Former Policy No	134



4.2 PARKS & RESERVES

4.2.1 Maintenance & Removal of Public and Verge Trees

Type:	Operations – Parks & Reserves
Legislation:	N/A
Delegation:	DA64 & DA65
Other Related Document:	Nil

Objective

The goal of the Town is to maximise the number of trees on Council's road reserves, medians and public reserves. Ideally this policy will result in each verge having at least one tree per dwelling. Trees form an important element of the public domain and an important feature of the Town of East Fremantle (Town) and need to be protected, retained and conserved.

Policy Scope

This policy applies to all trees within the road verges and public areas in the control of the Town.

Policy

The Town will generally not support the removal of any public or street unless it is dead, dying or stunted.

1. Removal

It is the Town's intention to retain verge trees that are healthy, and do not cause any safety concerns. In the absence of suitable justification being provided for the removal of a tree, the request for the tree removal will not be supported.

The Operations Manager has delegated authority to remove dead or dying street trees in consultation with the Chief Executive Officer - refer to DA64 & DA65.

2. Pruning (Maintenance)

Council reserves the right to prune, plant, or remove any tree or trees on its land or within Council's verge, which it deems necessary.

Pruning of verge trees will only be carried out by Council or Council's contractor on those trees that cause an adverse impact to street lights, services, traffic or create any type of pedestrian obstruction or safety impact.

Responsible Directorate:	Operations
Reviewing Officer:	Operations Manager
Decision making Authority:	Council
Policy Adopted:	15/10/19
Policy Amended/Reviewed:	



5. RANGER SERVICES

5.1 DOGS

5.1.1 Dog Management – Community Safety

Type:	Ranger Services - Dogs
Legislation:	<i>Dog Act 1976</i> (as amended) <i>Dog Regulations 2013</i> (as amended)
Delegation:	DA21 Appointment of Authorised Officers
Other Related Document:	Town of East Fremantle Dogs Local Law (2016)

Objective

This Dog Management Policy is an advisory document that complements the *Dog Act 1976* (as amended), which has the necessary legislative and regulatory powers. The terms used in the Policy have the same meaning as in the Act, unless otherwise defined in this document.

The objectives of this policy are to:

- actively support and promote responsible dog ownership through the development of a code relating to responsible ownership of dogs, community education, and the provision of information accessible via a range of media, including the internet, direct customer contact, and Town of East Fremantle's publications.
- strive to achieve a balance between the needs of residents who own dogs and those that don't in the evaluation of future recreational and strategic development processes.
- provide, and regularly review, those areas where dogs are permitted, both on-lead and off-lead, and areas where dogs are prohibited or restricted.
- maintain an open dialogue with residents and concerned groups regarding present and future dog management issues.
- reduce the risk to the community from anti-social and straying dogs through education, routine patrols, and the prompt investigation of concerns and complaints of dog-related issues. Where appropriate, enforcement provisions of the *Dog Act 1976* (as amended) may be utilised to penalise breaches of those statutes.

Policy Scope

In accordance with the *Dog Act 1976* (as amended), the Town has the responsibility for ensuring that dog owners either domiciling or exercising their dogs within the Town of East Fremantle are compliant with the *Dog Act 1976* (as amended).

Ranger Services has the primary responsibility for monitoring and enforcing of the *Dog Act 1976* (as amended).

The Town acknowledges that dog ownership provides many benefits for those involved, including physical health associated with their exercise, companionship, responsibility related to the care and welfare of the animal, and the opportunity to interact socially with other dog and pet owners.

Equally, there is the potential for problems with straying or poorly socialised dogs and irresponsible owners who fail to properly train, control, or care for their pets, including appropriately disposing of waste.

Policy

Ranger Services

To ensure a high standard of service for the community with regards to dog management within the Town of East Fremantle, the Town will apply this Policy and the *Dog Act 1976* (as amended) and will:

- be understanding and helpful and treat customers with dignity, respect and courtesy;
- act professionally and with propriety;
- provide necessary and relevant information;
- maintain privacy; and
- be efficient and timely in dealing with issues.

