



POLICY REGISTER

DOCUMENT CONTROL

Register created in new format 26 July 2019 (Document Version 1)

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to display a ticket (where proof of purchase is provided) to be included as a circumstance where infringement may be withdrawn. 2.1.10 Infringement Debt Management 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.

		Revocation of 3.1.6 Town Planning Advisory Panel Policy Adoption of new Policy 4.2.1 Maintenance & Removal of Public and Verge Trees
5	19 November 2019	Amendments to: Policy 2.1.3 Purchasing <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 Policy 2.1.11 Community Grants & Sponsorship Increasing the Councillors membership on the Community Grants Committee to two
6	10 December 2019	Amendment to Policy 2.1.3 Purchasing Adding Senior Ranger with a purchasing authority to \$2,000 to the Procedures attachment.
7	18 February 2020	New Policy 2.1.15 Waste Services for Community & Sporting Groups New Policy 3.1.6 George Street Designated Heritage Area (LPP) New Policy 4.2.2 Foreshore Dinghy Management New Policy 6.1.1 Community Gardens
8	17 March 2020	Amendment to Policy 2.1.2 Investment of Surplus Funds Amending section (b) in respect to Fossil Fuel Free Investments.
9	21 April 2020	Amendment to Policy 2.1.7 Debt Collection Amending policy to provide support to individuals and businesses who may be financially impacted by the effects of COVID-19. New Policy 1.1.7 Attendance at Events New Policy 1.2.7 COVID-19 Leave
10	19 May 2020	New Policy 1.1.8 Elected Member and CEO Training & Professional Development Amendment to Policy 2.1.3 Purchasing Amendment to Policy 2.1.5 Donation
11	16 June 2020	New Policy 2.1.16 Rates Concession New Policy 2.1.17 Pensioner and Seniors Rebate New Policy 2.1.18 Cash Backed Reserves
12	21 July 2020	Amendment to Policy 1.2.1 Code of Conduct New Policy 6.1.2 Trading in Public Places
13	15 September 2020	New Policy 1.2.8 Whistleblower (Public Interest Disclosure) Amendment to Policy 2.1.3 Purchasing New Policy 2.2.7 Fraud and Corruption New Policy 2.2.8 Volunteer Management New Policy 2.1.19 Contract Variation
14	20 October 2020	New Policy 6.1.3 Sustainable Event Policy
15	17 November 2020	New Policy 4.1.5 Memorials in Public Places
16	8 December 2020	Amendment to Policy 2.1.3 Purchasing Amendment to Policy 2.2.4 Risk Management
17	16 February 2021	New Policy 1.1.9 Code of Conduct for Elected Members, Committee Members and Candidates.

		Deletion of Policy 1.2.1 Code of Conduct for Elected Members, Committee Members and Employees New Policy 3.2.3 Waterwise Pool and Spa Cover
18	16 March 2021	New Policy 1.2.9 Appointment of Acting Chief Executive Officer
19	20 April 2021	Amendment to Policy 4.2.2 Foreshore Dinghy Management
20	18 May 2021	New Policy 1.1.10 Code of Conduct Behaviour Complaints Management
21	22 June 2021	Amendment to Procedures attached to Policy 2.1.3 Purchasing
22	20 July 2021	Amendment to Policy 2.1.3 Purchasing New Policy 3.2.4 Verge Treatment
23	17 August 2021	Amendment to Policy 1.2.7 COVID19 Leave New Policy 1.2.10 Employee Superannuation Co-Contribution
24	21 September 2021	New Policy 1.1.11 Caretaker Period
25	19 October 2021	Amendments to Policy 3.1.5 Community Design Advisory Committee New Policy 2.2.9 Legislative Compliance & Procedure
26	16 November 2021	Amendments to Policy 2.1.8 Corporate Credit Card
27	22 February 2022	Policy 2.1.3 Purchasing <ul style="list-style-type: none"> Increasing purchasing authority for Community Engagement Officer to \$5,000 in the Procedures attachment
28	15 March 2022	Amendments to Policy 2.1.2 Investment of Surplus Funds
29	19 July 2022	Amendments to Policy 2.1.4 Rates Exemption Policy 2.1.7 Debt Collection Policy 2.1.10 Infringement Debt Management Policy 2.1.16 Rates Concession Policy 2.1.17 Pensioners and Seniors Rebates
30	15 November 2022	New Policy 4.2.3 Tree Management and Protection in Public Places Plan
31	16 May 2023	Amendment to Policy 3.1.3 Town Centre Redevelopment Guidelines – Local Planning Policy
32	18 July 2023	New Policy 3.1.4 Payment in Lieu of Parking Plan – Local Planning Policy (supersedes 3.1.4 George Street Parking)
33	15 August 2023	New Policy 2.2.10 Habitual or Vexatious Complaints
34	19 March 2024	Amendment to Policy 2.1.8 Corporate Credit Card
35	10 April 2024	Amendment to Policy 3.1.3 Town Centre Redevelopment Guidelines – Local Planning Policy (Council resolved 160523 to authorise further minor modifications following deferral gazettal period for amendments to State Planning Policy 7.3 Residential Design Codes Vol 1 & 2)
36	15 October 2024	New Policy 1.1.12 Recordkeeping for Elected Members
37	19 November 2024	New Policy 2.1.20 Waste Services and Charging Revocation of Policy 2.1.13 Rubbish Collection Charge Amendments to Policy 3.2.4 Verge Treatment

38	18 March 2025	Amendment to Policy 2.1.3 Purchasing
39	15 July 2025	New Policy 1.3.2 End of Year Office Closure
40	19 August 2025	Amendments to: Policy 1.1.11 Elections – Caretaker Period Policy 4.1.2 Public Art Panel
41	16 September 2025	Amendment to Policy 2.1.3 Purchasing
42	28 October 2025	Amendment to Policy 2.1.11 Community Grants & Sponsorship
43	18 November 2025	New Policy 1.1.13 Recognition of Service – Council Members
44	9 December 2025	Amendments to: Policy 2.1.2 Investment of Surplus Funds Policy 2.1.10 Infringement Debt Management Removal of Policy 2.1.14 Motor Vehicle Acquisition & Usage which has been converted to an Administration Policy
45	17 March 2026	Deletion of Policy 1.2.3 Staff Recruitment and Retention

TABLE OF CONTENTS

1. OFFICE OF THE CEO

1.1 ELECTED MEMBERS

- 1.1.1 Payment of Council Members Fees and Allowances
- 1.1.2 ICT Support for Elected Members
- 1.1.3 Notice of Motions by Elected Members
- 1.1.4 Legal Advice
- 1.1.5 Honorary Freeman of the Town of East Fremantle
- 1.1.6 Elected Member Communication
- 1.1.7 Attendance at Events
- 1.1.8 Elected Member and CEO Training & Professional Development
- 1.1.9 Code of Conduct for Elected Members, Committee Members and Candidates
- 1.1.10 Code of Conduct Behaviour Complaints Management Policy
- 1.1.11 Elections – Caretaker Period
- 1.1.12 Recordkeeping for Elected Members
- 1.1.13 Recognition of Service - Council Members

1.2 HUMAN RESOURCES

- ~~1.2.1 Code of Conduct for Council Members, Committee Members and Employees~~
This Policy has been replaced with Policy 1.1.9 Code of Conduct for Council Members, Committee Members and Candidates. A separate internal Code of Conduct for Employees & Contractors has being developed .
- 1.2.2 CEO Leave Approval
- ~~1.2.3 Staff Recruitment and Retention~~
- 1.2.4 Gratuity Payment
- 1.2.5 Staff Education and Study Leave
- 1.2.6 Employee Use of Council Equipment
- 1.2.7 COVID-19 Leave
- 1.2.8 Whistleblower (Public Interest Disclosure)
- 1.2.9 Appointment of Acting Chief Executive Officer
- 1.2.10 Employee Superannuation Co-Contribution

1.3 COMMUNICATIONS & COMMUNITY ENGAGEMENT

- 1.3.1 Social Media
- 1.3.2 End of Year Office Closure

2. CORPORATE SERVICES

2.1 FINANCIAL MANAGEMENT

- 2.1.1 Disposal of Surplus Property
- 2.1.2 Investment of Surplus Funds
- 2.1.4 Rates Exemption
- 2.1.5 Donations
- 2.1.6 Supplier Payments
- 2.1.7 Rates/ Sundry Debtor Recovery (Debt Collection)

- 2.1.8 Corporate Credit Card
- 2.1.9 Parking Infringement Appeals
- 2.1.10 Infringement Debt Management
- 2.1.11 Community Grants & Sponsorship
- 2.1.12 Leeuwin Carpark (No 1) & Launching Ramp – Parking for Ratepayers
- ~~2.1.13 Rubbish Collection Charge – Domestic Service – No Separate Charge (Revoked 19/11/24)~~
- ~~2.1.14 Motor Vehicle Acquisition & Usage~~
- 2.1.15 Waste Services for Community and Sporting Organisations
- 2.1.16 Rates Concession Policy
- 2.1.17 Pensioners and Seniors Rebates Eligibility
- 2.1.18 Cash Backed Reserves
- 2.1.19 Contract Variations
- 2.1.20 Waste Services and Charging

2.2 RISK MANAGEMENT

- 2.2.1 Legal Representation for Council Members and Employees
- 2.2.2 Use of Information Technology
- 2.2.3 Related Party Disclosures
- 2.2.4 Risk Management
- 2.2.5 Internal Audit Charter
- 2.2.6 Requests for New or Capital Upgrades to Existing Community Buildings
- 2.2.7 Fraud and Corruption
- 2.2.8 Volunteer Management
- 2.2.9 Legislative Compliance Policy and Procedure
- 2.2.10 Habitual or Vexatious Complaints

3. REGULATORY SERVICES

3.1 PLANNING

- 3.1.1 Residential Design Guidelines
- 3.1.2 Signage Design Guidelines - Local Planning Policy
- 3.1.3 Town Centre Redevelopment Guidelines – Local Planning Policy
- 3.1.4 Payment in Lieu of Parking Plan – Local Planning Policy
- 3.1.5 Community Design Advisory Committee
- 3.1.6 George Street Designated Heritage Area - Local Planning Policy
- 3.1.7 Wood Encouragement - Council
- 3.1.8 Wood Encouragement – General
- 3.1.9 Percent for Public Art – Local Planning Policy

3.2 ENVIRONMENTAL HEALTH

- 3.2.1 Healthy Eating
- 3.2.2 Noise Attenuation
- 3.2.3 Waterwise Pool & Spa Cover Policy
- 3.2.4 Verge Treatment Policy

4. OPERATIONS

4.1 PUBLIC INFRASTRUCTURE

- 4.1.1 Removal of Graffiti
- 4.1.2 Public Art Panel
- 4.1.3 Public Art
- 4.1.4 Directional Signs
- 4.1.5 Memorials in Public Places

4.2 PARKS & RESERVES

- 4.2.1 Maintenance & Removal of Public and Verge Trees
- 4.2.2 Foreshore Dinghy Management
- 4.2.3 Tree Management and Protection in Public Places Plan

5. RANGER SERVICES

5.1 ANIMAL CONTROL

- 5.1.1 Dog Management – Community Safety
- 5.1.2 Dangerous Dog Declarations

6. COMMUNITY

6.1 ACTIVITIES

- 6.1.1 Community Gardens
- 6.1.2 Trading in Public Places
- 6.1.3 Sustainable Event

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%).

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

1.1.7 Attendance at Events

Type:	Office of the CEO - Elected Members
Legislation:	Section 5.90A of the <i>Local Government Act 1995</i>
Delegation:	Nil
Other Related Document:	Nil.

Purpose

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of Elected Members, the Chief Executive Officer (CEO) and all Employees of the Town of East Fremantle.

Objective

The policy provides guidance to Elected Members and Employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

Policy Scope

Invitations

1. All invitations or offers of tickets for an elected member, CEO or employee to attend an event should be in writing and addressed to the CEO.
2. Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
3. A list of events and attendees authorised by the local government in advance of the event is at Annexure A.

Approval of attendance

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval no later than three business days prior to the event for approval as follows:

- Events for the Mayor will be approved by the Deputy Mayor;
- Events for Councillors will be approved by the Mayor; and
- Events for the Chief Executive Officer will be approved by the Mayor.
- Events for staff to be approved by the Chief Executive Officer

Considerations for approval of the event include:

- any justification provided by the applicant when the event is submitted for approval.
- the benefit to the Town of the person attending.
- alignment to the Town's Strategic Objectives.
- the number of Town representatives already approved to attend.

Approved Events

Listed in Annexure (A)

Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

If the event is a free event to the public then no action is required.

If the event is ticketed and the Elected Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement then no action is required.

If the event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

Payments in respect of attendance

1. Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the Council determines attendance to be of public value.
2. For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the Council will determine whether it is in the best interests of the local government for an elected member or the CEO or another officer to attend on behalf of the Council.
3. If the Council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
4. Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

Definitions

Elected Members includes the Mayor and all Councillors.

In accordance with Section 5.90A of *the Local Government Act 1995* an event is defined as a:

- Concert
- Conference
- Function
- Sporting event
- Occasions prescribed by the Local Government (Administration) Regulations 1996.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	21/4/20
Policy Amended/Reviewed:	

Annexure A – Pre-Approved Events

The Town approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Town: -

- a) Meetings or event of clubs or organisations within the Town of East Fremantle;
- b) Local Government Insurance Service (LGIS);
- c) Planning Institute of Australia
- d) Urban Development Institute of Australia WA Division Inc
- e) Local Government Chief Officer Group Australia & NZ
- f) Any State or national sporting event
- g) A government department of another State, a Territory or the Commonwealth;
- h) Events hosted by Clubs or Not for Profit Organisations within the Town of East Fremantle to which the Town, Elected Member, Chief Executive Officer or employee has been officially invited;
- i) Town sponsored functions or events;
- j) Community art exhibitions;
- k) Cultural events/festivals;
- l) Events run by a Local, State or Federal Government;
- m) Events run by the Richmond Primary School;
- n) Opening or launch of an event or facility within the Town of East Fremantle;
- o) South West group event(s) & Conferences; and
- p) Where Mayor, Elected Member, Chief Executive Officer or staff representation has been formally requested.

1.1.8 Elected Member and CEO Training & Professional Development

Type:	Office of the CEO – Elected Members
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996
Delegation:	N/A
Other Related Document:	

Objective

The policy provides a framework for Elected Members and the Chief Executive Officer (CEO) in relation to training and professional development.

This policy is developed in accordance with the *Local Government Act 1995* Sections 5.126(1), 5.127, 5.128 and the *Local Government (Administration) Regulations 1996*.

Policy Scope

This policy applies to Elected Members or the CEO where stated.

Policy

1. Elected Member Mandatory Training

- a. An Elected Member, must complete the course titled *Council Member Essentials*, in accordance with section 5.126(1) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, within a period of twelve months beginning on the day on which the Elected Member commences their term of office.
- b. The mandatory training is valid for five years.
- c. The *Council Member Essentials*, consists of the following modules:
 1. Understanding Local Government;
 2. Serving on Council;
 3. Meeting Procedures;
 4. Conflicts of Interest; and
 5. Understanding Financial Reports and Budgets.

The course is provided by the following bodies –

- North Metropolitan TAFE;
 - South Metropolitan TAFE;
 - West Australian Local Government Association (WALGA).
- d. An Elected Member is exempt from the requirements outlined in section 5.126(1) of the *Local Government Act 1995* if the Elected Member passed either of the following courses within the period of five years ending immediately before the day on which the Elected Member commences their term of office:
 - Council Member Essentials;
 - 52756 WA Diploma of Local Government (Council Member);

- The Elected Member passed the course titled LGASS00002 Council Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Elected Member commences their term of office.
- e. In accordance with section 5.127 of the *Local Government Act 1995* and regulation 35 of the *Local Government (Administration) Regulations 1996*, the Town must prepare a report for each financial year on the mandatory training completed by Elected Members during the financial year. The report must be published on the Town's website within one month after the end of the financial year to which the report relates.

2. Elected Member and CEO Training and Professional Development

2.1 Approved Training and Professional Development Allocation

- a. Training and professional development activities which this policy applies shall generally be limited to the following:
- WA Local Government Association Council (WALGA) and Australian Local Government Association (ALGA) conferences.
 - Special 'one off' conferences called for or sponsored by the WALGA and/or ALGA on important issues.
 - Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
 - Accredited organisations offering training relevant to the role and responsibilities of Elected Members and the CEO.
 - WALGA Council Member Training and Development.
 - Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.
 - Subscriptions for professional memberships that assist an Elected Member in fulfilling their role on Council. Note, the CEO professional membership allocation is in accordance with their contract conditions and is not included in the allocation.
 - Conferences or study tours (SWG) that assist in delivering the initiatives and projects that have been outlined in the Town's Strategic Community Plan, or Council resolutions.

2.2 Continuous Professional Development

- a. In accordance with section 5.128 of the *Local Government Act 1995*, Elected Members are encouraged to identify their individual continuing professional development needs to enhance their effectiveness and address skill gaps as required.
- b. As the needs of individual Elected Members may vary, each Elected Member is encouraged to seek the assistance of the CEO and Mayor in analysing their particular requirements and in identifying appropriate courses, seminars and training to meet those needs.
- c. In determining the professional development activities for individuals, Elected Members should consider the current or future strategic direction and activities of the Town and its priorities and the skills that will be needed to give effect to the direction.

3. Funding Allocation

- a. Elected Members are entitled to a Training and Professional Development allocation, as determined under Clause 2.1.
- b. A provision of up to \$3,000 pa per Councillor, will cover costs associated with attendance at training and development activities. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.

- c. A provision of up to \$6,000 pa for the Mayor and CEO, will cover costs associated with attendance at training and development activities.
- d. Elected Members will only be registered for professional development activities if the Elected Member has sufficient funds in their expense allocation to meet the costs, unless Council resolves that attendance by that Elected Member would be of specific benefit to the Town and resolves to allocate additional funding for any shortfall.
- e. The costs associated with the mandatory training including the *Council Member Essentials* and the 52756WA Diploma of Local Government (Council Member) will be funded outside of the Elected Members Training and Professional Development allocation. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.
- f. Elected Members may elect to utilise a portion of their allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the CEO.
- g. Elected Members who request professional membership to be paid in a year that their term of office is not a full financial year will only have the proportion paid for the days of the membership period they hold office.
- h. Any activities for Advocacy and Lobbying, will not be included in the Elected Member or CEO Training and Professional Development allocation and will be determined as part of the annual budget. The amount is outside of the allocation mentioned within this policy and will cover all costs associated with the activity.
- i. Unexpended funds at the end of the year will not be carried over to the next financial year, unless approved by Council.
- j. Internal workshops, strategic planning days, whole of Council training and development and internal training programs are not included in an Elected Member or CEO's training and professional development allocation.

4. Approval for Training or Professional Development

- a. The CEO may approve Elected Members training and professional development applications and the Mayor may approve the CEO's where the:
 - i. Application complies with this policy;
 - ii. Training and development activity is to be held within Australia or New Zealand; and
 - iii. Elected Member has sufficient funds available in their allocation for training and development activity to meet the costs of attendance.
- b. A resolution of Council is required to approve Elected Members or CEO request to attend training and professional development where:
 - i. application does not comply with this policy;
 - ii. estimated event expenses exceed the available balance of the Elected Member's expense allocation; or
- c. Generally, two but no more than three Elected Members may attend a particular training or development activity outside Western Australia at the same time, unless Council has resolved for additional Elected Members to attend. Note: approval of attendance at a training or professional development activity should not impede a quorum at any scheduled Council or Committee meetings.
- d. Elected Members or the CEO who wish to participate in training or professional development activities must email their request to EA to CEO. All applications are to be forwarded to the CEO in reasonable time to meet the registration deadline. Where practicable

the Town will utilise the 'early bird' registration option. Approvals in respect to the CEO must be forwarded to the Mayor for approval.