The Town will:

- appoint sufficient Ranger Services Officers to effectively meet the obligations of this Policy and the *Dog Act 1976* (as amended) and will ensure that all Officers responsible for the handling of dogs receive relevant training, and execute their duties in a manner that creates minimal distress and avoids harm to the dog.
- ensure that any dog pound facility, utilised by the Town or operated by a contractor, is maintained in a humane manner, with proper regard to health, safety and welfare of all dogs in detention, including food, shelter and water, and where required, the services of a veterinary practitioner.
- transfer to an approved animal welfare organisation any dog deemed suitable for rehoming that has been impounded and not been claimed within the statutory holding period; and where rehoming is not appropriate or possible, the dog will be euthanized by a registered veterinary practitioner.
- where practicable, provide and maintain appropriate dog waste disposal bins at dog exercise areas and other locations subject to high levels of canine activity.
- as required and practicable, install appropriate signage, to ensure the Town continues to educate and support the community on responsible dog ownership.

During normal business hours, Ranger Services will conduct regular patrols throughout the municipality to enforce compliance with the *Dog Act 1976* (as amended) and respond as soon as practicable to:

- a) reports of dogs attacking people or animals.
- b) formal complaints regarding dog nuisance.
- c) reports of dogs at large.

After normal business hours, Ranger Services will provide an emergency out-of-hours service to respond to any reports of:

- a) Reports of dogs attacking people or animals.
- b) Dogs at large that are causing a traffic hazard on a major road.

Community Balance

The Town of East Fremantle accepts the rights of dog owners to enjoy their association with their dogs whilst at the same time accepting the rights of non-dog owners to go about their normal daily activities unimpeded by nuisance or harassment by dogs.

To achieve this, the Town will:

- a) liaise with the community and interest groups to ensure that current declared dog exercise areas, including off-lead and beach areas, are appropriate to the needs of dog owners and are maintained in a fit state for the declared use.
- b) give due consideration to the requirement for new dog exercise areas during recreational and strategic planning processes.
- c) notify the community by public notice of any intention to declare any future area as a designated off lead exercise area.
- d) ensure that residents who may be affected by any new dog recreation area are given timely notice and the ability to make representations for Council consideration.
- e) liaise with local residents and the community in general in relation to any proposed new dog exercise areas prior to the establishment of such an area.
- f) liaise with local residents and the community in general in relation to any proposed removal / closure of an existing dog exercise areas prior to removal/closure of any such proposed area; and
- g) respond in a timely manner to reports of stray, aggressive and nuisance dogs, and where appropriate enforce the relevant sections of the *Dog Act 1976* (as amended) to deter irresponsible behaviour by dog owners.

In line with the Town of East Fremantle's objective of maintaining balance within the community and in accordance with the provisions of the *Dog Act 1976* (as amended), the Town may declare and regulate areas of the municipality to be a:

- Dog Exercise Area
An area on which dogs may be exercised either on-lead or off-lead, subject to any specified conditions.
- Dog Training Area
Land on which dogs may be trained, subject to any specified conditions.
- Prohibited Area
An area containing sensitive habitat for native wildlife may be declared as prohibited to dogs, other than a guide dog, hearing dog or any authorised assistance dog as authorised by the Minister and wearing the prescribed assistance dog coat/harness.
- Restricted Areas
Land on which dogs may not be taken at any time, or only on specified hours, days and seasons. When dog are permitted it may be specified as to whether they must be on-lead or may be off-lead.

The above restrictions do not apply to a guide dog, hearing dog or any authorised assistance as authorised by the Minister and wearing the prescribed assistance dog coat/harness.

Council will provide and maintain signage appropriate to identify declared areas where access opportunities or restrictions for dogs apply. In addition to the above, the *Dog Act 1976* (as amended) prohibits dogs in:

- any grounds of a school, pre-school, kindergarten, crèche or other place for the reception of children without the permission of the person in charge of the place.
 - any shopping centre, or any shop except a pet shop, premises of a veterinary surgeon, pet grooming shop, or any other premises related to the care and management of dogs.
 - any playing area of a sports ground on which sport is being played or an area within 10 metres of a children's playground.
-

Current Designated Approved Off Leash Exercise Areas

The location's listed below are listed as designated approved off leash exercise areas:

- River Foreshore portion (beach areas only) as indicated by signs
- Preston Point Reserve, Preston Point Road
- Henry Jeffery Oval, Preston Point Road
- Upper Wauhop Park, Wauhop Road
- East Fremantle Oval (outer perimeter only)
- Reserve, corner George and Silas Street.

The Town will provide and maintain signage appropriate to identify declared areas where access opportunities or restrictions for dogs apply.

Nuisance Dogs

The Town recognises the health implications the community is exposed to by dogs creating a nuisance by barking inappropriately. When a formal complaint is lodged the Town will investigate the matter in a timely manner and strive to have the matter resolved within six weeks.

The process will be:

- streamlined and focused on early resolution; educative to both the dog owner and the complainant.
- open, transparent and fair to all parties involved; and conducted within the provisions of the *Dog Act 1976* (as amended).

Where there is evidence that a nuisance dog complaint is justified, the Town will issue the owner of the dog with an abatement notice. This presents the owner with a realistic definite timeline in which to take action to abate the nuisance.

If requested, the Town will provide advice as to corrective measures that may be employed, but it remains the owner's responsibility to determine and implement the necessary corrective action.

Where the nuisance has not been abated after the abatement period, the Town may issue an Infringement Notice. In the case of continued nuisance, the Town may refer the matter to the Courts for a Magistrate to determine. In these cases, the resolution date will be determined by the Court.

Dangerous Dogs

To reduce the risk to the community, the Town will as a matter of urgency investigate and act upon all incidents and allegations of injury and/or harassment caused by dogs. Should such an incident result in a serious injury, the dog may be declared a Dangerous Dog, or may be destroyed.

All commercial security/guard dogs (as defined in the Act) are declared to be a Dangerous Dog.

Where a dog is declared to be a dangerous dog pursuant to the *Dog Act 1976* (as amended), Ranger Services will monitor the property where the dog is domiciled and ensure the property and are owner complies with the relevant provisions of the *Dog Act 1976* (as amended).

Dangerous dogs must be micro-chipped, and must wear an approved advisory collar at all times.

When in a public place the dog must be muzzled and on a lead, even when in an off-lead area.

When not in a public place the dog must be housed in an enclosure that complies with the prescribed requirements. Approved warning signs must be displayed at every entrance to the property.

Further information regarding dangerous dogs is contained within the Town's Policy 1.2.3 Dangerous Dog.

Dog Registration

The registration of dogs has benefits to both the Town and the community. Fees and charges are applied to dog management, permitting the Town to provide a safe and pleasant environment, free of the negative impacts of dogs in the community. Dogs wearing a valid registration tag can quickly be returned to the owner if they accidentally stray. In most cases when Ranger Services finds a lost registered dog, it is directly returned to its owner.

All dogs over three months of age must be registered. Notwithstanding the Town's education and enforcement measures, it is the owner's responsibility to ensure their dog is registered. The Town will maintain a register of all dogs housed within the municipality, and will endeavour to ensure that all eligible dogs are registered.

To achieve this objective the Town will conduct a registration renewal campaign each year by:

- a) forwarding renewal letters to owners of all currently registered dogs;
- b) placing notices through written and digital media; and
- c) conducting an audit of the owners who have failed to re-register their dogs.

The Town will:

- monitor dogs in public places to ensure they are wearing a collar with a valid registration tag.
- ensure that any unregistered dog found at large is registered by the owner before being returned.
- undertake regular patrols of the municipal area and compare evidence of dog ownership against the dog register.