5. Travel, Accommodation, Meals and Incidentals

- a. Where practicable, travel requests should be provided at least one month prior to the travel date to allow adequate time for bookings to be made, this will allow the Town to take advantage of any available discounts for early purchase.
- b. The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.
- c. All air travel is to be by Economy Class at a time that is convenient to the Elected Member or the CEO. The cost of any upgrade to business class shall be paid for by the Elected Member or CEOs. Any costs incurred to allocate a seat in Economy Class will be at the expense of the Town. Note: The travel period will be the day before the commencement of the activity and the day after the conclusion of the activity.
- d. Elected Members, who use their private vehicle for conference travel, will be reimbursed for vehicle costs in accordance with the *Public Service Award 1992* to a maximum amount equivalent to what it would have cost to travel by air.
- e. Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and the night of the closing of the event. If there are no flights available either the day before or the day after the event, the Elected Member may be required to use their allocation to cover the additional accommodation, meals and incidentals related to the additional length of time as a result of flights not being available the day before and/or the day after the event.
- f. The Town will reimburse Elected Members and the CEO for reasonable daily living expenses whilst away for the duration of conference or professional development, on the production of receipts to verify the expense.
- h. Where an Elected Member or CEO chooses to arrive earlier or extend their stay at the location of a conference or deviates from the travel arrangements, then the Elected Member and CEO will be responsible for the full cost associated with that extended stay and/or variation to travel arrangements for private purposes. The exception would be if the flight schedules determine an extended stay is required.
- i. Hire cars will only be paid for by the Town if the CEO or in the case of the CEO, the Mayor, consider it the most effective means of travel when attending the conference or professional development. Standard taxi fares (or similar services) or public transport for reasonable travel requirements will be reimbursed upon return, on the production of receipts to verify the expense.
- j. Where an Elected Member or CEO is accompanied by another person for Training and Development or Advocacy and Lobbying activities, costs for or incurred by the accompanying person including but not limited to travel, meals, registration and/or participation in any event program, are to be borne by the Elected Member, CEO or the accompanying person and will not be paid for by the Town. The only exclusion is for the payment of accompanying persons to attend the conference dinner, with such costs will be met by the Town.

5.1 Claiming Expenses

- a. Elected Members are advised that care needs to be taken in making application for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.
- b. Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts

- c. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form, within two weeks of the Elected Member returning to the Town. Final claims relating to the financial year must be submitted by 31 July of that year (31 days after the end of the financial year). No back payment of claims relating to prior financial years will be permitted.

5.2 Travel Insurance

- a. Travel insurance for Town related business trips, including cover for expenses for medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects will be paid for by the Town.
- b. Elected Members and the CEO must determine whether the benefits and endorsements of the above insurance cover is adequate. Elected Members and the CEO may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

DEFINITIONS

Incidentals: Includes snacks/food that is consumed outside of breakfast, lunch and dinner, drinks, laundry and dry cleaning, stationery, official telephone calls and internet.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	19/5/20
Policy Amended/Reviewed:	

1.1.9 Code of Conduct for Elected Members, Committee Members and Candidates

Type:	Office of the CEO – Elected Members
Legislation:	Local Government (Model Code of Conduct) Regulations 2021
Delegation:	N/A
Other Related Document:	Local Government Legislation Amendment Act 2019

Contents

Division 1 — Preliminary provisions	1
1. Citation	1
2. Terms used	1
Division 2 — General principles	1
3. Overview of Division	1
4. Personal integrity	1
5. Relationship with others	1
6. Accountability	2
Division 3 — Behaviour	2
7. Overview of Division	2
8. Personal integrity	2
9. Relationship with others	2
10. Council or committee meetings	2
11. Complaint about alleged breach	3
12. Dealing with complaint	3
13. Dismissal of complaint	4
14. Withdrawal of complaint	4
15. Other provisions about complaints	4
Division 4 — Rules of conduct	4
16. Overview of Division	4
17. Misuse of local government resources	4
18. Securing personal advantage or disadvantaging others	5
19. Prohibition against involvement in administration	5
20. Relationship with local government employees	5
21. Disclosure of information	6
22. Disclosure of interests	6
23. Compliance with plan requirement	7

Town of East Fremantle - Model code of conduct

Division 1 — Preliminary provisions

1. Citation

This is the *Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates*.

2. Terms used

- (1) In this code —
 - Act* means the *Local Government Act 1995*;
 - candidate* means a candidate for election as a council member;
 - complaint* means a complaint made under clause 11(1);
 - publish* includes to publish on a social media platform.
- (2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.

- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
- (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and

- (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- 1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- 2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
document includes a part of a document;
non-confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
interest —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

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, 21/7/20, 16/2/21
Former Policy No:	4.1.2 then 1.2.1

1.1.10 Code of Conduct Behaviour Complaints Management Policy

Type:	Office of the CEO – Elected Members
Legislation:	Local Government (Model Code of Conduct) Regulations 2021
Delegation:	N/A
Other Related Document:	Local Government Legislation Amendment Act 2019

Table of Contents

1. Principles	3
1.1. Procedural fairness	3
1.2. Consistency.....	3
1.3. Confidentiality	3
1.4. Accessibility	3
2. Roles	4
2.1. Behaviour Complaints Officer	4
2.2. Complaint Assessor	4
2.3. Behaviour Complaints Committee	4
3. Procedure	4
3.1. Making a complaint	4
3.2. Candidate Complaints	5
3.3. Withdrawing a Complaint.....	5
3.4. Notice to Complainant	5
3.5. Notice to Respondent.....	6
3.6. Alternative Dispute Resolution.....	6
3.7. Order of Complaints	6
3.8. Appointment of Complaints Assessor	7
3.9. Search of Local Government Records	7
3.10. Assessment of the Complaint.....	7
3.11. Complaint Report	7
3.12. Complaints Committee Meeting.....	8
3.13. Compliance with Plan Requirement.....	9
4. Decision Making	9
4.1. Objective and Principles	9
4.2. Dismissal	9
4.3. Finding	9
4.4. Action.....	9
4.5. Plan Requirements	10

Policy Objective

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the Town of East Fremantle Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Town of East Fremantle's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Definitions

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing by the CEO exercising delegated authority under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

Breach means a breach of Division 3 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

Code of Conduct means the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Town of East Fremantle or other person who has been appointed by the Council to be a member of a Committee, in accordance with

s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct by Council resolution.

Council means the Council of the Town of East Fremantle.

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

Policy Statement

1. Principles

1.1 Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

1.2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3 Confidentiality

The Town of East Fremantle will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

Note: A breach of confidentiality by Council Members or Committee Members under an adopted Complaints Policy would breach the Code of Conduct clause 8(2)(b) requirement to comply with all Local Government Policies. In the case of Council Members, this may also be a breach of Rule of Conduct 18(1).

1.4 Accessibility

The Town of East Fremantle will ensure that information on how to make a complaint, including this Policy, is available at the Town of East Fremantle's Administration Building and on the Town of East Fremantle's website. The Town of East Fremantle will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

Behaviour Complaints Officer – Chief Executive Officer
Phone : 9339 9339
Email: gtuffin@eastfremantle.wa.gov.au

2. Roles

2.1 Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2 Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3 Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1 Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [*clause 11(1) of the Code of Conduct*].

A Complaint must be made within one (1) month after the alleged Breach [*clause 11(2)(c) of the Code of Conduct*].

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made [*clause 11(2)(c) of the Code of Conduct*].

3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [*clause 15(1) of the Code of Conduct*].

3.3 Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [*clause 14 of the Code of Conduct*].

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4 Notice to Complainant

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5 Notice to Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6 Alternative Dispute Resolution

The Town of East Fremantle recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Town of East Fremantle's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9 Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Town of East Fremantle's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Town of East Fremantle's Meeting Procedures Local Law 2016.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10 Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11 Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.
- provide the Respondent with a copy of the draft Complaint Report, and give them 7 days to make a submission before the report is finalised.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12 Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13 Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1 Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2 Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Town of East Fremantle Meeting Procedures Local Law 2016.

4.3 Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5 Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

Attachments

1. Behaviour Complaints Committee Terms of Reference
2. Behaviour Complaint Form

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	18/5/21
Policy Amended/Reviewed:	

Behaviour Complaints Committee Terms of Reference

Objective

To establish Terms of Reference for the Behaviour Complaints Committee of the Town of East Fremantle.

Scope

These Terms of Reference apply exclusively to the Town of East Fremantle's Behaviour Complaints Committee.

Committee Function

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Town of East Fremantle's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of a minimum of three Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least two Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

There is no external membership associated with this Group.

Term of membership

Two (2) years in line with the local government election cycle.

Presiding Member/Chairperson

The members shall elect a meeting Chairperson from the Group membership as required.

Meeting Schedule

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the Committee Presiding Member.

Delegated Authority

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Town of East Fremantle Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

Committee Governance

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time *[Admin.r.5]*
- make the Committee Notice Papers and Agenda publicly available *[s.5.94(p), s.5.96A(f)]*, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) *[Admin.r.14]*; and
- make Committee minutes publicly available *[s.5.94(n), s.5.96A(h)]*, with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

Administration

Town officers will:

- be responsible for coordinating meetings;
- circulate an agenda before each meeting to Committee Members;
- take Minutes of the meeting and register them in the City's Document Management System.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Owner Business Unit:	Office of the CEO
Reviewer:		Decision Maker:	Council
Compliance Requirements:			
Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021		
Other:			
Organisational:	Council Policy 1.1.10 Code of Conduct Behaviour Complaints Management Delegated Authority DA84 Behaviour Complaints Committee		



Behaviour Complaint Form

Division 3 of the Code of Conduct for Council Members,
Committee Members and Candidates

Instructions for: Making a complaint about an alleged breach of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates

Behaviour Complaint

Please read the Town of East Fremantle's Code of Conduct Behaviour Complaints Policy on our website www.eastfremantle.wa.gov.au before submitting a complaint. This Policy details:

- How the Town of East Fremantle will process and determine a Behaviour Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid **Behaviour Complaint**:

-
- The allegation must relate to a breach of the behaviour standards in Division 3 of the Town of East Fremantle's Code of Conduct for Council Members, Committee Members and Candidates.
-
- Complete all sections of the Behaviour Complaint Form attached, including any additional information that will support assessment of the complaint. *The Behaviour Complaints Officer may contact you to clarify or ask for more information.*
-
- The completed Behaviour Complaint Form **MUST** be lodged with the Town of East Fremantle Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.
-

Rules of Conduct Complaint

A **Rules of Conduct Complaint** refers to a breach of the Rules of Conduct outlined in Division 4 of the Town of East Fremantle's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries. Further information about Rules of Conduct Complaints may be obtained from:

- Department of Local Government, Sport and Cultural Industries: (08) 6552 7300 or www.dlgsc.wa.gov.au; OR
- The Town of East Fremantle's Rules of Conduct Complaints Officer: (08) 9339 9339 gtuffin@eastfremantle.wa.gov.au

Need Advice?

If you require advice in making a Behaviour Complaint, please contact the Town of East Fremantle's Behaviour Complaints Officer on (08) 9339 9339 by email

Behaviour Complaint Form

**Town of East Fremantle Code of Conduct for Council Members, Committee Members
and Candidates**

Name of Person Making the Complaint				
Complainant Name: <i>Given Name/s and Family Name</i>				
Contact Details				
Residential Address:				
Postal Address:				
Phone:	Day-time:		Mobile:	
Email:				

Complaint Details:			
1.	Insert Name of Person alleged to have committed a behavior breach:		
2.	Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:	Council Member of the Town of East Fremantle	<input type="checkbox"/>
		Member of a Committee of the Town of East Fremantle	<input type="checkbox"/>
		Candidate for election at the Town of East Fremantle	<input type="checkbox"/>
3.	Date that the alleged behaviour breach occurred:		
4.	Location where the alleged behaviour breach occurred:		

5.	Which of the behaviours prescribed in Division 3 of the Town of East Fremantle's Code of Conduct do you allege this person has breached?	
	Clause 8. Personal integrity	
	(1) A council member, committee member or candidate —	
	(a) must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>
	(b) must only publish material that is factually correct	<input type="checkbox"/>
	(2) A council member or committee member —	
	(a) must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>
	(b) must comply with all policies, procedures and resolutions of the local government.	<input type="checkbox"/>
	Clause 9. Relationship with others	
	A council member, committee member or candidate —	
	(a) must not bully or harass another person in any way; and	<input type="checkbox"/>
	(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and	<input type="checkbox"/>
	(c) must not use offensive or derogatory language when referring to another person; and	<input type="checkbox"/>
	(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and	<input type="checkbox"/>
	(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.	<input type="checkbox"/>
	Clause 10. Council or committee meetings	
	When attending a council or committee meeting, a council member, committee member or candidate —	
	(a) must not act in an abusive or threatening manner towards another person; and	<input type="checkbox"/>
	(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and	<input type="checkbox"/>
	(c) must not repeatedly disrupt the meeting; and	<input type="checkbox"/>
	(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and	<input type="checkbox"/>
(e) must comply with any direction given by the person presiding at the meeting; and	<input type="checkbox"/>	
(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	<input type="checkbox"/>	

6.	State the full details of the alleged breach.

7	List any additional information you have provided as part of this complaint: <i>Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.</i>

9	Have you made any efforts to resolve the complaint with the Respondent? <i>Please note, you MUST complete this section</i>	
YES	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>
NO	<input type="checkbox"/>	<i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>

10	<p><i>The Town of East Fremantle has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.</i></p> <p><i>The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant, you will have absolute discretion to withdraw or continue with this Complaint.</i></p> <p><i>Please contact the Behaviour Complaints Officer if you would like more information.</i></p>		
	Would you agree to participate in an Alternative Dispute Resolution process?	YES	<input type="checkbox"/>
		NO	<input type="checkbox"/>

11	<p>Desired outcome of the Complaint</p> <p><i>Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.</i></p>

COMPLAINANT <i>please sign and date</i>	
Signature:	
Date:	

Please submit completed Behaviour Complaint to:

The Town of East Fremantle's Behaviour Complaints Officer:
 Mailing Address: gtuffin@eastfremantle.wa.gov.au
 In person: 135 Canning Highway, East Fremantle

OFFICE USE ONLY: <i>Received by the Council appointed Behaviour Complaints Officer</i>	
Authorised Officer's Name:	
Authorised Officer's Signature:	
Date received:	



Code of Conduct for Council Members, Committee Members and Candidates

Behaviour Complaint

Statutory Declaration

Oaths, Affidavits and Statutory Declarations Act 2005

Must be completed and submitted with the completed Behaviour Complaint Form

I

Insert your name

Insert your residential address

Insert your occupation

Sincerely declare that the information I have provided in the attached Behaviour

Complaint dated _____

Insert date

is a true and accurate representation of the alleged behavior breach.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

At:

place

On:

date

By:

signature of the person making the declaration

In the presence of:

signature of authorised witness

See over page for list of authorised witnesses prescribed in the Oaths, Affidavits and Statutory Declarations Act 2005

print name

qualification as such a witness

Schedule 2 — Authorised witnesses for statutory declarations		
[s. 12(6)(a)]		
Item	Formal description	Informal description
1.	A member of the academic staff of an institution established under any of the following Acts — <ul style="list-style-type: none"> • <i>Curtin University Act 1966</i>; • <i>Edith Cowan University Act 1984</i>; • <i>Murdoch University Act 1973</i>; • <i>University of Notre Dame Australia Act 1989</i>; • <i>University of Western Australia Act 1911</i>; • <i>Vocational Education and Training Act 1996</i>. 	Academic (post-secondary institution)
2.	A member of any of the following bodies — <ul style="list-style-type: none"> • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • Institute of Public Accountants (ACN 004 130 643); • National Tax & Accountants' Association Limited (ACN 057 551 854). 	Accountant
3.	A person who is registered under the <i>Architects Act 2004</i> .	Architect
4.	An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff

Item	Formal description	Informal description
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth.	Bank manager
8.	A member of Governance Institute of Australia Ltd (ACN 008 615 950).	Chartered secretary, governance adviser or risk manager
9.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the pharmacy profession.	Chemist
10.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the chiropractic profession.	Chiropractor
11.	A person registered as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
13.	A member of the Australian Defence Force who is — <ul style="list-style-type: none"> • an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; or • a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or • a warrant officer within the meaning of that Act. 	Defence force officer
14.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law.	Dentist

Item	Formal description	Informal description
15.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession.	Doctor
15A.	A person appointed under the <i>Parliamentary and Electorate Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i)	Electorate officer of a member of State Parliament
16.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
17.	The secretary of an organisation of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> • <i>Industrial Relations Act 1979</i>; • <i>Workplace Relations Act 1996</i> of the Commonwealth. 	Industrial organisation secretary
18.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
19.	A Justice of the Peace.	Justice of the Peace
19A.	A person who is a member of the Authority's staff within the meaning given to that term by the <i>Land Information Authority Act 2006</i> section 3.	Landgate officer
20.	An Australian lawyer within the meaning of that term in the <i>Legal Profession Act 2008</i> section 3.	Lawyer
21.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
22.	A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
23.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
24.	An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth.	Marriage celebrant
25.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament

Item	Formal description	Informal description
25A.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the midwifery profession.	Midwife
26.	A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
27.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing profession.	Nurse
28.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the optometry profession.	Optometrist
28A.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the paramedicine profession.	Paramedic
29.	A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
30.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the physiotherapy profession.	Physiotherapist
31.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the podiatry profession.	Podiatrist
32.	A police officer.	Police officer
33.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
34.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the psychology profession.	Psychologist
35.	A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
36.	An officer of the Commonwealth public service.	Public servant (Commonwealth)

Item	Formal description	Informal description
37.	A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
38.	The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
39.	The holder of a licence under the <i>Settlement Agents Act 1981</i> .	Settlement agent
40.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41.	A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor
42.	A person registered under the <i>Teacher Registration Act 2012</i> .	Registered teacher
43.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44.	A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary surgeon

1.1.11 Elections – Caretaker Period

Type:	Office of the CEO – Elected Members
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> Town of East Fremantle Code of Conduct – Elected Members, Committee Members and Candidates <i>Electoral Act 1907 (WA)</i> <i>Electoral Act 1918 (Commonwealth)</i>
Delegation:	N/A
Other Related Document:	

Purpose

This policy supplements the caretaker provisions of the *Local Government Act 1995* to provide additional guidance in the lead up to election day, ensuring that major decisions which would bind an incoming Council are avoided where possible, preventing the use of public resources in ways that can be seen to be advantageous to, or promoting candidates, and also ensuring employees act impartially in relation to candidates.

This policy has implications for major decision making, public consultation, publications, publishing of information, the use of Town of East Fremantle resources and access to information and advice.

This policy is to be applied in conjunction with all other relevant legislation, local laws, delegations, policies, procedures and processes of the Town, providing guidance to ensure the continuation of ordinary business.

Policy Statement

1. Legislation

1.1. This policy applies in addition to, and does not derogate from, the requirements of the *Local Government 1995*, and the *Local Government (Functions and General) Regulations 1996*.

1.2. In the event of any inconsistency the legislative provisions prevail.

1.3. This policy is to be read in conjunction with all other relevant legislation, local laws, delegations, policies, procedures, and processes of the Town, providing guidance to ensure the continuation of ordinary business.

2. **Scope**

- 2.1. This Policy applies to council members and Town employees during a Caretaker Period and covers:
 - 2.1.1 Notices of Motions submitted by council members;
 - 2.1.2 Decisions made by Council;
 - 2.1.3 Information and material published by the Town;
 - 2.1.4 Attendance at and participation in functions and events;
 - 2.1.5 Use of the Town's resources; Access to information held by the Town; and
 - 2.1.6 Employee engagement with candidates and/or council members.
- 2.2 While candidates who are not sitting council members cannot be compelled to comply with a Council policy, such candidates will be made aware of this policy and encouraged to cooperate with its implementation. In addition, candidates will be informed of the "Code of Conduct for Council Members, Committee Members and Candidates" and that a breach of the requirements of the Code of Conduct could result in a complaint being brought against the candidate should they be elected to Council (per section 5.104(6) of the Act and clause 11 of the Code of Conduct).]
- 2.3. This policy only applies to decisions made during the Caretaker Period and not the announcement of decisions made prior to the Caretaker Period, however, as far as practicable any such announcements should be made before the Caretaker Period begins.

3. **Definitions**

Act means the *Local Government Act 1995*

Caretaker Period has the meaning defined in section 1.4A(1) of the Act.

1.4A. Caretaker period

(1) In this Act —

caretaker period, in relation to a local government, means a period that —

- (a) begins at the close of nominations (as defined in section 4.49(a)) for a relevant election for the local government; and
- (b) ends —
 - (i) on the day after the day on which the returning officer declares the result of the relevant election under section 4.77; or
 - (ii) if section 4.57(1) applies to the relevant election — on the day after the day on which the close of nominations falls; or
 - (iii) if section 4.58(1) applies to the relevant election — on the day after the day on which the candidate dies

(2) In subsection (1) —

relevant election means any of the following —

- (a) an ordinary election;
- (b) an inaugural election;
- (c) an election under section 4.11, 4.12, 4.13 or 4.14;
- (d) an election under section 4.15 after an election that is a relevant election under paragraph (a), (b) or (c) or this paragraph is declared invalid.