Pro rata adjustment of the registration fee applies within a registration period for:

- the voluntary initial registration of a dog that reaches six months of age;
- the voluntary initial registration of a dog that is newly housed within the municipality, to which the previous paragraph does not apply;
- the de-sexing of a dog; and
- the death of a dog, except where it has been destroyed following an attack on a person or animal, or at the direction of Council.

Fees and Charges

Fees and charges are resolved annually by Council and published on the Town of East Fremantle website.

Attachment:

Appendix A – Town of East Fremantle Dog Exercise Areas

Responsible Directorate:	Corporate Services
Reviewing Officer:	Senior Ranger
Decision making Authority:	Council
Policy Adopted:	20/11/18
Policy Amended/Reviewed:	17/9/19
Former Policy No:	1.2.3

Town of East Fremantle Dog Exercise Areas

Our hairy hounds are often another extended member of our family and are important additions of our community also, but remember that they must be kept on a leash at all times in public (no longer than 2 metres). Dogs must also wear a current registration tag as well as a name tag/owners contact details in public.

We have six (6) exercise areas available in the Town where your dogs can run and play without a lead.

DOG OFFLEAD EXERCISE AREAS

1. River Foreshore portion (beach areas only) as indicated by signs.
2. Preston Point Reserve, Preston Point Road.
3. Henry Jeffery Oval, Preston Point Road.
4. Upper Wauhop Park, Wauhop Road.
5. East Fremantle Oval (outer perimeter only)
6. Reserve, corner George and Silas Street

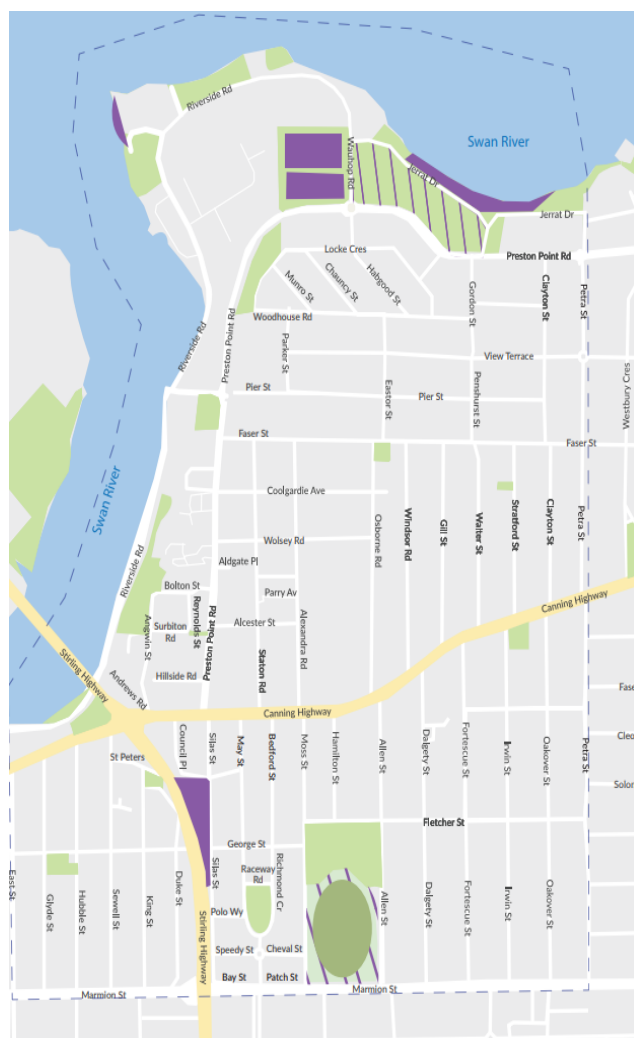
Areas marked with a stripe become on-lead zones during sporting events and training.

Please note, that even though the dog is off lead:

- The dog must be supervised by a competent person who is in reasonable proximity to the dog.
- A lead must be carried and attached to the dog, should the dog need to be controlled.
- Dogs are not permitted in children's playgrounds unless signposted.

If you have any queries, please do not hesitate to contact the Town on 9339 9339 or email: admin@eastfremantle.wa.gov.au

Visit: eastfremantle.wa.gov.au/enjoy-east-fremantle/parks-and-reserves/dog-exercise-areas-in-the-town.aspx



Dog exercise areas
Dog exercise areas when no sport





5.1.2 Dangerous Dog Declarations

Type:	Ranger Services - Dogs
Legislation:	<i>Dog Act 1976</i> (as amended) <i>Dog Regulations 2013</i> (as amended)
Delegation:	DA21 Appointment of Authorised Officers
Other Related Document:	

Objective

The purpose of this policy is two-fold:

- (a) to provide guidance to authorised Town Officer's in relation to the procedures to be followed prior to the issuance of a Dangerous Dog Declaration.
- (b) to ensure that Dangerous Dog Declarations are made in a fair and impartial manner based on in depth investigations of alleged dog attacks either within the municipal boundaries or by dogs domiciled within the municipal boundaries.

Policy Statement

In accordance with the *Dog Act 1976* (as amended), Council has the responsibility for issuing Dangerous Dog Declarations under the following circumstances:-

Section 33E. Individual dog may be declared to be dangerous dog (declared)

- (1) A local government, or on behalf of the local government an authorised person or person specifically authorised by the local government for the purposes of this section either generally or in a particular case, may, by a notice in writing given in accordance with section 33F, declare an individual dog to be a dangerous dog (declared) if, in the opinion of the local government or that person —
 - (a) the dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle; or
 - (b) the dog has, repeatedly, shown a tendency —
 - (i) to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour; or
 - (ii) to threaten to attack; or
 - (c) the behaviour of the dog meets other criteria prescribed for the purpose of this section.

Policy

The Town of East Fremantle will ensure that all reports of alleged dog attacks (both dog on human and dog on other animal) are investigated professionally, impartially and within as timely a manner as practical.

At the conclusion of the investigative process, the authorised investigating officer will submit a report to the Senior Ranger containing the following documentation if available:-

- (a) a written initial incident/occurrence report;
 - (b) written statements from all injured parties who are willing to submit such statements;
 - (c) written statements from witnesses who are willing to submit such statements;
-

- (d) written statements from the dog's owner should they be willing to submit such statements. Should the owner decline to be interviewed formally by the investigating officer or decline to submit any voluntary statement then a record of times and dates that such refusals occurred are to be reported in writing by the authorised investigating officer;
- (e) written records and photographs of all physical injuries or personal property damaged sustained by each injured party;
- (f) copies of all medical receipts for injuries sustained in the attack;
- (g) copies of all receipts for all personal property damage damaged in the attack;
- (h) written record of any voluntary surrender or euthanasia forms signed and submitted by the owner;
- (i) where the owner declines to voluntarily surrender the dog to Council for the term of the investigative process then a written record of Council seizure and impoundment notice issued under section 29(3)(a)(b)(d)(e) and *section 29(4)(5) of the Dog Act 1976 (as amended)*;
- (j) written record of any voluntary offer by the dog's owner to compensate injured parties for both reasonable medical costs and damaged personal items (e.g. Clothing, watches, shoes etc.);
- (k) copies of all incoming payments from the dog's owner in relation to medical and personal property damage sustained by dog attack victims;
- (l) copies of all Council outgoing medical and personal property disbursement payments to victims from funds received as per section "k" above;
- (m) any known mitigating factors in relation to the dog attack (e.g. alleged victim was seen by witnesses to be provoking the dog prior to the attack occurring);
- (n) what final outcome the injured parties feel would in their opinion be appropriate (after being advised of potential penalties available to the local government in line with the *Dog Act 1976* (as amended));
- (o) copies of any canine behavioural observation and test reports conducted by a trained and qualified behavioural assessor that was submitted by the dog's owner;
- (p) copies of any canine behavioural observation and test reports conducted by a trained and qualified behavioural assessor at the request of Council;
- (q) the investigating officer's final findings and penalty recommendations, based on the evidence available to him/her. Potential penalties could consist of any one or all of the following examples (e.g., dog infringement notices, Dangerous Dog Declaration and / or prosecution);