CEO means the Chief Executive Officer, who is the most senior employee in the organisation. The CEO is appointed by and directly accountable to the Council.

council member means a person elected under the Act as a member of Council. The Town's council members include the Mayor, Deputy Mayor and Councillors (as defined by the Act).

Election Day means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election. For the purposes of this policy, 'Election Day' generally excludes an Extraordinary Election Day unless otherwise specified in this policy.

electoral material means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election, but does not include any materials produced by the Town relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the *Local Government Act 1995*, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*.

events and functions means gatherings for the purpose of discussion, review, acknowledgement, communication, consultation, celebration or promotion of any matter relevant to the Town and/or its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions, including gatherings coordinated or facilitated by the Town or an external entity.

major policy decision excludes anything that constitutes a significant act, means any:

1. Decisions relating to the remuneration of the CEO or any other designated senior officer;
2. Decisions relating to the Town entering into a sponsorship arrangement with Town residents or community organisations;
3. Irrevocable decisions that commit the Town to substantial expenditure or significant unforeseen action;
4. Irrevocable decisions that will have unforeseen significant impact on the Town or the community;
5. Reports requested or initiated by a council member, candidate or member of the public that, in the CEO's opinion, may be perceived within the general community as an issue that adversely reflects upon the Council's decision making process and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

public consultation means a process which involves an invitation to individuals, groups, organisations or the community generally to comment on an issue, proposed action or proposed policy, but does not include consultation required to be undertaken in order to comply with a written law.

Prevailing Circumstances is defined by clause 8 of this policy.

significant act has the meaning given in section 3.73 (1) of the Act.

Division 5 — Caretaker period

3.73 Restrictions on what local government may do during caretaker period

(1) In this section –

emergency means

- (a) the occurrence, or imminent occurrence, of an event, situation or condition that is a hazard under the definition of that term in the *Emergency Management Act 2005* section 3; or
- (b) a public health emergency as defined in the *Public Health Act 2016* section 4(1)

land transaction has the meaning given in section 3.59(1)

major land transaction has the meaning given in section 3.59(1)

major trading undertaking has the meaning given in section 3.59(1)

significant act means any of the following -

- (a) making a local law (including making a local law to amend or repeal a local law);
- (b) entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
- (c) entering into a major land transaction;
- (d) entering into a land transaction that is preparatory to entry into a major land transaction;
- (e) commencing a major trading undertaking
- (f) entering into a contract, or other agreement or arrangement, in prescribed circumstances;
- (g) inviting tenders in prescribed circumstances;
- (h) deciding to do anything referred to in paragraphs (a) to (g);
- (i) an act done under a written law or otherwise that is a prescribed act.

(2) During a caretaker period, a local government must not do a significant act.

(3) Subsections (4) to (6) apply despite subsection (2).

- (4) A local government may do a significant act during a caretaker period if —
 - (a) the local government’s decision to do the significant act was made before the caretaker period; and
 - (b) any prescribed requirements are met.
- (5) A local government may do a significant act during a caretaker period if it is necessary for the local government to do the significant act during the caretaker period in order to comply with any of the following —
 - (a) a written law;
 - (b) an order of a court or tribunal;
 - (c) a contractual obligation of the local government under a contract entered into by the local government before the caretaker period.
- (6) The Departmental CEO may authorise a local government to do a significant act during a caretaker period if the Departmental CEO is satisfied that it is necessary for the local government to do the significant act during the caretaker period —
 - (a) because of an emergency; or
 - (b) to ensure the proper operation of the local government.

4. **Caretaker Period**

4.1 The Caretaker Period is defined in the Act.

4.2 The CEO will ensure as far as reasonably practicable that all council members and employees are aware of this policy at least 30 (thirty) days prior to the start of the Caretaker Period.

5. **Significant Acts**

5.1 Significant acts are dealt by the Act.

5.2 In accordance with Section 3.73(2) of the Act, a local government must not do a significant act during a Caretaker Period.

5.3 This prohibition is subject only to the exceptions prescribed in the Act and is not subject to Prevailing Circumstances or other exceptions detailed in this policy.

6. **Public Consultation**

6.1 It is prohibited under this policy for public consultation to be commenced during the Caretaker Period on an issue which is contentious.

6.2 Despite subclause 4.1, public consultation may be commenced during a Caretaker Period if:

- 6.2.1 the process has substantially commenced and/or approvals are in place; or
- 6.2.2 the consultation is a mandatory statutory process or required under existing policy.

7. **Major Policy Decisions**

7.1 As far as reasonably practicable, the Chief Executive Officer should avoid scheduling major policy decisions for consideration during a Caretaker Period and instead should ensure that such decisions are either:

- 7.1.1 Considered by the Council prior to the Caretaker Period; or
- 7.1.2 Scheduled for determination by the incoming Council.

7.2 Major policy decisions may be considered by Council if the CEO is satisfied that Prevailing Circumstances apply.

7.3 As far as reasonably practicable, the Chief Executive Officer should avoid scheduling matters related to major policy decisions for discussions at Council Forums, Workshops or Briefings during a Caretaker Period.

7.4 Matters related to major policy decisions may be scheduled for discussions at Council Forums, Workshops or Briefings during a Caretaker Period if the CEO is satisfied that Prevailing Circumstances apply.

8. **Prevailing Circumstances**

8.1. When determining whether Prevailing Circumstances apply, the CEO is to have regard to a number of circumstances including, but not limited to:

- 8.1.1 whether the decision is significant.
- 8.1.2 the urgency of the issue.
- 8.1.3 whether the process has substantially commenced and/or approvals are in place.
- 8.1.4 the possibility of legal and/or financial repercussions if it is deferred.
- 8.1.5 whether the consultation is a mandatory statutory process or required under existing policy.
- 8.1.6 whether the decision is likely to be controversial or contentious, and in the best interests of the Town.

8.2 If the CEO is satisfied that Prevailing Circumstances apply, the CEO is required to provide council members with advice setting out:

- 8.2.1 the reasons why Prevailing Circumstances apply; and
- 8.2.2 how potential electoral impacts will be managed or mitigated.

8.3 Details of advice provided under this clause are to be retained, with the Forum, Workshop or Briefing notes, as a Local Government record.

9. Council Member Interactions

9.1 During the Caretaker Period, council members should take particular care when:

9.1.1 considering planning matters before the Council in its role as a responsible authority, under the *Planning and Development Act 2005*. [It should be noted that items considered by the Joint Development Assessment Panel are done so under an independent process and this policy does not apply];

9.1.2 undertaking a consultation or advocacy role on behalf of members of the community; and

9.1.3 representing the Town's communications with State or Federal Government entities.

10. Publishing Electoral Material

10.1 The Town will not print, publish or distribute, or authorise others to print, publish or distribute on behalf of the Town anything that contains 'electoral material' during the Caretaker Period, other than announcing the election, encouraging residents to ensure they are enrolled on the Electoral Roll and encouraging them to vote.

10.2 In accordance with section 5.42 of the Act the Town will publish the required information about all candidates on its website.

10.3 Other than information published in accordance with the Act, during the Caretaker Period no additions or changes will be made to information on the Town's website about current council members who are standing for re-election.

11. Candidate and/or Council Member Publications

11.1 Candidates and/or council members who publish electoral material must not claim or represent that the electoral material originates from or is authorised by the Town.

11.2 The Town of East Fremantle logo or crest or anything resembling them must not be used in electoral material.

12. Town of East Fremantle Publications

12.1 There will be no interviews with council members or images of any council member in the Town's printed material during the Caretaker Period.

12.2 This clause does not apply to information published prior to the Caretaker Period.

13. Media

13.1 Council members will not use their position as an elected representative or their access to Town staff or resources to gain media attention in support of their or any candidate's election campaign.

13.2 During the Caretaker Period there will be no proactive publicity shots used by the Town in any form involving any council member, except the Mayor.

13.3 The Mayor will still be quoted in media responses during the Caretaker Period when providing information as spokesperson on behalf of the Town.

- 13.4 Proactive statements in the media will be monitored under the direction of the CEO during the Caretaker Period to ensure compliance with these provisions.
- 13.5 Proactive media during the Caretaker Period will be restricted to operational matters or issues already resolved by Council.
- 13.6 Candidates may not use the Town's social media accounts to profile themselves, their campaign or provide any responses or comments to questions or statements on the Town's social media pages.

14. Attendance and Participation at Events/Functions

- 14.1 Public Events Hosted by External Bodies
 - 14.1.1 Council members may continue to attend events and functions hosted by external bodies during the Caretaker Period and may appear on externally managed social media pages.
- 14.2 Town of East Fremantle organised Civic Events/Functions/Official Openings
 - 14.2.1 Events and/or functions organised by the Town and held during the Caretaker Period will be limited to only those that the CEO, in conjunction with the Mayor, considers essential to the operation of the Town.
 - 14.2.2 Council members nominating as a candidate for local, state or federal government elections should not, where practicable, have any formal role at events/functions organised or sponsored by the Town during the Caretaker Period, other than the provision of a short welcome, when appropriate. Any determination of whether it is otherwise appropriate for a councillor to officiate at a Town arranged event/function will be at the discretion of the CEO, in conjunction with the Mayor.
 - 14.2.3 Council members must not distribute any campaign material or promote their campaign at any Town of East Fremantle organised civic events, functions, official openings, or similar.
- 14.3 Delegates to Community and Advisory Groups
 - 14.3.1 Council members appointed to community groups and other external organisations as representatives of the Town shall not use their attendance at meetings of these groups to either recruit assistance with electoral campaigning or to promote their personal or other candidate's electoral campaigns.

15. Use of Town of East Fremantle Resources

- 15.1 The Town of East Fremantle Code of Conduct – Elected Members, Committee Members and Candidates prohibits the use of the Town's resources for electoral purposes.
- 15.2 The Town's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign.
- 15.3 In any circumstances where the use of Town resources might be construed as being related to a candidate's election campaign, advice is to be sought through the CEO.
- 15.4 Community groups who wish to hire Town owned premises to interview or record (audio visual) election candidates in a public forum may do so, subject to the relevant venue hire charge being paid in accordance with the Town's normal practices.

16. Access to Town Held Information

- 16.1 All candidates will have equal rights to access publicly available information from the Town's administration.
- 16.2 Information, briefing material and advice prepared or secured by employees for a council member must be necessary to the carrying out of the council member's role.
- 16.3 Information received or accessed in the role of a council member is not to be used for electoral purposes. This includes claiming personal credit for previous Council decisions in marketing material.

17. Media Advice

- 17.1 Any requests for media advice or assistance from council members during the Caretaker Period will be referred to the CEO.
- 17.2 No media advice will be provided in relation to election issues or in regard to publicity that involves specific council members participating in the relevant election.
- 17.3 If satisfied that advice sought by a council member during the Caretaker Period does not relate to the election or publicity involving any specific council member, the CEO may authorise the provision of a response to such a request.
- 17.4 The Town will not arrange any media opportunities for council members during the Caretaker Period.

18. Town of East Fremantle Employees

- 18.1 During the Caretaker Period no Town employee may make any public statement that relates to an election issue.
- 18.2 Employees must avoid assisting council members in ways that could create a perception of being used for electoral purposes.
- 18.3 Employees must not accept employment (voluntary or paid) related to local elections for any candidate.
- 18.4 Employees must not interact with council members or candidates on their social media pages during the Caretaker Period.

19. Local Government Election Process Enquiries

- 19.1 All election process enquiries from candidates, whether current council members or not, will initially be directed to the Returning Officer, or, where the matter is outside the responsibility of the Returning Officer, to the CEO or delegate.

20. Electoral Signs

- 20.1 Electoral signage is not permitted within road reserves (this includes Council verges outside private properties). This is based on a requirement for:
 - 20.1.1 Pedestrian safety;
 - 20.1.2 Risk aversion and exposed liability to the Town for injuries or damage; and
 - 20.1.3 Vehicle safety for manoeuvrability and sightlines.
- 20.2 Electoral signage is not permitted on Town Reserves or Town infrastructure.
- 20.3 The installation of signage on private property requires permission from the owner.

21. Implementation of Caretaker Practices during State and Federal Government Elections

- 21.1 Council members who nominate or are pre-selected by a political party to contest a state or federal election, should avoid any appearance that their position on Council

is being used as a platform for their state or federal election campaign during the election period.

- 21.2 A council member may choose to take leave of absence from the Council for such period as they see fit and should, as soon as practicable after nominating or being pre-selected, notify the CEO in writing, who in turn will advise the other council members.
- 21.3 For state or federal elections, the Caretaker Period commences from the date of the election writ issued by the Governor or Governor General, as is relevant.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	21/9/21
Policy Amended/Reviewed:	19/8/25

1.1.12 Recordkeeping for Elected Members

Type:	Office of the CEO
Legislation:	State Records Act 2000
Delegation:	
Other Related Document:	

Objective

The State Records Act 2000 is the primary legislation that governs recordkeeping in Western Australia.

The State Records Commission was established under the terms of Part 8 of the State Records Act 2000.

The State Records Commission's policy for Local Government Elected Members records is as follows:

"In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision-making processes of Council and Committees of Council.

This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision-making processes of Council."

This policy has been prepared for Elected Members to assist them in meeting their recordkeeping requirements.

Policy Scope

The Town of East Fremantle recognises that its records are an important information resource and that sound records management practices will contribute to the overall efficiency and effectiveness of the organisation.

Good records management practices also enable:

- Access to accurate information
- Demonstration of accountability
- Evidence of events and decisions
- Compliance with legislative requirements; and

- Provision of a historical record for the business and society

Complete and accurate records of all business decisions and transactions regardless of format are to be retained by all Elected Members. If requested by the Town of East Fremantle's administration, these are to be provided to the Records Officer to be recorded in the Town of East Fremantle's recordkeeping system and managed in accordance with legislative requirements, the Town of East Fremantle Recordkeeping Plan and Records Management Policies and Procedures.

Policy

Creating and Keeping Records

All Elected Members are to create and maintain records relating to their role as an Elected Member, which convey information relating to local government business or functions. These records can be forwarded to the Records Officer/Governance Officer for capture into the Town of East Fremantle's recordkeeping system.

Elected Members must ensure that:

- Records relating to the business of the local government are distinguished from those that relate to their political responsibilities or any personal matters.
- Records in their possession are securely stored and protected from damage and unauthorised access.
- All records created are dated and the originator is identified.
- Records are factual and non-emotive as they could be subject to Freedom of Information application/s.

Refer to Appendix 1 – Information Sheet produced by the State Records Office of WA “Local Government Elected Members Records: Which Records to Capture?” for examples of what should be captured into the Town of East Fremantle's recordkeeping system.

Disposal of Records

Disposal of records is by way of archiving (either with the State Records Office or within the local government as a state archive), permanent retention within the local government, or destruction.

Elected Members must not personally undertake destruction of any records.

At the end of an Elected Member's term in office, any original records in their possession must be retained by the Elected Member or, alternatively, returned to the Town of East Fremantle's Records Management Services via the Personal Assistant to the Mayor.

Records Management Services will then arrange for the destruction or retention of the records in accordance with the General Disposal Authority for Local Government Records*.

Any copies of records held by an Elected Member can be destroyed by way of shredding at the end of their term in office. Alternatively, the copies (clearly marked as such) can be returned to the Personal Assistant to the Mayor who will arrange for them to be destroyed.

Procedures

Incoming Correspondence

All mail received by the Town of East Fremantle addressed to Elected Members, excluding that which is marked private, personal or confidential, will be opened by the Records Officer and processed with the rest of the organisation's incoming mail.

The hard copy documents will be retained within the Records department and filed accordingly, in compliance with the General Disposal Authority for Local Government Records.

Incoming mail for Elected Members that is considered to be ephemeral*, party political or personal will not be scanned into the recordkeeping system and instead will be given to the Personal Assistant to the Mayor who will arrange for it to be forwarded to the Elected Member.

Mail received directly by Elected Members at their personal address, that relates to local government business, should be forwarded to the Town of East Fremantle's Records Officer via admin@eastfremantle.wa.gov.au for recording in the recordkeeping system and for appropriate storage and retention.

Elected Members Responses

If an Elected Member responds directly to a ratepayer / customer (other than simply providing a routine reply or information), a copy of the response should be provided to the Town of East Fremantle for capture into the recordkeeping system. This can be done by:

- Cc'ing or forwarding a copy of the emailed response to the Records Officer/Governance Officer who will register the email in the recordkeeping system, or
- Scanning the response and emailing it to the Records Officer/Governance Officer who will register the response in the recordkeeping system, or
- Sending a hard copy of the response to the Records Officer/Governance Officer who will scan and register the response in the recordkeeping system.
- Making a record of a verbal response in the form of a file note or record of conversation and sending a copy by email or in hard copy to the Records Officer/Governance Officer who will register it into the recordkeeping system.

It is acknowledged that a lot of ratepayer / customer communication is done on an informal basis and where these discussions do not impact on the business outcomes of the Town of East Fremantle; a record does not need to be captured into the Town of East Fremantle's recordkeeping system.

Emails

All emails that are Records sent to, or by, the Mayor will be registered into the recordkeeping system by the Personal Assistant to the Mayor.

Emails marked to the attention of an Elected Member/s (including those that are cc'd to an Elected Member or include an Elected Member in the To field) that are sent to the Town of East Fremantle's main email address admin@eastfremantle.wa.gov.au will be registered into the recordkeeping system by the Records Officer.

If an Elected Member receives an email directly to their Town of East Fremantle email address (or to any other personal email address) that relates to local government business; and has not been sent to or cc'd to admin@eastfremantle.wa.gov.au; a copy of the email (and any responses sent by the Elected

Member) must be forwarded to the Records Officer/Governance Officer who will register the email/s into the recordkeeping system.

Definitions

Ephemeral Records

Ephemeral records include information that has a very short-term value and typically does not need to be captured into a business information system for the purposes of retention.

General Disposal Authority (GDA) for Local Government Records

The General Disposal Authority for Local Government Records is approved by the State Records Commission and is designed to provide consistency throughout local government in disposal activities and decisions. It is the official and continuing authority for the disposal of local government records within Western Australia.

Business, Corporate or Government Records

A business, corporate or government record is information recorded in any form that is created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity.

Significant Records

Significant records are records that are designated as State archives.

If the activity has any of the following characteristics, it is deemed significant:

- substantially impacts the whole-of-local-government function
- substantially impacts the implementation or development of legislation, regulations or local government policy
- substantially impacts the local government's business, structure or policy
- substantially impacts obligations, responsibilities or liabilities of local government or the State
- sets a legal or substantive precedent
- generates or involves substantial community or public interest, debate or controversy
- involves innovative, unique or precedent-setting practices, techniques or methods

Many functions/activities will have records that are Significant and records that are not hence the GRDA having **Significant** and **Other** at many entries in the GRDA, e.g.

No	Function/Activity	Description	Disposal Action	Custody
63	INSPECTIONS	Official examinations...		
63.1	Significant	Significant inspections or tests, that may relate to:...	Archive	Retain as State Archive
63.2	Other	Other inspections, not included in previous section. Includes:	Destroy	Retain 7 years after action

		• routine inspections relating to...		completed, then Destroy
--	--	--------------------------------------	--	-------------------------

Vital Records

Vital Records are records that are required to operate the organisation during a disaster and/or required to re-establish the organisation after a disaster situation.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision Making Authority:	Council
Policy Adopted:	15/10/24
Policy Amended Reviewed:	

Appendix 1



Local Government Elected Members' Records: Which records to capture?

Elected members have a unique and pivotal role within the local government and the community. They represent the interests of electors, residents and ratepayers, participate in local government decision making at council and committee meetings, and facilitate communication between the community and the Council.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."

This policy applies regardless of a record's format or where it was received.

Under the *Local Government Act 1995*, the CEO of a local government is responsible for ensuring that all records of that local government are kept in accordance with relevant legislation. Accurately created and managed records provide reliable, legally verifiable evidence of decisions and actions.

Records created or received by elected members that relate to local government business must be captured as part of the local government's corporate memory in accordance with the local government's Recordkeeping Plan.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.
- Video and audio recordings
- Photographs
- Email
- Social Media posts (e.g. Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g. WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.



Which records should be captured?

YES – forward to your local government administration
Communications , such as: <ul style="list-style-type: none">• complaints and compliments• correspondence concerning corporate matters• submissions, petitions and lobbying• information for Council's interest relating to local government business activity and functions
Lobbying – correspondence or petitions, relating to lobbying matters
Telephone, meetings and other verbal conversations – regarding local government projects or business activities
Social Media – where the posts: <ul style="list-style-type: none">• create interest from the public or media• communicate decisions or commit the local government to an action• seek feedback• address issues of safety, and/or• relate to sensitive or contentious issues
Work diaries / Appointment books – containing information that may be significant to the conduct of the elected member on behalf of the local government
Allowances, benefits and gifts records
Addresses / Speeches / Presentations – delivered as part of an elected member's official duties

NO – do not need to be forwarded to your local government
Duplicate copies – of Council meeting agenda, minutes and papers
Draft documents or working papers – which are already captured at the local government
Publications – such as newsletters, circulars and journals
Invitations – to community events where an elected member is <i>not</i> representing Council or the local government
Telephone, meetings and other verbal conversations which: <ul style="list-style-type: none">• convey routine information only; or• do not relate to local government business or functions
Electioneering – or party-political information
Personal records – not related to an elected member's official duties



Confidential Documents / Records

Records held within an information system or on hard copy files can be restricted so that only the appropriate officers can access them. If the elected member believes that some of the documentation required for capture into the IMS is of a highly sensitive or confidential nature, the Elected Member should advise the local government to treat the information as confidential and restrict access to those records.

For further information, contact your local government administration or the State Records Office on (08) 9427 3661 or via email at sro@sro.wa.gov.au

1.1.13 Recognition of Service - Council Members

Type:	Office of the CEO – Council Members
Legislation:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 (WA)</i> • <i>Local Government (Administration) Regulations 1996 (WA)</i>, Regulation 34AC (Gifts to retiring council members)
Delegation:	Nil
Other Related Document:	Nil

1. Objective

This policy provides a framework for recognising the service of retiring Council Members in a fair, transparent and consistent manner, consistent with the *Local Government Act 1995 (WA)* and the *Local Government (Administration) Regulations 1996 (WA)*.

2. Policy Scope

This policy applies to all Council Members of the Town of East Fremantle who are retiring following the conclusion of a full term of office.

3. Definitions

- **Town** – means the Town of East Fremantle
- **Council Member** - Means a person elected under the *Local Government Act 1995 (WA)* as a member of the council of the Town and includes the Mayor of the Town.
- **Retirement**: The conclusion of service following the expiry of a Council Member’s term where the Council Member either does not seek re-election or is not re-elected.
- **Gift**: As defined under the *Local Government Act 1995 (WA)*, being a disposition of property or the conferral of a financial benefit without adequate consideration.

4. Policy Statement

4.1 Eligibility

4.1.1 A retiring Council Member will receive a gift where:

- They have completed at least one full four-year term; and
- Their departure meets the definition of “retirement” under this policy.

4.1.2 A Council Member who has been disqualified from office in accordance with s2.22 of the *Local Government Act 1995 (WA)* will not be eligible for a gift.

[Note: s2.22 refers to Disqualification because of convictions.]

4.2 Value of Gifts

- 4.2.1 A gift to the value of \$100 per year of service, up to a maximum of \$1,000, in accordance with Regulation 34AC.
- 4.2.2 Any council-owned property retained by a Council Member must be valued at depreciated (residual) value and counted within the prescribed limit.

4.3 Roles and Responsibilities

The CEO will –

- Confirm eligibility when a Council Member is due to retire.
- Monitor the terms of service of individual Council Members.
- Arrange the item of memorabilia and gift.

4.4 Presentation –

- 4.4.1 The gift will be presented by the Mayor or nominee at an ordinary or special meeting of council, or an appropriate civic recognition event.
- 4.4.2 In the event of the death of a Council Member the Town will work respectfully with the family to ensure appropriate recognition is provided in the Council Member’s memory.

4.5 **Record-keeping** – The gift will be noted in council minutes and, if applicable, in the gifts register.

4.6 Recognition Functions

Council may hold a civic event to recognise the contribution of retiring Council Members. Expenditure must be reasonable, budgeted, and consistent with community expectations.

4.7 Review

This policy will be reviewed every four years in line with the local government election cycle, or earlier if legislative amendments require.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council

Document Control

Version Date Adopted Review Date Minute Reference Notes

1.0 18/11/25 [insert] 111811 New policy

1.2 HUMAN RESOURCES

~~**1.2.1 Code of Conduct for Council Members, Committee Members and Employees**~~

This Policy has been replaced with Policy 1.1.9 Code of Conduct for Council Members, Committee Members and Candidates. A separate internal Code of Conduct for Employees & Contractors has been developed .

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:	

This policy has been reclassified as an administration policy

1.2.4 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	
<i>20 Years Continuous Service and above</i>	<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

1.2.7 COVID-19 Leave

Type:	Office of the CEO – Human Resources
Legislation:	Local Government Industry Award 2010
Delegation:	
Other Related Document:	PRO1.2.7 COVID-19 Procedure

Objective

The objective of this Policy is to outline the terms and conditions associated with leave related to the COVID-19 pandemic. This policy covers provisions that are in addition to other leave provisions prescribed by the National Employment Standards and the *Local Government Industry Award 2010*.

Policy Scope

This Policy is intended to supplement employment conditions contained in awards, and legislation but not to override them. To ascertain the rights and responsibilities of both the Town of East Fremantle (the Town) and employees, the parties should always refer to the primary documentation, e.g. *Local Government Industry Award 2010*.

Policy

COVID-19 Leave has been introduced to provide an additional level of assistance for employees who are affected by the COVID-19 pandemic.

COVID-19 Leave is not accruable and is only available after paid personal leave has been exhausted. The leave can only be accessed once in a 12 month period.

With respect to workforce flexibilities available to the Town's permanent and fixed term employees, the Town will adopt the following:-

The Town will grant up to two weeks (10 working days) pro-rata of paid COVID-19 Leave to permanent and fixed term employees who:

1. *have exhausted all accrued personal/sick leave and who provide evidence that:*
 - *they have tested positive to COVID-19; or*
 - *they are required to self-isolate based on an Australian Government or Health Department directive due to COVID-19; or*
 - *they are required to be the primary care giver (establishing the type of care giver role to be undertaken) for another person who has COVID-19 or is required to self-isolate and is a dependent of the employee;*
 - *cannot access school or other care arrangements because of COVID-19.*
 - *have not accessed COVID-19 leave in the prior 12 months.*
2. *are required to self isolate based on an Australian Government or Health Department directive, whilst awaiting results of a COVID-19 test. Should a positive test result be delivered, the employee is to exhaust all personal/sick leave prior to accessing further COVID-19 leave.*

The above would not apply to casual employees.

The CEO has discretion to approve additional COVID-19 leave based on extenuating circumstances. The Town will take a pragmatic approach to evidence requirements informed by current information about health risks and the like.

Evidence to support a claim for COVID-19 Leave includes medical evidence and/or a Statutory Declaration confirming the requirements for COVID-19 Leave to be used.

In situations concerned with being the primary care giver, employees may be asked to provide a documented explanation of the circumstances along with other evidence.

Employees may access a combination of existing leave provisions required during the pandemic, which include:

- i. Annual Leave
- ii. Personal/Sick Leave
- iii. Long Service Leave
- iv. Rostered Day Off accruals
- v. Compassionate Leave
- vi. Public Service Holidays
- vii. Unpaid Leave.

Employees who may be at higher risk than the general population in respect to COVID-19 are encouraged to continue to work, or work from home where possible.

Nothing in this policy prevents the CEO from amending work arrangements of staff in line with the Town's Business Continuity Plan and Commonwealth or State Government direction.

COVID-19 Leave will be calculated based upon the employee's contracted ordinary hours in a two week pay period in their substantive position, excluding any additional penalties, rates, allowances, overtime, etc.

National Lockdown

Should the Federal Government provide a directive that all activities are to stop (national lockdown), all permanent and part time staff (excluding casuals) that cannot work from home due to their duties (ie gardeners) will be stood down and paid at their ordinary rate (wage standard) for a period of up to two (2) weeks, after which time a review will be undertaken in relation to on-going payments.

General

- COVID-19 Leave does not apply to casuals.
- Employees who are sick (excluding COVID-19) can access existing personal or sick leave entitlements.
- Employees are expected to attend work or notify the employer of reasons for not attending. Employees not attending work without notification will be deemed to be on leave without pay.
- Employees found to not have adhered to self-isolation or other requirements related to the pandemic situation may be excluded from accessing COVID-19 Leave, or be required to reimburse it to the Town if confirmed it was not used for its intended purpose
- The CEO reserves the right to make the final decision on the application of the Policy.
- This Policy remain in force until further notice and may be amended or ceased by the Town at any time.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	21/4/20
Policy Amended/Reviewed:	17/8/21

Attachment:

COVID 19 Leave Procedures

COVID 19 LEAVE PROCEDURES (PRO1.2.7)

This procedure outlines the process to be undertaken when applying for COVID-19 Leave in line with our policy.

COVID-19 Leave is not accruable and is only available after an employee's existing paid Personal Leave has been exhausted.

The Town may grant up to two weeks of paid COVID-19 Leave to employees who provide evidence that:

- they have tested positive to COVID-19; or
- they are required to self-isolate based on an Australian Government or Health Department directive due to COVID-19;
- or they are required to be the primary care giver (establishing the type of care giver role to be undertaken) for another person who has COVID-19 or is required to self-isolate and is a dependent of the employee;
- cannot access school or other care arrangements because of COVID-19; or
- as otherwise approved by the CEO based on extenuating circumstances.

COVID-19 Leave may be taken in more than one period but cannot exceed two weeks paid in total in a 12 month period.

CALCULATION FOR PAYMENT

COVID-19 Leave will be calculated based upon the employees' contracted ordinary hours in a two week pay period in their substantive position, excluding any additional penalties, rates, allowances, overtime, etc.

EVIDENCE TO SUPPORT CLAIM

Evidence to support a claim for COVID-19 Leave includes medical evidence and/or a Statutory Declaration confirming the requirements for COVID-19 Leave to be used.

In situations concerned with being the primary care giver, employees may be asked to provide a documented explanation of the circumstances along with other evidence.

HOW TO APPLY FOR COVID-19 LEAVE

Submit an application in Definitiv selecting "Other" as Leave Type, then under Leave Reason select COVID Leave, upload evidence documents to support claim.

EMPLOYEES WITH REASONABLE CONCERN ABOUT EXPOSURE

Employees may seek not to attend work because of reasonable concern about exposure to COVID-19, even though the employee is not required to self-isolate. They may apply for the applicable leave type for this purpose (i.e. personal leave if unwell otherwise annual, long service leave or unpaid leave).

The Town will take a pragmatic and precautionary approach to these circumstances, informed by current information about health risks.

Any employee who believes they have a reasonable concern should raise that concern with their Supervisor. The Supervisor in consultation with Human Resources / WHS will determine if a reasonable concern exists based upon a risk assessment (made using information and expert guidance available at the time).

Following an individual assessment of risk, the Town may decide to:

- accommodate the employee in a different workspace or work environment
- accommodate working from home arrangements where possible;
- allow the employee to access available Leave or COVID-19 Leave or take leave without pay.

The same evidence requirements for accessing COVID-19 Leave apply.

GENERAL

COVID-19 Leave does not apply to casuals.

There is no requirement for COVID-19 Leave to be re-credited by an employee and it does not affect an employee's Annual or Long Service Leave entitlements.

Employees found to not have adhered to self-isolation or other requirements related to the pandemic situation may be excluded from accessing COVID-19 Leave, or be required to reimburse it to the Town if confirmed it was not used for its intended purpose.

1.2.8 Whistleblower (Public Interest Disclosure)

Type:	Office of the CEO – Human Resources
Legislation:	<i>Public Interest Disclosure Act 2003</i>
Delegation:	
Other Related Documents:	Code of Conduct (Policy No 1.2.1) Public Interest Disclosure Procedures

Objective

To encourage employees, elected members, contractors and consultants to report unlawful unethical, or undesirable conduct (“Misconduct”) that they genuinely believe has been committed by a person or persons in breach of the Town of East Fremantle’s Code of Conduct, policies or the law.

To demonstrate the Town’s commitment to a fair workplace and outline the process for managing matters of Misconduct.

To protect individuals who in good faith report conduct which they reasonably believe to be Misconduct, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.

To assist in ensuring that matters of Misconduct and/or unethical behaviour are identified and dealt with appropriately.

To state the Town of East Fremantle’s commitment to the aims and objectives of the *Public Interest Disclosure Act 2003*, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are the subject of a disclosure.

Policy

The Town of East Fremantle (“the Town”) is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. It recognises the value and importance of employees and others to enhance administrative and management practices, and strongly supports disclosures being made as to alleged Misconduct.

The Town will not tolerate Misconduct and has developed its Whistleblower Policy and PID Procedures to assist elected members, employees, contractors, consultants and members of the public to raise concerns through a constructive and safe process.

The Town will achieve this through the creation of an open working environment in which elected members, employees (whether they are full-time, part-time or casual), contractors and consultants, as well as members of the public, are able to raise concerns regarding actual or suspected Misconduct.

The Town recognises that any genuine commitment to detecting and preventing Misconduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. The Whistleblower Policy and PID Procedure provides such a mechanism, and encourages the reporting of such conduct.

The Town will endeavour to provide protection to “Whistleblowers” from any detrimental action in reprisal for the making of a public interest disclosure.

The Town’s Code of Conduct (“the Code”) requires elected members and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As elected members and employees and representatives of the Town, everyone has a responsibility to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations.

All information, documents, records and reports relating to the investigation of reported Misconduct will be confidentially stored and retained in an appropriate and secure manner, in accordance with the *Public Disclosure Act 2003*.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	CEO
Decision making Authority:	Council
Policy Adopted:	15/9/20
Policy Amended/Reviewed:	

1.2.9 Appointment of Acting Chief Executive Officer

Type:	Office of the CEO – Human Resources
Legislation:	<i>Local Government Act 1995</i>
Delegation:	DA1 Acting Chief Executive Officer
Other Related Documents:	Policy 1.2.2 CEO Leave Approval

Objective

To ensure compliance with *Local Government Act 1995 s5.39C* by having a policy regarding the employment of an acting Chief Executive Officer.

Scope

To provide a framework and guidelines for the employment of an acting CEO.

Policy

Section 5.39C of the *Local Government Act* requires the adoption of a policy regarding the employment of an acting Chief Executive Officer (CEO).

Council delegates (DA1) to the CEO, appointment of an internal employee higher duties Acting CEO subject to the following conditions:

1. The relief appointment is for a period not exceeding 5 weeks.
2. Policy 1.2.2 CEO Leave Approval – requires the CEO to obtain approval from the Mayor prior to taking to leave.

The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements.

For CEO vacancy periods over 5 weeks the appointment of the Acting CEO shall be determined by Council.

The CEO shall report to Council any proposal to fill an Acting CEO role over five weeks with as much advanced notice as possible. In this case the CEO may recommend a suitable internal candidate for higher duties.

If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.

Section 5.39C of the *Local Government Act 1995* prevents the appointment of an Acting CEO for a period greater than 12 months.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/3/21
Policy Amended/Reviewed:	

1.2.10 Employee Superannuation Co-Contribution

Type:	CEO
Legislation:	Fringe Benefits Assessment Act 1986 Superannuation Industry (Supervision) Act 1993 Superannuation Guarantee (Administration) Act 1992
Delegation:	Chief Executive Officer
Other Related Document:	Nil

Objective

The Town of East Fremantle is committed to recruiting and retaining appropriately skilled and qualified employees to deliver the full range of services required of the local government.

Employee benefits, including additional superannuation contributions, can assist in recruitment and retention of staff.

Policy

The Town of East Fremantle will co-contribute **up to an additional 5%** of an employee's fortnightly wage to a complying superannuation fund (in accordance with the Superannuation Industry (Supervision) Act 1993) of the employee's choice should an employee choose to salary sacrifice into their complying superannuation fund.

An employee can salary sacrifice between 1% and 5% of their salary which will be matched by a Council co-contribution of the same percentage.

Employees can salary sacrifice over 5% but any amount over 5% will not be matched as a co-contribution.

Employees are required to enter into an individual employment agreement prior to commencing salary sacrificing.

All employees will receive the compulsory superannuation contribution as per the Superannuation Guarantee (Administration) Act 1992.

Should the statutory superannuation guarantee charge percentage increase, the maximum Council co-contribution will decrease by the same percentage, with these two components amounting to a maximum of 16 per cent, noting that this can only be applied to new employees at the Town.

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:	CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	17/8/21
Policy Amended/Reviewed:	

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

1.3.2 End of Year Office Closure

Type:	Office of the CEO - Communication & Community Engagement
Legislation:	<i>Local Government Act 1995</i> section 1.7 <i>Local Government (Administration) Regulations 1996</i> Regulation 3A
Delegation:	N/A
Other Related Document:	

Objective

To provide guidelines for the closure of Town buildings and facilities over the Christmas and New Year period.

Policy

1. Scope

This Policy applies to employees in the Administration office, Town depot (Technical Services) and Commonwealth Home Support Program (Neighbourhood Link) over the Christmas and New Year period.

2. Town Services

The Administration office will be closed for business from the end of the last working day prior to the Christmas Day public holiday and will reopen on the first working day following the New Year's Day public holiday.

The Town Depot will be closed on public holidays and will operate with a skeleton staff on working days during the Christmas and New Year period.

The Commonwealth Home Support Program (Neighbourhood Link) will be closed for approximately three weeks including the Christmas and New Year period.

The Chief Executive Officer will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day.

3. Advice to the Public

Members of the public will be advised of closure times and dates in keeping with the principles of local public notice as defined by the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*. This may include information being available on the Town's

website, public notice on the Town's noticeboard, social media and advertisement in the local newspaper.

Clients of the Commonwealth Home Support Program will be directly advised of the dates of closure of that service.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	15/7/25
Policy Amended/Reviewed:	

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) a price preference of 0.1% compared to the most favourable investment quotation is to be provided to financial institutions that are deemed not to invest in or finance the fossil fuel industry.

Examples of Fossil Fuel Free Investments include, but are not limited to the following:

- Green Term Deposits – These term deposits mobilise capital towards assets, also known as Green Eligible Assets, that facilitate and support the transition to a low carbon economy – such as renewable energy products, green commercial buildings, green residential buildings, energy efficiency (low carbon initiatives), clean transportation and sustainable water and wastewater management and pollution prevention and control.

- Environmental, Social & Governance (ESG) Term Deposits – Funds invested with this line of term deposits will be allocated towards Sustainability Linked Loans (SLLs). SLLs incentivise the borrower's achievement against predetermined sustainability performance objectives.
- Availability of fossil fuel free investment products will be reviewed at least on an annual basis.

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.

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+)	100%	100%
AA	A1(F1)	100%	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.

The policy allows Town to hold the working capital and investment funds in one institution as long as the credit rating of the institution is AA or above.

(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.

(iii) **Professional Advice**

- a) The Town may from time to time engage the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.
- b) Any such advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.
- c) Any independent advisor engaged by the Town is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing.

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, 17/3/20, 15/3/22, 9/12/25
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

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.

This Policy aims to ensure all procurement decisions are made in a consistent manner using an equitable process that will help to mitigate risk, demonstrate value and achieve the most advantageous outcome for the Town.

Policy Statement

Procurement decisions will be made using the following principles:

- (1) **Ethical Behaviour and Fair Dealing**
Employees of the Town must conduct all procurement and business relationships with honesty, integrity, fairness, diligence and a high degree of care, ensuring processes are appropriate and compliant. Procurement processes must be transparent and free from bias and will be supported by Employee Code of Conduct and a Statement of Business Ethics, approved by the CEO outlining the behavioural standards expected by the Town from its employees, suppliers and contractors in conducting its business. Any canvassing of the Town’s Elected Members or staff is strictly prohibited on current procurement activity.
- (2) **Value for Money (VFM)**
Achieving value for money reflects the best possible outcome by considering cost and non-cost factors in procurement decisions. Non-cost factors are important in reducing risk and determining whole of life outcomes that do not adversely impact the community or environment.

These include safety and quality considerations, fit for purpose (specification), timeliness, sustainability (social and environment – circular supply), economic (local & regional) and relevant service benchmarks. Where a higher cost conforming offer is recommended, there

should be clear and demonstrable benefits over and above the lowest total priced conforming offer.

The Town recognises that in achieving long term value for money, appropriate strategic business partners may be developed with suppliers for specific supply categories. All strategic procurement partners will be reviewed on a periodic basis as per their associated arrangement, to a minimum period of every three (3) years from the commencement of the partnership. The acceptance of higher priced submissions must always be supported by justification, presenting demonstrable benefits proportionate to the level of activity.