Once the Senior Ranger has reviewed and discussed all relevant documentation and recommended penalties with the investigating officer, the Senior Ranger will provide the responsible Executive Manager with all of the above listed documentation and a final recommendation in relation to penalties deemed appropriate in each case.

Where the Senior Ranger's recommended penalties are different from those of the investigating officer, the Senior Ranger will submit his/her reasons for the differing recommendation.

The responsible Executive Manager will review the documentation and make the final decision in relation to what level of penalties will be instituted in each case.

It should be noted that not all dog attack incidents will need a Dangerous Dog Declaration to be made.

Dogs deemed to require the issuance of a Dangerous Dog Declaration

Where it is deemed by authorised Council Officer's that a dog should be made subject to a Dangerous Dog Declaration, then the dog's owner must be given notice as per section 33F of the *Dog Act 1976* (as amended) which reads as follows:

Section 33F

- (1) *The local government, or the person by whom the declaration was made on behalf of the local government, must give written notice declaring a dog to be a dangerous dog (declared) to the owner of that dog.*
- (2) *A notice to be given under subsection (1) —*
 - (a) *shall give reasons for the making of the declaration; and*
 - (b) *shall specify that the owner has a right under this Division, to be exercised within not more than 7 days after the giving of the notice, either —*
 - (i) *to lodge a written objection with the local government, with a subsequent right to apply to the State Administrative Tribunal for a review of the decision made by the local government on the objection; or*
 - (ii) *to apply directly to the State Administrative Tribunal for a review, as to the declaration.*
- (3) *Whether or not an objection is lodged or application for review is made, the declaration of a dog as a dangerous dog (declared) has effect 7 days after the giving of a notice under subsection (1).*

Purpose of a Dangerous Dog Declaration

The purpose of issuing a Dangerous Dog Declaration is sixfold:-

- (a) to compel the dog's owner to ensure that they comply with higher levels of containment and control of their dogs both at their home and when the dog is in a public place.
- (b) to heighten public safety in relation to the dogs containment, control and behaviour.
- (c) to heighten public awareness of the Dangerous Dog status of the dog when visitors/neighbours are in proximity to the dogs domiciled residence or when it is being walked in public places.
- (d) allow authorised officers to inspect the dog's domiciled premises regularly to ensure that owner is adhering to Dangerous Dog Declaration requirements.
- (e) allow authorised officers to identify the dog easily in public places and verify that both the dog's owner or person in charge of the dog are compliant with Dangerous Dog Declaration requirements in relation to the dog in a public place.
- (f) raise the penalties for breaches of both the *Dog Act 1976* (as amended) and issued Dangerous Dog Declaration conditions.

Potential costs incurred by Council in relation to dogs deemed to require the issuance of a Dangerous Dog Declaration

In considering whether to issue a Dangerous Dog Declaration on a dog currently under investigation by authorised officers, the Town may elect to employ the services of a trained canine behaviourist to conduct an independent behavioural assessment in relation to the dog.

The independent report will not only assist rangers in their investigation process, but may also be used in Court or the State Administrative Tribunal should the dog's owner request an appeal through either agency.

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Senior Ranger
Decision making Authority:	Authorised Officer as defined in the <i>Dog Act 1976 (as amended)</i>
Policy Adopted:	21/11/18
Policy Amended/Reviewed:	17/9/19
Former Policy No:	1.2.4