All pre-qualified, approved, and strategic business partnership suppliers will be systematically reviewed in line with contract terms and performance criteria (at least three yearly or as required). This requirement will assess whether VFM continues to be achieved by the Town with any renewal or extension of contract arrangements.

(3) Open and Effective Competition

Competition is encouraged through the sourcing requirements of the procurement thresholds (below) and any allowable exemptions as outlined within this Policy.

The expected level of effective competition will depend on the pre-determined market engagement strategy (public, selective, pre-qualified) as identified in the procurement plan and the assessed level of procurement risk to the Town. Town employees are to source across a range of diverse suppliers, to ensure market opportunities are considered.

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 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.
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 supplier's 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.
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 supplier's 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>

<p>Over \$50,001 and up to \$250,000 (exc GST)</p>	<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 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 supplier's 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>
<p>Over \$250,000 (exc GST)</p>	<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 supplier's 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>

Unless otherwise approved in writing by the Chief Executive Officer, the Town will maintain a principal period of three (3) years for all initial procurement activities and contracts. The Town will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Town will have continuing need, and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

Waiver of Quotation

Where this policy requires a certain number of quotations to be obtained, but it is not possible to obtain that number of quotations, then best endeavors must be used to obtain as many quotes as possible.

If it is not possible to obtain the required number of quotations then:

1. the requirement to obtain that number of quotations may be waived by the Chief Executive Officer or Executive Manager Corporate Services if the purchase is below **\$20,000** and justification has been provided by an officer with appropriate authority to incur the liability. The following are examples of where an exemption may be approved:
 - Supplier is a sole provider registered in the Town of East Fremantle
 - Supplier is an Aboriginal Business
 - Supplier is Disability Enterprise
 - Delivery of goods or services is time critical
 - The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier
2. all other requirements of this policy applicable to that type or value of purchase apply.

The following supply categories are also exempt from quotation requirements, provided that the total value of Procurement does not exceed \$250,000 ex GST over a three-year period.

1. Purchasing from Legal Service Providers

The Town of East Fremantle will utilise the WALGA preferred supplier contract for legal services. The selection of the service provider will be undertaken by the Chief Executive Officer or relevant Executive Manager (under delegated authority) based on factors including the panel provider undertaking similar work on behalf of the Town, specialist expertise as well as being based on standard contract performance. This supply category is exempt from the minimum quotation requirements.

2. Procurement of labour hire

The Town of East Fremantle will ensure due diligence is carried out when procuring labour hire from recognised personnel providers in the market, with suppliers to be registered with WALGA. The Town will undertake to ensure the most qualified and suitable person is hired under an arrangement with the labour hire provider. Whilst cost will be considered as part of the

evaluation of suppliers, the most important criteria will be that the hired person is best fit for the Town and someone who will carry out their duties and responsibilities in-line with the Town's ethos. This does not preclude the value for money section of the Town's purchasing policy. This supply category is exempt from the minimum quotation requirements.

3. Purchasing from Uniform Providers

The Town of East Fremantle will utilise the WALGA Preferred Panel for the procurement of uniforms. Purchasing for Corporate Uniforms and Protective Clothing is exempt from the general requirements of this Policy, and only requires one quote to be obtained. All purchases are still subject to a value for money judgement prior to issuing a Purchase Order.

4. Purchasing from Stationery Suppliers

The Town of East Fremantle will utilise either the WALGA preferred supplier contract or Social Enterprises (Disability and Aboriginal Corporations) for stationery purchases. The Town will endeavour to ensure value for money is realised as well as purchasing sustainable office supplies where possible. This supply category is exempt from the minimum quotation requirements.

5. Purchasing of Accounting and Strategic Financial Services

The Town of East Fremantle will utilize the WALGA preferred supplier contract for Accounting and Strategic Financial Services. The selection of the service provider will be undertaken by the Chief Executive Officer or relevant Executive Manager (under delegated authority) based on factors including the panel provider undertaking similar work on behalf of the Town, specialist expertise as well as being based on standard contract performance. This supply category is exempt from the minimum quotation requirements.

6. Specific Organisational Expertise

The Town of East Fremantle acknowledges that on occasion, contractors may have a unique understanding of Council procedures and/or software obtained through previous experience with the Town.

In cases where this specific expertise or knowledge of the Council is demonstrated to be beneficial to the Town or provides significant cost savings, purchases may be made from these contractors without obtaining the minimum number of quotations required. This exception recognises that such specialised knowledge and experience may lead to enhanced efficiency, reduced risk, and cost and time savings. This supply category is exempt from the minimum quotation requirements.

7. Other Exemptions

The Town is also not required to undertake a competitive procurement process for the following where the total value of Procurement does not exceed \$250,000 ex GST over a three-year period:

- (a) annual renewals for software maintenance, support and licensing fees,
- (b) engagement of artists or performers,
- (c) memberships and subscriptions,
- (d) provision of advertising services,
- (e) provision of utility services,
- (f) provision of software and support by a third-party provider from a software developer that is known to the Town, that demonstrates value for money.

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.

For formal procurement decisions, the Town may weight sustainability up to a total of 20%, with a maximum of 10% able to be assigned for any one of the following elements:

1. Environmental

Procurement that minimises unnecessary resource consumption, considers whole of life costs and delivers beneficial environmental economic outcomes is encouraged.

The Town will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Town's strategic and operational objectives.

Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

- (a) demonstrate policies and practices that have been implemented by the business as part of its operations;
- (b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used and disposed; and
- (c) encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

2. Social

Procurement from organisations such as Aboriginal controlled businesses and social enterprises including Australian Disability Enterprises is encouraged.

Where possible, Australian Disability Enterprises and 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 these businesses, or businesses that demonstrate a high level of employment diversity.

3. Local Economy (with boundaries of the Southwest Group)

The Town will provide supply opportunities for local organisations that can demonstrate economic benefits, either through being a local business, the use of local sub-contractors or local employees. This will be dependent on the extent to which the local business can demonstrate a contribution to the local economy but does not include any preferential; treatment of pricing in the evaluation process.

Requests for Quotation and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

Examples of criteria include the following:

1. The Tenderer must provide details of the benefits to the local community from their involvement in this contract. Examples may include, but should not be limited to things such as:
 - Local employment
 - Use of local service providers
 - Use of local food and beverage providers
 - Sourcing of materials and consumables locally
2. Community Participation and Benefits – provide commentary on initiatives to support Aboriginal business and indigenous community, local trade support, Australian manufacturing, and community benefit (i.e. corporate philanthropy or employment development programs for Corporate Social Responsibility such as disability enterprise or special needs).

Authorisation of Expenditure

Acceptance of tenders and quotations and the authorisation of expenditure is to comply with the Town's purchasing requirements, associated policies and procedures and within the relevant delegation or limit of authority.

All purchases of goods or services other than those goods or services deemed an emergency or those outside of normal business hours are only to be purchases after the approval of an appropriate purchase requisition and the receipt of a relevant purchase order.

The confirmation of any purchase after the completion of a quotation / tender process must be authorised by an officer to whom authority to incur a liability has been delegated ensuring that sufficient funds have been provided for in the Town's annual budget.

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;
- 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.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/8/16
Policy Amended/Reviewed:	19/6/18, 17/9/19, 19/11/19, 10/12/19, 19/5/20, 15/9/20, 8/12/20, 20/7/21, 18/3/25, 19/9/25
Former Policy No:	4.2.4

PURCHASING PROCEDURES (PRO2.1.3)

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** (*With exceptions for below Liability Payments*):
 - Loan Repayments - (\$200,000.00)
 - DFES ESL Payments – As required based on ESL payment schedule
 - Insurance Invoices - (\$250,000.00)
 - ATO Payments (PAYG, GST Payable, & FBT Payable) – (\$150,000.00)
 - Superannuation Liability Payments – as required to meet statutory requirements
 - Payment of wages – As required
 - Executive Manager Regulatory Services; Limit \$50,000
 - Executive Manager Technical Services; Limit \$50,000
 - Operations Supervisor; Limit \$15,000
 - Supervisor Infrastructure and Assets, Limit \$15,000
 - Finance Manager, Limit \$15,000
 - Manager People and Culture; Limit \$5,000
 - Coordinator Corporate Services; Limit \$5,000
 - Executive Assistant/Governance Coordinator; Limit \$5,000
 - Coordinator Regulatory Services; Limit \$5,000
 - Coordinator – Operations; Limit \$5,000
 - Manager CHSP (CHSP related purchases only); Limit \$5,000
 - Manager Community Engagement and Communication; \$5,000
 - Senior Ranger; Limit \$2,000
 - Principal Environmental Health Officer; Limit \$1,500or those Officers acting in the positions
All of the above thresholds are GST exclusive.
 2. Authority limitations apply to any purchase including signing contracts in accordance with Delegation DA8 and DA9;
 3. An official purchase order must be placed for all goods or services (including consultants' opinions, e.g. legal, engineering, town planning, etc.) ordered, prior to an invoice being received by the Town. Should an invoice be received without a purchase order having been created, a Creditor Request Form must be completed and authorised prior to payment of the invoice;
 4. Standing Purchase Order – these are commitments made against a particular supplier for goods 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. 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 community.

In such cases, the purchaser will initially make a purchase commitment with a third party without following all of the processes in this procedure. The purchase order is to be raised as soon as possible following the initial commitment and prior to the invoice being received.

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. Should an exception to the purchasing policy be applied to an order, an authorised 'exception form' **must** be attached to the Requisition/Purchase order in Synergysoft for the exemption to be valid.
 8. 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:-
 - 8.1 expenditure is allocated to the correct Budget item (with the job number account being noted on the Council order); and
 - 8.2 that sufficient funds are identified against the job number account before expenditure is authorised.
 9. 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;
 10. Roles of Finance:
 - Finance Officers will provide initial training and support to Authorised Purchasing Officer;
 - Finance staff will review purchase orders on a periodic basis to ensure compliance with the Purchasing Policy including ensuring that all relevant quotes are attached. An email will be sent to the Purchaser seeking a valid reason why the Purchasing Policy was not complied with and they will be asked to provide the requested number of quotes to be attached to the purchase order. A report will be prepared yearly for presentation to the Audit and Risk Committee.
 - 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 to the Purchaser.
 - Purchase orders will be reviewed every three months to ensure obsolete orders are expedited.
 11. Where possible, The Town is to use environmentally friendly paper products including recycled paper;
 12. 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 and/or broader community.

Land Use – Exclusively for Charitable Purposes

The land use for which the charitable organisation is applying for an exemption under section 6.26(2)(g) 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).

Application for Rate Exemption

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

Review of Rates Exemption.

In accordance with this policy, it is a requirement for organisations who have been approved for rates exemption to reapply for a rate exemption every two years.

Applications should be submitted in May of the year the approval ends to ensure continuation can occur upon approval. Correct forms must be used and these can be acquired by contacting the Town of East Fremantle Rates Section.

Where the land use supporting the exemption is altered to no longer support a charitable exemption, applicants are to inform the Town within 14 days so as to update the rate record

Delegation

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.

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, 19/7/22
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 Australia 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.

* Youth be defined as between 12 and 24 years of age.

(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, 19/5/20
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 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
- Executive Manager Technical Services Limit \$50,000
- Operations Supervisor; Limit \$15,000
- Supervisor Infrastructure and Assets \$15,000
- Manager Finance, Limit \$15,000
- Manager People and Culture; Limit \$5,000
- Manager Corporate Services; Limit \$5,000
- EA/Governance Coordinator; Limit \$5,000
- Coordinator Regulatory Services; Limit \$5,000
- Coordinator Operations; Limit \$5,000
- Coordinator CHSP (CHSP related purchases only); Limit \$5,000
- Marketing & Communications Officer; Limit \$5,000
- Senior Ranger; Limit \$2,000
- Community Engagement Officer; Limit \$5,000
- Principal Environmental Health Officer; Limit \$1,500

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 Principles 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).
-

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;
-

- (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;
-

- (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.
-

2.1.7 Rates/ Sundry Debtor Recovery (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 management of outstanding Rates and Sundry Debtor Accounts.

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.

Financial Hardship A person in a situation of vulnerability may have low income or, as a result of their circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date. This can take the form of 'payment difficulties' or 'financial hardship'.

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 21 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 21 day payment terms.
- (b) A statement (or form of reminder) will be issued as soon as practicable after the invoice becomes due and payable, requesting payment within 14 days.
- (c) At the end of 14 days, communication 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 may have interest applied, up to a maximum interest rate as legislated and imposed annually by Council as part of the Annual Budget. 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 Reminder Notice shall be issued requesting full payment within fourteen (14) days (this to be commenced within two weeks of accounts falling due).

Accounts that remain outstanding after the due date of the Reminder Notice are to be issued with a Final Notice requesting full payment within nine (9) days (to be commenced within a week of accounts falling due).

Accounts that remain outstanding after the due date of the Final Notice are to be issued with a Final Demand requesting full payment within seven (7) days (to be commenced within a week of accounts falling due).

Accounts with eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferrals) Act 1992* will not be subjected to the above recovery process however those accounts with service charges or rates that are unable to be deferred (Seniors) from the previous year will be subject to a communique requesting payment of overdue charges.

Accounts unpaid after the expiry date shown on the Final Demand

Where amounts remain outstanding after the expiry date shown on the Final Demand and no communication has been entered into, recovery action will commence.

Accounts will be sent to the Town's debt collection agency for issuance of a Final Demand (Agency Letterhead) with a due date of fourteen (14) days. The demand is to be issued by mail and email (if an email exists).

Those accounts with existing action carried over from the previous year will receive a demand from the Town's solicitors.

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 remain unpaid

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*.

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 three (3) 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

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, excluding late payment interest and Service Charges applicable to the Emergency Services Levy.

4. Financial Hardship

While evidence of hardship will be required, the Town recognises that not all circumstances are alike. The Town will consider a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment.
- Sickness or recovery from sickness.
- Low income or loss of income.
- Unanticipated circumstances such as caring for and supporting extended family.

Ratepayers will be required to provide information about their individual circumstances that may be relevant. This includes demonstrating a capacity to make some payment where possible and entering into a formal payment arrangement. The Town will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with all statutory responsibilities.

Where a ratepayer meets the Financial Hardship Criteria, payment arrangements will incur a \$0 administration fee and the Town reserves the right to waive late penalty interest, excluding the late payment interest and Service Charges applicable to the Emergency Services Levy.

5. Payment Arrangements

Payment arrangements are facilitated in accordance with *Section 6.49 of The Local Government Act 1995* and will be offered to rate payers in circumstances evident of financial hardship. A payment arrangement must be negotiated to reflect a ratepayer's capacity to repay outstanding rates and contain the details of the agreed repayment schedule.

These payment arrangements will include the following:

1. It is the responsibility of the ratepayer to ensure that the agreed payment amounts are paid on or before the agreed due date.
2. The Town of East Fremantle requires full payment of the outstanding rates by the end of the financial year.
3. If a ratepayer requires an extension on this timeframe an end date must be negotiated and approved by the Executive Manager Corporate Services.
4. The ratepayer will be responsible for informing the Town of any change in circumstance that jeopardises the agreed repayment schedule.

For the purpose of recovering rates and service charges, where a ratepayer defaults on more than two repayments, the payment arrangement will become void and be subject to the Town's debt recovery procedures outlined in this policy .

6. 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 (or delegate to the Revenue Officer functions of operation of the Policy).
- The Corporate Service Team shall be responsible for the day to day operations of the Policy.

7. Legislation

- Local Government Act 1995: Part 6, Division 4, Clause 6.13 - Interest on money owing to local governments
 - Local Government Act 1995: Part 6, Division 6, Clause 6.45 – Options for payment of rates and service charges
 - Local Government Act 1995: Part 6, Division 6, Clause 6.51 - Accrual of interest on overdue rates or service charges
 - Local Government Act 1995: Part 6, Division 6, Clause 6.56 - Rates or service charges recoverable in court
 - Local Government Act 1995: Part 6, Division 6, Clause 6.60 - Local government may require
-

lessee to pay rent

- Local Government Act 1995: Part 6, Division 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, 21/04/20, 19/7/22
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 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 conducting 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 way 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, 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.

As the cardholders' 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 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. In the instance of a corporate card for the CEO authorisation is either by the Mayor or Executive Manager Corporate Services.

Guidelines for credit card usage

- The card must be used for Council business expenditure only. The monthly limit assigned to each cardholder varies from \$500 to \$15,000, the cardholder 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.
- The card must not be used for fuel purchases in instances where the cardholder has a Fuel Card facility available.
- 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 Finance Manager, prior to leave periods more than 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.
- If direct debits are to be utilised the direct debit will be recorded in the Direct Debit Register Maintained by the Finance Manager and approved by the Executive Manager Corporate Services.
- The card should only be used in limited circumstances when a Supplier will not accept payment via EFT or cheque, otherwise a purchase order must be raised and the Supplier 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.
- Purchases through the internet should be restricted to trusted, secure sites.

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 Finance Manager is to be notified and the Council reimbursed immediately.

Formal acknowledgement of procedure conditions

Staff issued with Corporate Credit Cards are in a position of trust regarding 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 Cardholders 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 Cardholders Personnel file. (Human Resources)

Cardholder responsibilities

Cardholders are required to abide by the Town's internal procedures.

Where cardholders fail to fulfil the Town's internal procedures or 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:

- Always keep the Corporate Credit Card with them. This will ensure the card is always secure 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 Finance Manager;
- 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 cardholder must ensure that:

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

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:	17/09/19, 16/11/21, 19/03/24
Next Review Date:	March 2024

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.
--	------------------------------

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

Infringement Notice Process

Infringement notice is issued - 28 days to pay.

Registration is submitted after 28 days to obtain ownership details to the Department of Transport (obtaining ownership details).

Issuance of a Final Demand - 28 days to pay.

Appeals need to be lodged within 28-days of the infringement notice being issued. The due date will not be amended irrespective of the appeal being received. Appeals received after the 28 day period will not be considered unless under exceptional circumstances.

Unpaid Infringement Notices will be forwarded to the Fines Enforcement Registry (FER) to recover the outstanding infringement following the non-payment of a Final Demand.

The Senior Ranger is to review and authorise those infringements being referred to FER.

Fines Enforcement Registry (FER)

Amounts that remain outstanding past the prescribed due date of the Final Demand will be referred to the Fines Enforcement Registry resulting in additional fees and charges.

The debt will remain active with the Fines Enforcement Registry for a period of eight (8) years until paid or recommended for write-off by them (quarterly reports), after which it will be written off under delegated authority.

Infringements written off are to be withdrawn from FER via the eCourts portal.

Interstate/ International Drivers & Infringements with no Ownership detail

Where ownership details are unable to be obtained from the Department of Transport and the reasoning is confirmed as an interstate registration, the infringement status will be updated to reflect 'Interstate Rego'.

Infringements where ownership detail is unable to be obtained (unregistered vehicles or illegal plates, etc) are to have a status reflecting 'Action Deferred'.

Management Reporting

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

Infringements written off in the preceding financial year by the Chief Executive Officer under delegation will be referred to Council for information advising the amount written off and reasoning.

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 infringement must not have been referred to the Fines Enforcement Registry.
4. If the payment plan is requested after the fine has been registered with FER, the applicant will be able to enter into an arrangement with FER directly.
5. The payment plan must not include more than 4 payments and be paid in full within 90 days of the date of Final Demand.

Each payment arrangement requires the approval in accordance with the Delegation 1.3.9

Roles and Responsibilities

- Ranger Services shall be responsible for the issuance of Infringement Notices
- The Revenue Officer shall be responsible for the recovery of the Infringements.
- The Executive Manager Corporate Services shall be responsible for referring matters to Council in regard to this Policy.
- The Manager Finance shall be responsible for the review and monitoring of the operations of this Policy.
- The Corporate Service Team and Technical Services Team shall be responsible for the day-to-day operations of this policy.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Finance
Decision making Authority:	Council
Policy Adopted:	18/9/18
Policy Amended/Reviewed:	20/8/19, 17/9/19, 19/7/22, 9/12/25
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 Assistance Grants Occasional Committee

The Community Assistance Grants Occasional Committee 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, 28/10/25
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 laminated permit that is required to be placed on the driver's side of the front window (bottom right). If 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 (Revoked 19/11/24)~~

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:	

This policy has been reclassified as an administration policy

2.1.15 Waste Services for Community and Sporting Organisations

Type:	Corporate Services
Legislation:	Waste Avoidance and Resource Recovery Act 2007
Delegation:	Council
Other Related Document:	Waste Local Law 2017 Waste Plan 2020 (In development)

Objective

The objective of this policy is to provide clear guidance to the Town of East Fremantle's community and sporting organisations of waste and recycling services and the associated fees and charges.

Policy Scope

Community and sporting organisations within East Fremantle, will be eligible for a full concession on 1 (one) general waste service, including one 240 litre lime green-lidded FOGO bin, one 240 litre red lidded general waste bin and one 240 litre yellow lidded recycling bin.

This policy applies to:

- all community organisations using a 240L MGB for MSW in East Fremantle;
- all sporting organisations using 240L MGB for MSW in East Fremantle.

Policy Statement

The Town of East Fremantle is required by law to provide a waste collection service to all residents within the Town's local government area. The Town's approach to waste collection services is a demonstration of its commitment to:

- reducing waste, maximising recycling and avoiding landfill;
- engaging with the community through a range of events, programs and partnerships to influence positive waste and recycling behaviours and to better educate our younger generation in waste disposal, which seeks to encourage sustainable choices into the future
- providing exemplary customer services to community members
- improving and protecting public safety and health and
- assisting organisations and businesses to operate efficiently and therefore successfully.

The objective of this Policy is to meet the goals of the State Waste Strategy and the Town's Local Waste Plan (in development).

The goal of the State Waste Strategy is to exceed the State current benchmark of 50% for waste recovery and the Town's goal is to achieve a minimum of 65% for waste recovery.

Policy

To meet waste recovery targets, the Town regularly undertakes research into the different types and volumes of waste collected. Following the rollout of FOGO to residential properties within the Town,

Council is committed to further provide the FOGO service to multiunit developments, businesses and community and sporting organisations.

To date, the provision of waste services to community and sporting organisation was on an ad hoc and free basis to demonstrate the Town's support of these organisations. This Policy will ensure that the waste services in both community and sporting organisation are consistent with the services provided in the Town.

The collection of waste is subject to health and safety conditions to protect residents and community members. These conditions include the provision of a regular waste collection service, to ensure safe handling and prevent the accumulation of waste at residential and commercial premises, and in public spaces.

Community and sporting organisations within East Fremantle will be eligible for a concession on 1 (one) 240 litre lime green-lidded FOGO bin, 1 (one) 240 litre red -lidded general rubbish bin and 1 (one) 240 litre yellow- lidded recycling bin.

Additional bins can be obtained outside the standard general waste service at an additional cost. Waste Service Charges are levied as per the Town of East Fremantle's Schedule of Fees and Charges adopted by Council each year.

The Waste Service fee is an annual fee and calculated on a pro-rata basis from the date the bin is delivered to the premises and will included on a rates notice as a separate charge.

Application Process

Community organisations and sporting clubs within East Fremantle will be required to complete a form for all additional bins requested for a property. A review of the application will be completed by the Waste Education Officer to ensure organisations and clubs are meeting their waste disposal responsibilities.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Rates Officer
Decision making Authority:	Council
Policy Adopted:	18/02/20
Policy Amended/Reviewed:	

2.1.16 Rates Concession Policy

Type:	Corporate Services
Legislation:	Local Government Act 1995 Local Government Financial Management Regulations 1996
Delegation:	DA14 Rates and Service Charges Agreements
Other Related Document:	Strategic Community Plan 2020-2030

Objective

The objective of this policy is to describe the criteria that determine which properties council may consider eligible for a rates concession and how an application of concession is processed and administered over time.

Policy Scope

The core matters addressed by the policy include which type of entities or landowners are eligible to be considered for a concession and the types of activities being conducted at the property that could be determined as qualifying of a concession.

Policy

The Rates Concession Policy shall be applied in accordance with the Council's Budget and Rating Resolutions with the result that eligible property owners undertaking specified activities at the property receive a concession on their rates.

This policy does not consider the concessions applicable for pensioners as the *Rates and Charges (Rebates and Deferments) Act 1992* deals with such matters.

This policy does not consider whether land is eligible to be exempt from rating; such determinations are made by reference to the appropriate legislation and endorsed by Policy 2.1.4 Rates Exemption.

Eligible Property Owners

Property owners that are eligible to be considered for a concession:

- (1) Incorporated Associations and Not for Profit Organisations; or
- (2) Property Owners that are natural persons suffering hardship.

For a property owner to be granted a concession by Council, they must not only be an eligible property owner but Council must be satisfied that activities being conducted on the property or services being delivered from the property are consistent with activities described as eligible for a concession.

Eligible Activities at the property

Eligible activities or services delivered at the property considered eligible to be considered for a concession.

Eligible Property Owner	Eligible Activities or Services Delivered at the property
Incorporated Associations and Not for Profit Organisations	<ul style="list-style-type: none">• The relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; or• The assistance or encouragement for the arts or cultural development, or• The provision of early childhood care and are affiliated with the Crèches and Kindergarten Association or is a community based early childhood provider; or• The provision of facilities for the conduct of amateur sport or recreational activities subject to any revenue from licensed premises, entrance fees or membership fees being deemed incidental to the main activity of conducting the sporting or recreational activities.
Property owners suffering hardship	<ul style="list-style-type: none">• Property is owner occupied: and• Hardship status is confirmed by a financial assessment of the property owner's circumstances, consistent with the Town's Debt Collection Policy.

Concession available upon application approval

Eligible Property Owner	Eligible Activities or Services Delivered at the property
Incorporated Associations and Not for Profit Organisations	<ul style="list-style-type: none">• General Rates Concession of 25%
Property Owners suffering hardship	<ul style="list-style-type: none">• Deferral of liability to pay rates for 6 months. All administrative charges and interest penalty will be waived for the deferral period of 6 months.

Roles and Responsibilities

The Executive Manager Corporate Services has overall responsibility for the delivery of the objectives of this policy, including compliance with all relevant legislation.

Guidelines

Corporate Services is responsible for the management of enquiries and the processing of new applications. Approval of financial hardship applications will be approved by the Chief Executive Officer, or delegate, under Delegation DA14 Rates and Service Charges Agreements.

This Policy has been developed in response to the COVID-19 Health Pandemic. This policy will be reviewed and put for endorsement on a year to year basis.

All adjustments to the rates levied will be managed by the Corporate Services team.

Key Stakeholders

N/A

Monitoring and Evaluation

Applications received for consideration of a rates concession will be assessed against this policy criteria to ensure consistency across all requests.

Definitions

A Not for Profit Organisation or Incorporated Association is an organisation that incorporates in its objectives and constitution that it does not make a profit which is distributed to the directors or principals but is only distributed for the purpose of the continued operation of the organisation. An Association is incorporated under the Associations Incorporation Act 2015.

Property owner suffering hardship is a person in a situation of vulnerability, may have low income or, as a result of their circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date. This can take the form of 'payment difficulties' or 'financial hardship'.

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/06/20
Policy Amended/Reviewed:	19/7/22

2.1.17 Pensioners and Seniors Rebates Eligibility

Type:	Corporate Services
Legislation:	Local Government Act 1995 Rates and Charges (Rebates and Deferments) Act 1992
Delegation:	
Other Related Document:	Strategic Community Plan 2020-2030

Objective

This Policy will assist Corporate Services in its administrative processes relative to the provisions of the Pensioner and Senior Concessions Scheme. This Scheme provides Pensioners and Seniors with a rebate or deferment of their Local Government Rates and Emergency Service Levy charges.

Policy Scope

Rebates granted to Pensioners and Seniors under the *Rates and Charges (Rebates and Deferments) Act 1992* are funded by the Government of Western Australia. Eligible Pensioners and Seniors can either obtain a rebate on, or defer, their Local Government Rates and their Emergency Service Levy charge.

Rebates only apply to Local Government Rates and the Emergency Service Levy charge. All other service charges must be paid in full by the due date. The amount of the rebate depends on the type of concession an applicant holds.

Policy

The rebate of Local Government Rates and Emergency Service Levy charge shall be applied in accordance with the Pensioners and Seniors Concessions Scheme, with a result that if an applicant is a Pensioner or Senior, they can apply to receive a rebate or concession on charges for Local Government Rates and Emergency Service charges.

Eligible Property Owners

The Eligibility Criteria for rebates are as follows:

- a) The applicant(s) must own and reside in the property on 1 July of the rating year.
- b) There must be no rates in arrears from a previous financial year unless a payment arrangement has been entered into.
- c) If the applicant is a Pensioner, they must hold a current Pensioner Concession card.
- d) An applicant in receipt of both a Seniors card issued by the Department of Communities and a Commonwealth Seniors Health Card has the same entitlements as a Pensioner.
- e) A Senior, must hold a current Seniors card issued by the Department of Communities.

To own means an applicant must:

- be the registered owner or co-owner of the property on the Certificate of Title (where the property is co-owned a partial concession may apply), or
- have a right to reside or life tenancy at the property under the terms of a Will (probate) and be responsible for the payment of rates and charges raised against the property, or

- hold a long-term lease (greater than 5 years) in a retirement village, park home, lifestyle village or caravan park.

Entitlement to the Concession

Eligible Pensioners and Seniors can either obtain a rebate on, or defer, their Local Government Rates and Emergency Services Levy charge. The amount of the concession depends on the type of concession card an applicant holds:

Pensioner Concession Card or State Concession Card

- Receive up to 50% rebate on Rates limited to a maximum (capped) amount legislated each year.
- The option to defer Rates and Emergency Service Levy may be available if the required criteria is met.
- Receive a rebate on the Emergency Service charge, limited to a maximum (capped) amount legislated each year.

WA Seniors Card and Commonwealth Seniors Health Card

- Entitlements as provided for above for the Pensioner Concession Card or State Concession Card.

WA Seniors Card

- Receive up to 25% rebate limited to a maximum (capped) amount legislated each year.
- There is no option to defer rates.

Rebate or Deferral Option

Rebate Option

To claim a rebate, eligible concession applicants will be required to pay the amount due on the rate notice by 30 June of the current financial year.

If payments are received after the due date and the applicant only holds a Seniors card, an applicant will lose the rebate for that financial year and must pay the full amount due. Applicants holding the equivalent of a full Pensioner Concession will automatically defer their Rate and Emergency Service charge where payment is not received by 30 June of the current financial year.

Deferral Option

Local Government Rates and Emergency Service charges will be automatically deferred if the amount required to be paid on the rates notice is not paid by 30 June of the current financial year. Charges will not be deferred if the property is:

- occupied under a right to reside or life tenancy under the terms of a Will of a deceased estate,
- subject to co-ownership, other than spouse/de facto, where not all owners are eligible Pensioners,
- subject to a long-term lease in a retirement village, or
- occupied by eligible applicants that hold a WA Seniors Card only.

Deferral charges will remain as a debt on the property rates account until the amount is paid in full. Deferred rates and service charges are not required to be paid until the entitlement to defer ceases (i.e. applicant moves out, sells the property, dies and leaves no surviving spouse/de facto). Deferred rates and service charges may be paid at any time, but a rebate cannot be claimed when they are paid. Penalty interest is not applicable on deferred rates accounts.

Pro-rata Provisions

When applicants become eligible Pensioners or Seniors during a financial year, it is important that they advise the Town as soon as possible. The pro-rata provisions allow for a rebate based on the date of registration during that financial year (i.e. calculated on how many days of that year an applicant was registered), provided they owned and occupied the property as at 1 July of the current financial year.

Change in Circumstances

Eligible Pensioners and Seniors Concession card holders will be responsible for informing the Town of any change in circumstance that jeopardises their rebate entitlements. Concession card holders must immediately advise the Town if they:

- are issued with a new card or their card is cancelled/expired,
- have changed any of their details that were provided on the original registration,
- sell or transfer an interest in all, or part, of the property or move to another address,
- have a spouse who ceases occupation of the property, or
- as a WA Seniors Card holder, become an eligible Pensioner or the holder of a Commonwealth Seniors Health Card.

Multi-residential Properties not Strata Titled

If an applicant has land with multiple homes which have not been strata-titled (e.g. duplex properties, group housing complexes), rebates may be apportioned according to the ownership interests and the extent the owner uses the property for residential purposes (i.e. what part of the land is occupied by the Pensioner and/or Senior for their use).

Commercial Properties Occupied by Pensioners and Seniors

Concessional arrangements are targeted at residential property owned and occupied by Pensioners and Seniors. If the property is owner-occupied by the applicant and is also partly used for commercial purposes, the rebate may be apportioned according to the ownership interests and the extent that the property is used as a residence. In such cases, the Town will make a determination on the extent of the entitlement to a rebate.

Application Process

An applicant should register their entitlement as soon as they receive their concession card.

Applications are made via the Water Corporation. The Water Corporation will notify the Town once the application has been processed.

Registration of the concession card will take effect from the date that it is received by the Water Corporation.

An applicant can only claim a concession on Local Government Rates charges and Emergency Services Levy charge on one property in any one financial year.

If a concession card holder has Local Government Rates and service charges in arrears, a rebate or deferment may be obtained if a satisfactory arrangement to pay the rates arrears has been entered into and approved by the Executive Manager of Corporate Services.

Roles and Responsibilities

The Revenue Officer has the overall responsibility for the management of all enquires and all administrative processes associated with this policy.

Review Process

1. Deferred Rates

A schedule of Deferred Rates will be provided to the Office of the Auditor General at the end of each financial year.

2. Information obtained from the Data Ineligibility reports received from Revenue WA (Office of State Revenue) in June/July of each year are to be applied against the applicants. Sourcing of verifiable information can be from the Water Corporation or Australian Government – Services Australia (Centrelink Business Online).

Key Stakeholders

Revenue WA (Department of Finance - Office of State Revenue)

Water Corporation

Office of the Auditor General

Monitoring and Evaluation

Applications received for a Pensioners and Seniors rebate be assessed against this policy criteria to ensure consistency across all requests.

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Manager Administration and Finance
Decision making Authority:	Council
Policy Adopted:	16/06/20
Policy Amended/Reviewed:	19/7/22

2.1.18 Cash Backed Reserves

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	

Objective

To provide strategic support and direction for the establishment and utilisation of Cash Backed Reserves (**Reserves**).

Background

Reserves are accounts established and held within the municipal fund to hold cash retained by the Town for the purpose of:

- reducing business risk;
- improving financial management;
- improving strategic capacity;
- meeting asset renewal needs; or
- meeting statutory obligations and other external requirements.

The balance of cash held in reserve accounts are restricted to the defined purpose for which the reserve account was established.

Changes to the purpose for which money is held in a cash reserve can be achieved in accordance with the requirements as set out in the *Local Government Act 1995*.

Policy

This Policy provides direction to management in relation to a framework surrounding decisions to place funds into a reserve account.

Linkage to the Long Term Financial Plan

Cash reserves are a mechanism to assist in achieving the strategic objectives of the Town and the decision to allocate cash to/from a reserve account is made within the context of its implication on the long term financial sustainability of the Town.

Inter-Generational Equity

The Town will seek to achieve intergenerational equity in its use of reserve savings as a means of funding long lived assets to achieve an alignment of the cost of funding the asset(s) and the consumption of the benefit.

Establishment of Reserve Accounts

The Town will generally support the establishment of cash reserves in accordance with Appendix A of this policy, to achieve the following outcomes:

Purpose	Rationale for Establishment
Business Risk	<p>Reserves may be established to minimise the impact on Council operations in any one year from unanticipated events. Unanticipated events can arise from the impact of natural disasters where the financial risks cannot be fully recouped under an insurance policy or disaster funding.</p> <p>In addition, unanticipated events may include draws on employee entitlements such as annual leave or sick leave or the unanticipated failure of assets critically important to maintaining service levels.</p>
Financial Management	<p>To manage the transition from a past budget period to a future accounting period, reserves may be established to hold restricted funds for transfer to a future period to match/offset the respective expenditure.</p> <p>Reserves may also be established to be used to accumulate funds for significant operating expenses that occur on a recurrent basis but do not require an annual allocation in every budget year.</p>
Strategic Capacity	<p>On occasions, the Town is offered strategic opportunities by the State/Federal government or the private sector to partner in the provision and delivery of community initiatives and programs. These are usually in the form of external grants or contributions which require a financial contribution from the Town. Sufficient notice may not be provided to develop a specific financing strategy to take advantage of these opportunities. Strategic Reserves may be established to maintain a level of savings to access these opportunities subject to the outcomes aligning with the Town's strategic community goals and priorities.</p>
Meeting Future Needs for Asset Management	<p>Reserves may be established to save for the future renewal of assets with the funding of anticipated future expenditure needs which provides the Town a financing tool to manage issues of intergenerational equity, reduce reliance on borrowing to fund long lived assets and to overcome the restriction of a single budget by smoothing the funding allocation over the longer term.</p>
Statutory Obligations	<p>The Local Government Act requires selected revenue streams to be quarantined and to only fund the purpose for which the revenue was raised.</p> <p>Examples are nominated service charges and specified area rates. Any revenue collected in a budget year not used for the purpose for which it was raised must be held in a reserve until it is applied to the purpose in future periods. Money held in these Reserves cannot be used for any other purpose.</p> <p>Developer contributions are collected in accordance with Community Infrastructure Plans to be used to fund specific assets in nominated areas.</p>

Interest on Investment of Reserves

Subject to the balance of the reserve being below the maximum levels as outlined in this policy, interest earned on cash in Reserve accounts shall be transferred to the reserve account as a deposit.

Monitoring and Reporting

The minimum and maximum levels of cash held in each reserve (if applicable) will be determined in accordance with Appendix A of this Policy. The level of reserves will be reported in the budget annually in accordance with minimum and maximum levels as set out in this policy.

The minimum levels as set out in this policy are to be considered as a goal and may not be able to be achieved at times due to events that impact the use of the reserve. If minimum levels are not achieved, the long term financial plan is to include strategies to return the cash reserves to the minimum balance in accordance with the levels set out in this policy.

If the maximum levels, as set out in this policy, are achieved for the relevant reserve account, future transfers of cash to the reserve (including interest earning from the investment of the reserve) may be suspended until such time as a report is prepared to the Council to review the levels and purpose of the reserve account.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Administration and Finance
Decision making Authority:	Council
Policy Adopted:	16/06/20
Policy Amended/Reviewed:	

Attachment

Category	Sub Category	Purpose	Reserve Name	Minimum Reserve Balance	Maximum Reserve Balance	Forecast Reserve Balance 30 June 2020	Recommended Target Balance/Reserve Transfer Rule
Operational	Timing Adjustments	To assist with the matching of revenue and expenditure across accounting periods.	<ul style="list-style-type: none"> Unspent Grants Reserve Committed Works Reserve 	Determined by the amount of funds to be transferred across financial years.		\$0	
	Statutory	To achieve statutory compliance in accordance with relevant legislation	Service charges specified area rates or external restrictions. <ul style="list-style-type: none"> Town Planning Reserve Old Police Station Reserve 	Determined in accordance with legislation and/or project requirements		Town Planning = \$50k Old Police = \$0	
	Accumulated Liabilities	To offset liabilities generated as a result of past accounting periods.	Employee Entitlements/ Revaluations costs <ul style="list-style-type: none"> Non-Current Leave Reserve 	50% of the accumulated liability	100% of the accumulated liability	\$10k No budgeted transfers, current LSL liability ~\$90k	\$75k (net transfer in ~\$5k per yr)
Strategic	Natural Disaster	To reduce the financial risk of unanticipated events	Flooding or storm damage <ul style="list-style-type: none"> Sustainability and Environmental Initiatives Reserve 	Equivalent to an amount equal to 1% of annual general funds	Equivalent to an amount equal to 4% of annual general funds	\$60k	\$380k (net transfer in ~\$80k per yr)

	Community	To provide for strategic actions in support of identified activities that cannot be funded in the one budget period	<ul style="list-style-type: none"> Arts and Sculpture Reserve Aged Services Reserve 	Determined by the renewal requirements of each project.		Arts = \$76.8k Aged Services = \$21.8k	Arts = \$150k average balance (net transfer in ~\$25k per yr for next 4 years)
	Opportunities	To provide for the capacity to take-up unanticipated strategic opportunities	<ul style="list-style-type: none"> Strategic Asset Management Reserve 	Equivalent to an amount equal to 2% of annual general funds	Equivalent to an amount equal to 4% of annual general funds	\$100k	\$380k (net transfer in ~\$25k per yr)

Asset Management	Specific	To hold funds for the future renewal of identified assets which cannot be managed in a single budgetary year.	<p>Significant asset renewal needs such as facilities of regional significance or essential services.</p> <ul style="list-style-type: none"> • Preston Point Facilities Reserve • East Fremantle Oval Redevelopment Reserve • Foreshore Management Reserve 	Determined by the renewal requirements of each project.		<p>Preston Point = \$36k</p> <p>EF Oval = \$298k</p> <p>Foreshore = \$0</p>	<p>Preston Point = net transfer \$100k per annum</p> <p>EF Oval – business plan recommends establishing a sinking fund of \$271k per year, plus the Town will be required to fund any operating deficit with a forecast shortfall of \$300k in year 1. Sinking fund not to commence until year 3. \$300k transfer in Year 1(Operating Deficit) \$100k transfer in subsequent years as a safety net (Operating Deficit)</p> <p>Funding model indicates an own source contribution of \$1m from Reserve to the build cost by 2022/23 – so \$350k transfer in 2021/22 and 2022/23 required. \$sinking fund thereafter from Yr 3 (to be funded from the dividend model)</p> <p>Foreshore = \$1m (transfer in ~\$100k per yr)</p>
	Light Fleet & Plant Acquisition	To hold funds for asset renewal for plant & vehicles to reduce the risk of a	<p>Plant and Vehicles</p> <ul style="list-style-type: none"> • Vehicle, Plant and Equipment Reserve 	10% of the current replacement cost of the depreciable component	20% of the current replacement cost of the depreciable component	\$84k	<p>Transfer in annual depreciation expense circa \$138k</p> <p>Transfer out net funding requirements</p>

		sudden loss of service potential and to assist with peak renewal demand.		of each asset group	of each asset group		
	General	To hold funds for general asset renewal for each fixed asset class (excluding plant & vehicles) to reduce the risk of a sudden loss of service potential and to assist with peak renewal demand.	<p>Waste Management, Roads, Footpaths, Drainage, Parks Infrastructure, Streetscape, Buildings.</p> <ul style="list-style-type: none"> • Waste Reserve • Streetscape Reserve • Drainage Reserve 	1% of the current replacement cost of the depreciable component of each asset group	2.5% of the current replacement cost of the depreciable component of each asset group	<p>Waste = \$0</p> <p>Streetscape = \$75k</p> <p>Drainage = \$150k</p>	<p>Waste – in the event that the Town imposes a separate waste charge on the rates notice, the Town could adopt a full cost recovery model + 2% (circa \$32kpa) with the surplus to be transferred to Reserve for the purpose of funding future waste initiatives/liabilities or provide a return on investment?</p> <p>Streetscape = \$25k per year for major streetscape upgrades including George St</p> <p>Drainage = \$700k CRC = \$2.06m + drainage audit findings (no \$ values included), general allocation in SRP \$100k per yr</p>
Developer Contributions	Major	To hold contributions to be used in accordance with the specific major plan	N/A	Determined by the amount of unexpended funds.			

	Miscellaneous	To hold contributions to be used in accordance with several minor plans	N/A			
--	---------------	---	-----	--	--	--

2.1.19 Contract Variations

Type:	Corporate Services – Financial Management
Legislation:	Regulation 5(1)(e) Local Government (Financial Management) Regulations 1996
Delegation:	N/A
Other Related Document:	

Objective

To determine the circumstances in which a contract for the procurement of goods or services may be varied.

Policy Scope

This policy applies to all staff.

Policy

1. Following the issue of a purchase order for the procurement of goods or services, the contract for purchase may be varied where:
 - 1.1 The contract enables the contract to be varied, and the variation is in accordance with variation provisions of the contract;
 - 1.2 Additional goods or services that were not, or could not have been, foreseen at the time the purchase order was issued are required;
 - 1.3 Sufficient funds are available in the appropriate capital or operating budget to meet the additional cost;
 - 1.4 The value of the contract as a result of the variation does not exceed the purchasing limit of the Officer approving the variation; and
 - 1.5 The value of the additional goods or services required does not exceed the value of the initial contract by more than 10% to a maximum of \$50,000 pursuant to delegation DA7 Contract Price Variation.
2. Contract variations that would result in the procurement of additional goods or services where the value of those additional goods or services would exceed the initial contract price by more than 10% to a maximum of \$50,000 may, in exceptional circumstances, be approved by the Chief Executive Officer, subject to the variation not being contrary to the requirements of clause 1.2 above, and the reasons for the variation being documented and registered as a corporate record.
3. When approving an invoice for payment, if the amount of the invoice exceeds the amount of the corresponding purchase order for the goods or services by more than 10% to a maximum of \$50,000, payment of the invoice is to be authorised by the Chief Executive Officer.
4. This policy does not permit variations to contracts that are intended, or could reasonably be perceived as being intended, to avoid the necessity to comply with Council Policy 9.7 – Purchasing Policy.

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	15/09/20
Policy Amended/Reviewed:	

2.1.20 Waste Services and Charging

Type:	Corporate Services – Financial Management
Legislation:	<i>Local Government Act s 6.16 (2) (b)</i> <i>Waste Avoidance and Resource Recovery Act 2007</i>
Delegation:	Not Applicable
Other Related Document:	Policy 2.1.15 Waste Services for Community and Sporting Organisations Town of East Fremantle Waste Plan 2020-2025 <u>Waste Local Law 2017</u>

Objective

The purpose of this policy is to state Council’s position regarding waste management, service requirements and waste charges within the Town of East Fremantle.

The community is encouraged to embrace waste minimization principles and maximise the separation of waste into the appropriate collection streams of recycling, food organics/garden organics (FOGO) and general waste.

Policy Scope

The State Government is legislating the imposition of a separate waste charge on the rate notice with the objective of “providing transparency and awareness of costs for ratepayers”. The Town will therefore be levying an annual waste charge for each parcel of rateable land where the service is available. The charge is levied through rates notices and includes administration, collection, processing, treatment, community education and other activities associated with waste services.

Waste charges will be adopted annually in Council’s Schedule of Fees and Charges.

Whilst the Town provides commercial waste services, businesses are encouraged to arrange their own waste services by engaging a commercial waste contractor.

Council also encourages clubs, schools and not for profit organisations to participate in FOGO and recycling activities. Pursuant to Policy 2.1.15 ‘Waste Services for Community and Sporting Organisations’, all organisations will be eligible for a full concession on 1 general waste service, including a FOGO, recycling and general waste bin.

Waste charges will be levied with the objective of full cost recovery of direct and indirect costs, which include the following services:

Activity	Level of Service	Approximate Annual Cost
Kerbside Collection Service - FOGO	240L MGB Collected Weekly	\$389,146
Kerbside Collection Service - Recycling	240L MGB Collected Fortnightly 360L MGB Collected Fortnightly	\$138,724

Kerbside Collection Service – General Waste	140L MGB Collected Fortnightly 240L MGB Collected Fortnightly	\$257,571
General Waste – Commercial Collection	240L MGB Collected Weekly	\$18,868
Recycling – Commercial	240L MGB Collected Fortnightly	\$3,203
Green Waste Bulk Collection Service	2 Collections Annually	\$103,305
Hard Waste Bulk Collection Service	1 Collection Annually	
Provision of Bulk Bins for Multi-Unit Dwellings	On Application	\$22,503
Provision of Waste Education	On Request	\$28,000
Provision of Residential Tip Passes	1 Tip Pass Annually	\$19,965
Provision of FOGO Bin Caddy and Liners	All residential properties were provided 1 x caddy in 2019. New residents to the Town receive a caddy on request. The Town provides one roll of compostable liners to residents annually, to be collected from the Town Administration Office on request.	
Provision of access to Fremantle Recycling Centre	4 x bulk waste drop offs. Unlimited drop off for recyclable material.	\$113,516
Public place litter bins at parks, reserves and roadsides.	184 Bins Collected Weekly	\$27,348
Provision of bins for privately run events	Provision of FOGO Recycling General Waste	

Policy

The Town of East Fremantle provides a standard 3 bin collection system for residential and commercial properties. There are options for variations to the standard services to meet specific requirements or needs of the user at the discretion of Town Officers.

The following are the key principles of the system:

1. All residential dwellings within the Town will be charged for a standard three bin FOGO waste service This includes multi-unit dwellings where shared bins or bulk bins are being used. This principle is very similar to how minimum rates are applied; all residential properties are required to make an equitable contribution to the cost of waste services, irrespective of how they are consuming services, how much residential waste is being generated or how efficient the collection systems are.
2. The standard three bin collection system is a fortnightly 140L general waste service, a fortnightly recycling 240L service and a weekly food and garden organic (FOGO) 240L service.
3. All commercial properties within the Town will be charged for a standard three bin service (unless a private contract is in place)
4. The standard commercial collection system is a weekly 240L residual waste service and a fortnightly comingled recycling 240L service. Where appropriate Commercial Properties will also be provided with a 140L or 240L FOGO service which is emptied weekly at no additional charge.

5. The standard waste collection system must utilise mobile garbage bins supplied by the Town. The bins are allocated to and are to remain at the property. Each bin will have a serial number affixed, which will be recorded in the rating system.
6. Residents may be granted an additional general waste bin where it is assessed that there are additional waste needs. An additional bin attracts an additional charge. Increase requests will be undertaken on a case-by-case basis. Any amendment to service will be pro-rata and effective from delivery/removal.
7. Residents may be granted an increased recycling bin (240L to 360L) at no charge; however, an additional recycling bin attracts an additional charge. Increase requests will be undertaken on a case-by-case basis. Any amendment to service will be pro-rata and effective from delivery/removal.
8. Where additional bins are requested, an application form must be signed by the property owner or their authorised agents. If an additional bin is no longer required, an application to remove the bin must be made in writing by the property owner or their authorised agent. A pro-rata credit will be applied to the property with effect from date of removal.
9. The Rates Notice is to provide separate descriptions for the Waste Charge and Additional Bin Charges.
10. The Town provides a priority service for eligible residents.
11. Council's waste provider reserves the right not to collect any FOGO or Recycling service as well as any additional bins where deemed appropriate on the grounds of ongoing and/or regular contamination. Provided previous notices have been advised to the resident.
12. 240l mobile garbage bins, inclusive of contents, must not exceed a total weight of greater than 60 kgs.
13. Bins damaged through fair wear and tear, which have been vandalized or damaged by the Collection Contractor will be replaced at no cost to the owner. Customers may report these issues through the Customer Service Officers. For stolen bins, residents may be requested to provide a Statutory Declaration to secure a new bin free of charge and Council may investigate these instances.
14. In the event that a collection is missed, and the bin was presented for collection, the Town expects the Collection Contractor to collect the missed bin the next business working day if it is reported prior to 2pm.
15. All Council owned bins shall be removed prior to demolition and be reinstated on request, once the new dwelling has been completed. An amendment to the service form will be required at both events.
16. Exempt rateable property will be charged according to VEN property use.

Provision of Kitchen Organics Caddies and Compostable Bags

The Town will provide all residential properties with an initial Kitchen Organics Caddy and a roll of 150 Compostable Bags. Additional rolls of 150 Compostable Bags may be made available during the year to residents who demonstrate their residency, justify their high usage and may incur a charge. Broken or lost kitchen caddies can be purchased from all major retail stores.

Community Events

The Town can provide bins for all event requests. Council approved fees and charges will apply. Event bin costs are based on the collection being undertaken as part of a normal collection run,

enabling standard collection rates to apply. Should a collection be required outside a standard collection run then the applicable charge will be per hour to service the bins.

The Town can provide complete bin stations (waste, recycling, FOGO) for all events held in the Town of East Fremantle.

The charge per bin covers the delivery to/from the site and the disposal of contents (one empty prior to removal from site). If an event is cancelled after the bins have been delivered, then the event bin charge will remain applicable.

Pricing

Western Australian Local Governments have the right to impose different types of charges in relation to services beyond the raising of a general rate, including a waste collection rate (section 66) or a receptacle charge (section 67) under the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act). The *Local Government Act 1995* deals with fees and charges from sections 6.16 to 6.19. In summary, a local government may impose a fee or charge for any goods or services it provides.

Recovery of the cost of disposing of waste from collection should preferably be recovered through the waste collection charges. Effective subsidization of waste services by general rates is not seen as equitable.

Sundry waste services and expenses such as litter collection, provision of park and street bins, green waste removal are included in the pricing model, and recoverable through fees and charges.

The following pricing model assumptions apply:

- The current level of service is maintained.
- The split of indirect costs is apportioned 96% residential and 4% commercial based on relative rateable assessment numbers.
- The split of disposal costs is apportioned 94% residential and 6% commercial based on prior waste audits.
- The standard fee is calculated per rateable assessment rather than by bin.
- The pricing model is not discounted for any income that is received from additional bins. This additional income is to be transferred into the Waste Reserve annually. The objective of this transfer is to create a pool of available funds that the Town can draw down in the event there are unexpected movements in operating costs such as gate fees and overhead contributions.

The schedule of fees and charges are calculated in the appendices, and are to be reviewed annually and adopted by Council:

Responsible Directorate:	Corporate and Technical Services
Reviewing Officer:	Finance and Operations
Decision making Authority:	Council
Policy Adopted:	19/11/24
Policy Amended/Reviewed:	
Former Policy No.	Refer to 2.1.13

Appendix 1 – Schedule of Fees and Charges 2025/26

Rate Service Code	Description	Bin Collection System	2025/26 Charge
R-01	Standard Residential Waste Charge	3-Bin FOGO System	\$412
C-01	Standard Commercial Waste Charge	3-Bin General Waste/Recycling and FOGO where appropriate	\$627
R-02	Waste Charge per Additional FOGO Bin - Residential	FOGO Bin,	\$158
R-03	Waste Charge per Additional Recycling Bin - Residential	Recycling Bin,	\$158
R-04	Waste Charge per Additional General Waste Bin - Residential	General Waste Bin	\$158
C-02	Waste Charge per Additional Recycling Bin - Commercial - Commercial	Recycling a	\$237
C-03	Waste Charge per Additional General Waste Bin - Commercial	General Waste bin	\$237
C-04	Waste Charge per Additional FOGO Bin - Commercial - Commercial	FOGO	\$237
RP01	Standard Residential Waste Charge – Concession property	3-Bin FOGO System	\$223.00
M-01	Bin Hire – private run events	FOGO, General Waste and Recycling	\$per bin x per lift
C-05	Concessional Service – Community Groups and Sporting Clubs	FOGO, General Waste and Recycling	\$0
R-05	Residential Recycling upgrade	240-360ltr Recycling	\$0.00
R-06	Residential General Waste upgrade	140-240ltr General Waste	\$100.00
C-06	Commercial Recycling upgrade	240-360ltr Recycling	\$100.00

Appendix 2 – Rubbish Bin Request Form

RUBBISH BIN REQUEST NEW SERVICE OR ADDITIONAL BIN / CANCELLATION FORM



This form is to be completed by the property owner or managing agent where a new bin service or additional bins are required, or to cancel additional bin services.

APPLICANT DETAILS

Name: _____

Company: _____

Contact Number: _____ Mobile: _____

Email: _____

PROPERTY DETAILS

Property Address: _____

Assessment Number: _____

PLEASE TICK WHAT RUBBISH SERVICE OR AMENDMENT OF RUBBISH SERVICE IS REQUIRED

Newly Built House / Property with no current bin service: (new service request) Yes

Note: Standard residential services include: 1x 140L general waste bin (red lid), 1x 240L FOGO bin (lime green lid) & 1x 240L recycling bin (yellow lid).

Removal of Rubbish Service (Demolition to occur) Yes

Date of Demolition: _____ Demolition Contractor Name: _____

Additional Residential Bin Required:

Red Lid General Waste Bin - 140L Per additional service	Fee \$250.00	<input type="checkbox"/> Yes	Comments: _____
Lime Green Lid FOGO Bin - 240L Per additional service	Fee \$250.00	<input type="checkbox"/> Yes	Comments: _____
Yellow Lid Recycling Bin - 240L Per additional service	Fee \$250.00	<input type="checkbox"/> Yes	Comments: _____
Cancel / Remove Additional bin service		<input type="checkbox"/> Yes	Comments: _____

Additional Commercial Bin Required:

Red Lid General Waste Bin - 240L Per additional service	Fee \$500.00	<input type="checkbox"/> Yes	Comments: _____
Lime Green Lid FOGO Bin - 240L Per additional service	Fee \$250.00	<input type="checkbox"/> Yes	Comments: _____
Yellow Lid Recycling Bin - 240L Per additional service	Fee \$500.00	<input type="checkbox"/> Yes	Comments: _____
Cancel / Remove Additional bin service		<input type="checkbox"/> Yes	Comments: _____

DECLARATION OF PROPERTY OWNER or MANAGING AGENT

I have read and understand the rubbish services fees and conditions on this form and accept any applicable costs associated with this application.

Signature:

Date:

RUBBISH SERVICES FEES AND CONDITIONS

- Rubbish Services are as per the Town of East Fremantle’s Schedule of Fees and charges.
- Rubbish Service Fees are an annual fee and calculated on a pro –rata basis for ratable properties from the date the bin is delivered to the property. (Residential properties receive a 3 bin FOGO service within their rates, pro-rata fees apply to additional services).
- Additional charges will continue and be reflected on your rates notice until the Town of East Fremantle is advised in writing that you wish to discontinue the additional service.
- Provided all required information has been submitted to the Town, please allow up to seven business days for your request to be actioned.
- The Town undertakes random waste auditing annually. Residences that repeatedly misuse bins may have their bins removed (following discussions with the owner / occupier).
- The Town is committed to reducing its waste impact and is within its rights to reject additional bin requests.

Please email the completed form to admin@eastfremantle.wa.gov.au for processing.

OFFICE USE ONLY	
Operations	
Operations have actioned bin request <input type="checkbox"/> Complete	
New bin bar code numbers :	Bin Type
New bin bar code numbers :	Bin Type
New bin bar code numbers :	Bin Type
Corporate Services	
Rates Officer has updated Assessment Number Complete <input type="checkbox"/> Yes	
Interim Rates Notice Issued <input type="checkbox"/> Yes	

Appendix 3 – Process Map – Changes to the Rate Record

(assuming form already provided)

Enquiry received and allocated by Customer Service to Operations

Operations perform the adjustment – delivery/removal of bin(s) – update request and reallocate to Customer Service.

Customer Service complete update to rating record (serial numbers and bin types) and assign to Revenue.

Revenue completes the request upon creating pro-rata rating adjustment on property.

Regulatory Services to provide all Demolition permits the refuse adjustment form to ensure bin removal prior to demolition.

(interims will be performed in arrears after awaiting any corresponding customer service reports from Veolia).

Appendix 4 – Pricing Model

		Rate Category	Residential	Commercial	Residential	Commercial
		No Assessments	3147	126	96%	4%
		Total Costs	1,328,348	62,824		
Withdrawal from RRG 23/24		Fee per Property	422	499		
			DIRECT COSTS		INDIRECT COSTS	
COA	Description	LTFP 25				
E10000	Materials and Contracts - Sanitation-Household Refuse - Activity Based Costing Allocated	\$83,492.52			80,278	3,214
E10100	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs - FOGO	\$154,685.03	154,685			
E10101	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs - Recycling	\$75,000.07	75,000			
E10102	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs - General Waste	\$78,536.37	78,536			
E10103	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs (Commercial Properties) - Recycling	\$3,202.89		3,203		
E10104	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs (Commercial Properties) - General Waste	\$18,868.12		18,868		
E10105	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs (Commercial Properties) - FOGO	\$0.00		0		
E10106	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs - Parks & Reserves	\$4,310.24			4,144	166
E10107	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs - Street Bins	\$23,037.50			22,151	887
E10108	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Waste Collection Costs - Alexandra Rd & East St (Bulk Service)	\$22,503.23	22,503			
E10109	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Gate Fees - Waste Disposal (Recycling)	\$63,723.53	59,900	3,823		
E10110	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Gate Fees - Waste Disposal - General Waste	\$179,034.60	168,293	10,742		
E10111	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Gate Fees - Waste Disposal - Fogo	\$234,460.96	220,393	14,068		
E10201	Materials & Contracts - Sanitation - Household Refuse - Waste Education - Better Bins Plus: Go FOGO	\$9,548.10	9,548			
E10203	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Ratepayer Tip Pass Fees	\$19,965.08	19,965			
E10204	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - Annual Bulk & Green Waste	\$103,305.10	103,305			
E10205	Works Costing - Maintenance - Plant & Equipment - Implementation of Strategic Waste Plan	\$0.00			0	0
E10206	Employee Costs - Other Sanitation - Salaries & Wages - Waste Education	\$93,489.21			89,890	3,599
E10207	Materials and Contracts - Other Sanitation - Materials - Purchase Bins	\$27,185.60			26,139	1,047
E10208	Materials and Contracts - Other Sanitation - Service Contracts - Waste Removal - Bund (Wauhop)	\$32,622.68			31,367	1,256
E10210	Works Costing - Maintenance - Plant & Equipment - Street Bin Maintenance	\$36,422.52			35,020	1,402
E10212	Materials and Contracts - Sanitation-Household Refuse - Service Contracts - City Of Fremantle Contributions - Waste Facility	\$113,516.30	113,516			
E10221	Interest Expenses - Sanitation-Household Refuse - SMRC - Loan Interest Repayments	\$0.00			0	0
E10225	Other Expenditure - Other Sanitation - Contributions - Regional Waste Management	\$0.00			0	0
E10230	Employee Costs - Other Sanitation - Superannuation - Waste Education Officer	\$14,261.70			13,713	549
E10232	Materials and Contracts - Other Sanitation - Service Contracts - RRRR Overhead Contribution	\$0.00	0	0		
		\$1,391,171.32	1,025,645	50,704	302,702	12,120
I10080	Fees And Charges - Sanitation-Household Refuse - Discretionary - Domestic Service Charge (AASB 1058)	-\$29,098.12				
I10081	Fees And Charges - Sanitation-Household Refuse - Discretionary - Commercial Refuse (AASB 1058)	-\$93,741.73				
I10082	Fees and Charges - Sanitation - Discretionary - Sporting Club Service Charges (AASB 1058)	-\$6,249.45				

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

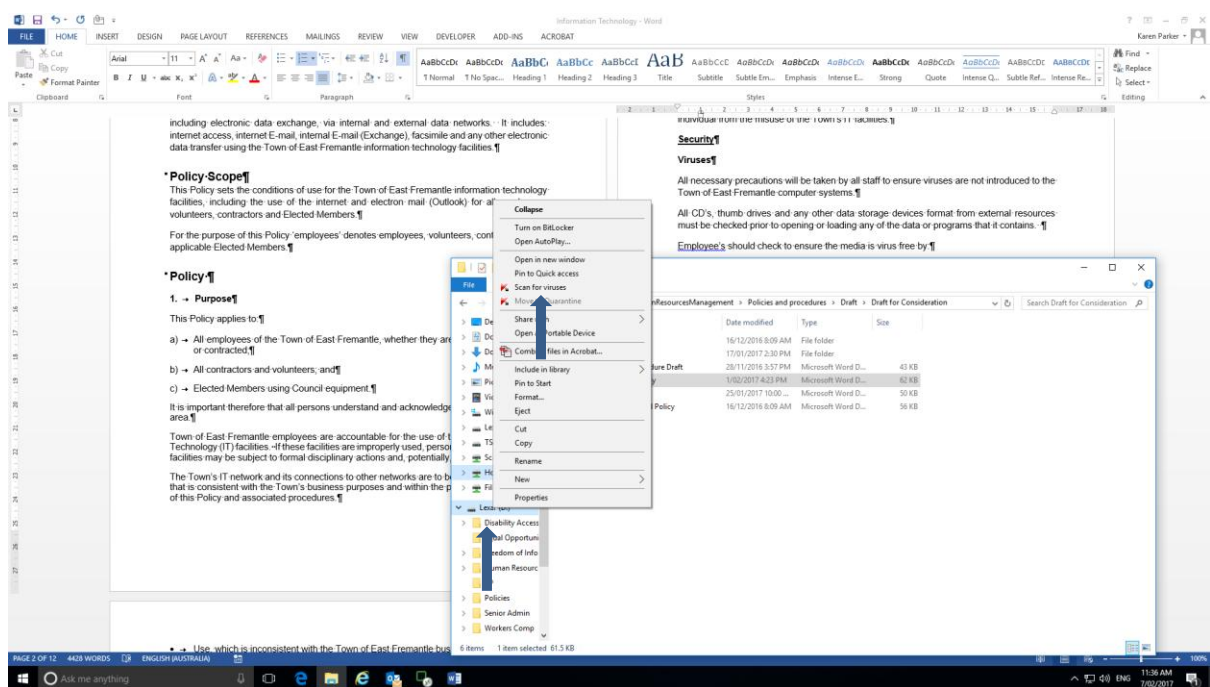
Viruses

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:

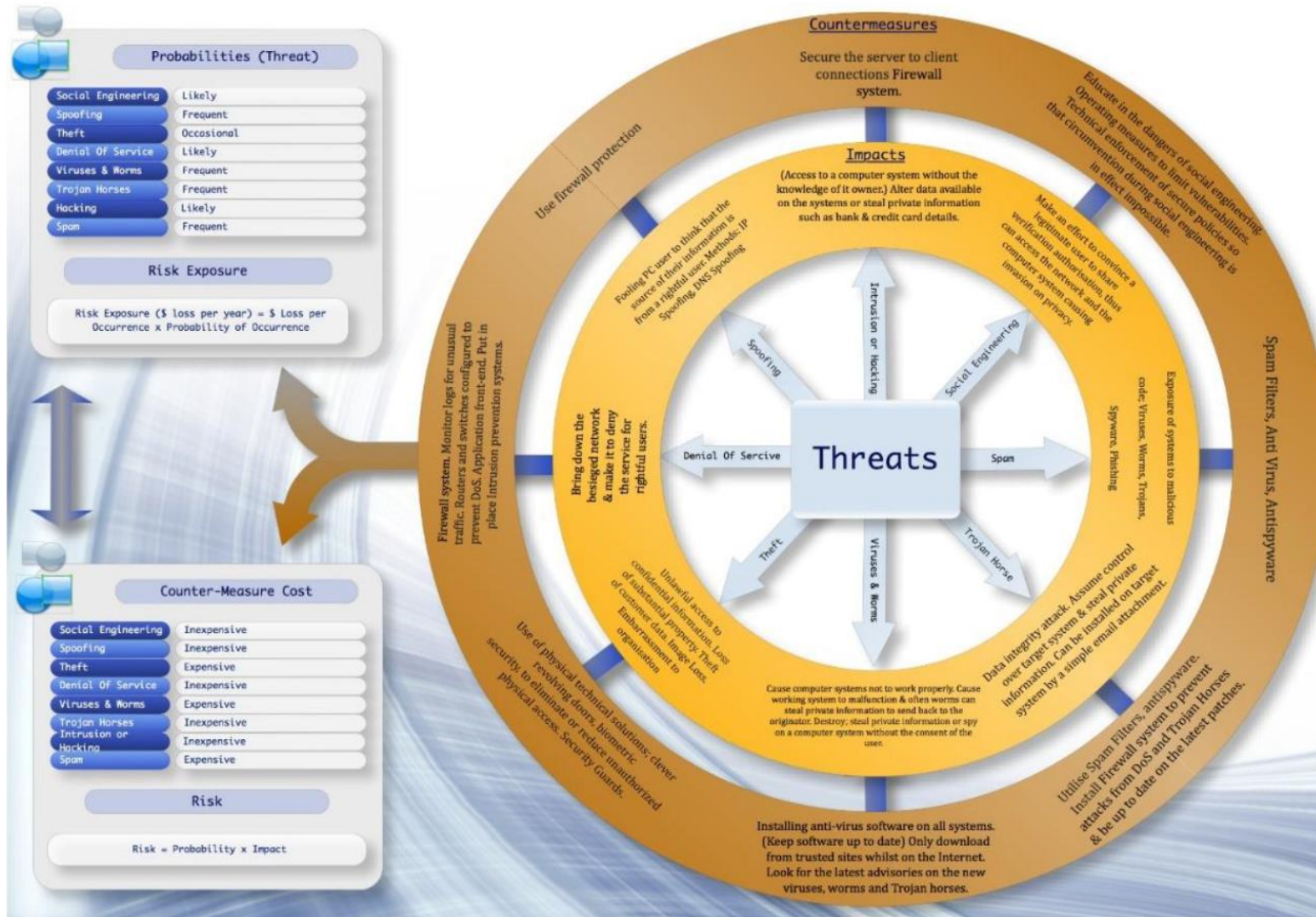
- Internet correspondence which contains information relevant to making a decision within or concerning the Town of East Fremantle.
- Internet correspondence conveying information which has the potential to affect business decisions within or concerning the Town of East Fremantle.
- Internet correspondence which commits the Town of East Fremantle to certain courses of action, allocation of resources or provision of services.
- 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 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.

- 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 31000:2018
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.

To encourage an integrated, effective and organisation wide approach to risk management within the Town, facilitating value creation and protection.

Definitions

(From AS/NZS ISO 31000:2018)

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 31000:2018 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.

As a public body, there is an expectation that the Town will maintain an inherent low appetite for risk and as a consequence adopt policies and maintain systems and procedures to create value and protect, the Town, and its stakeholders.

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, 8/12/20
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 Executive Assistant Corporate Services 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

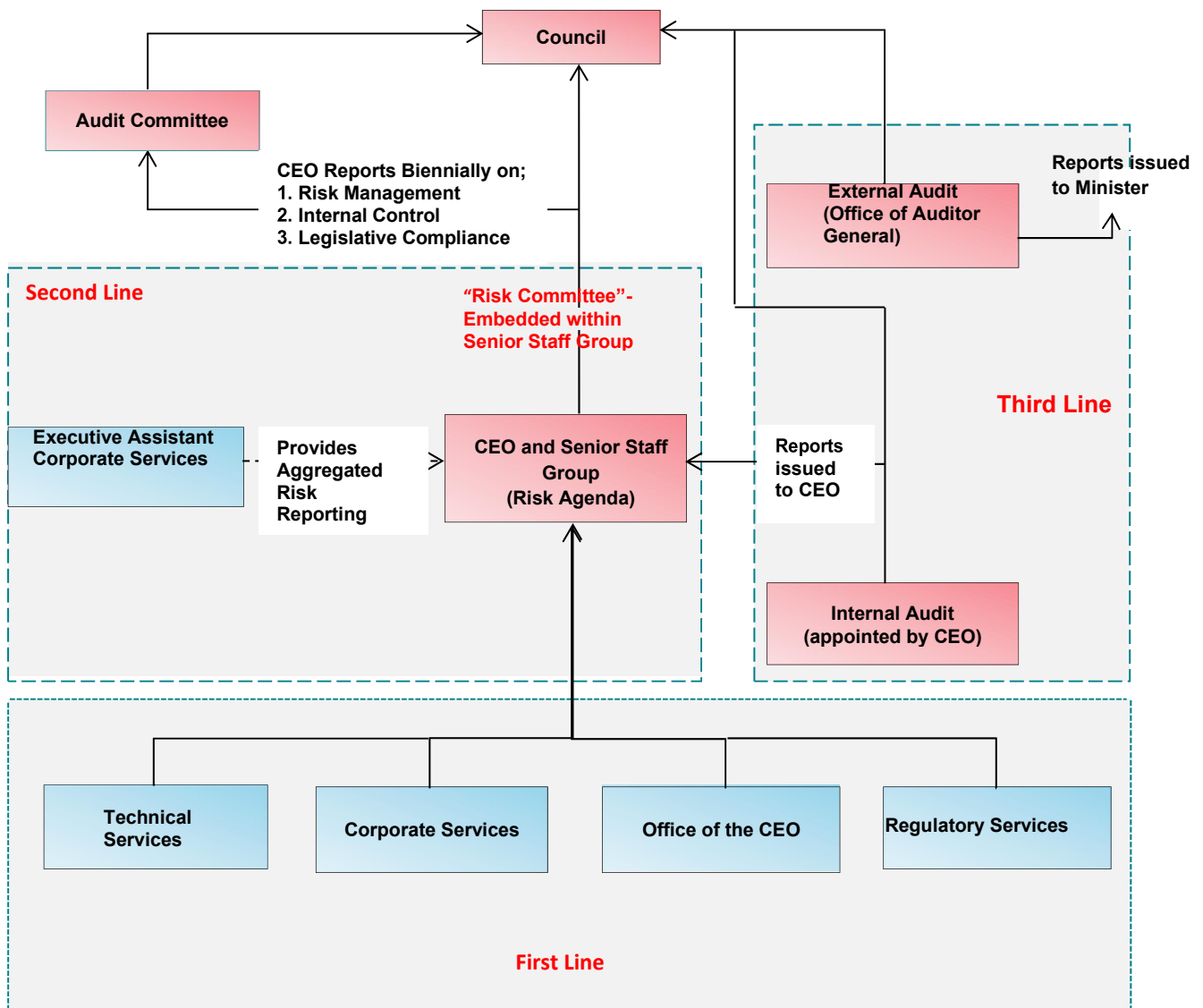
Internal self-audits & External Audits are the '3rd Line' of defence, providing assurance to the Council, Audit Committee and Town Management on the effectiveness of business operations and oversight frameworks (1st & 2nd Line).

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.

Executive Assistant Corporate Services

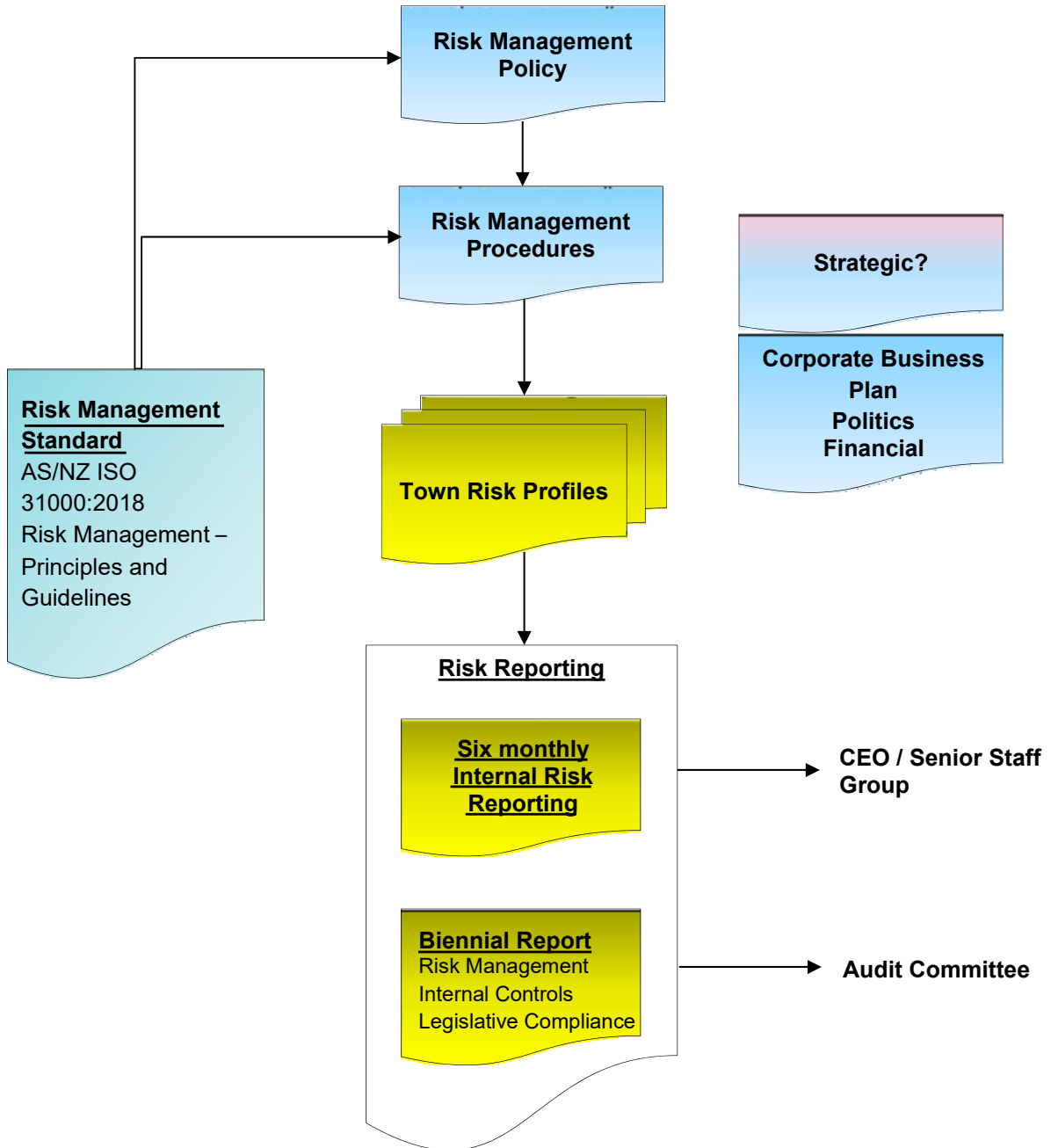
- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for risk matters.

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 Executive Assistant Corporate Services 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 31000:2018 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 Executive Assistant Corporate Services 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 Executive Assistant Corporate Services 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 Executive Assistant Corporate Services 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.

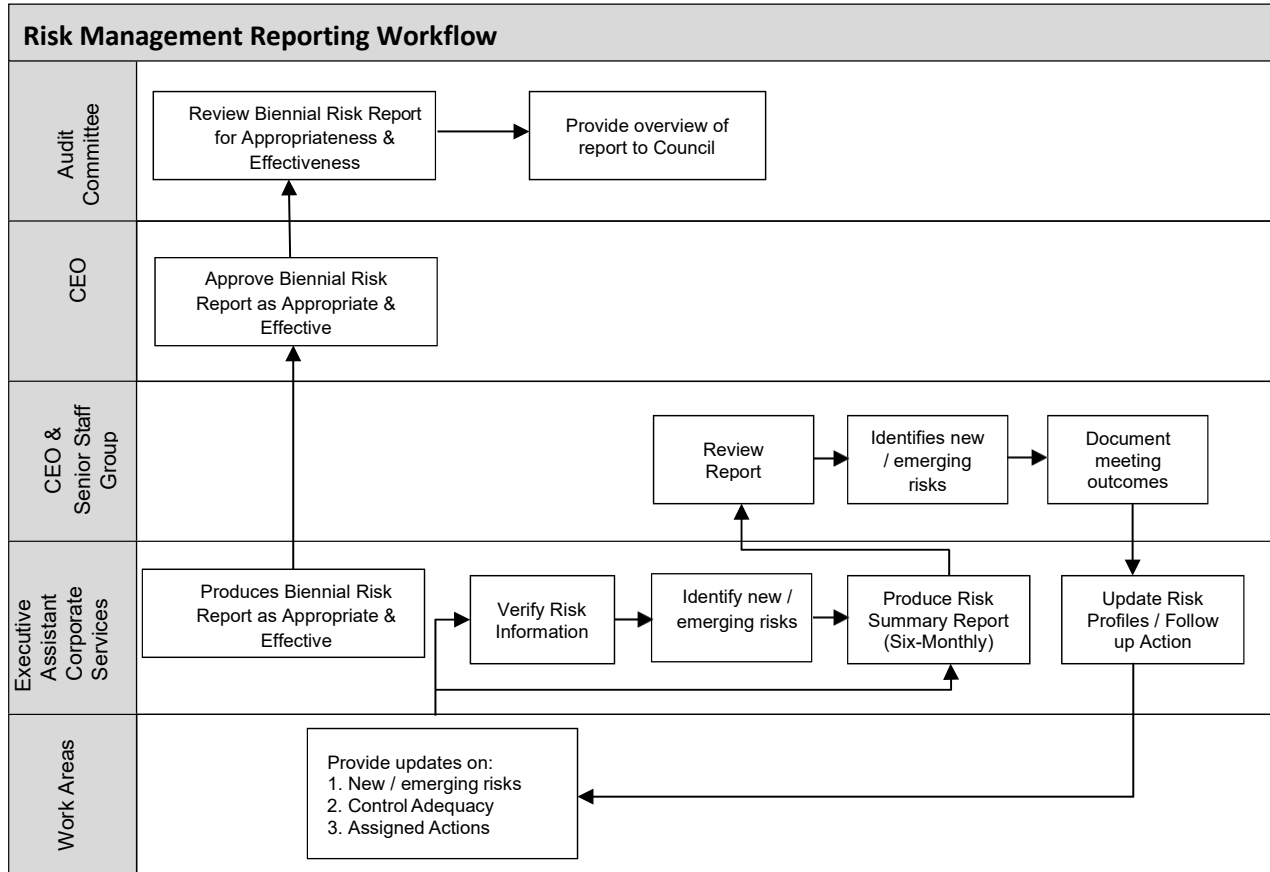
Risk management awareness and training will be provided to staff as part of their OS&H Program.

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 Executive Assistant Corporate Services.
- Work through assigned actions and provide relevant updates to the Executive Assistant Corporate Services.
- Risks / Issues reported to the CEO & Senior Staff Group are reflective of the current risk and control environment.

The Executive Assistant Corporate Services 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		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		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:	
------------------------------	--

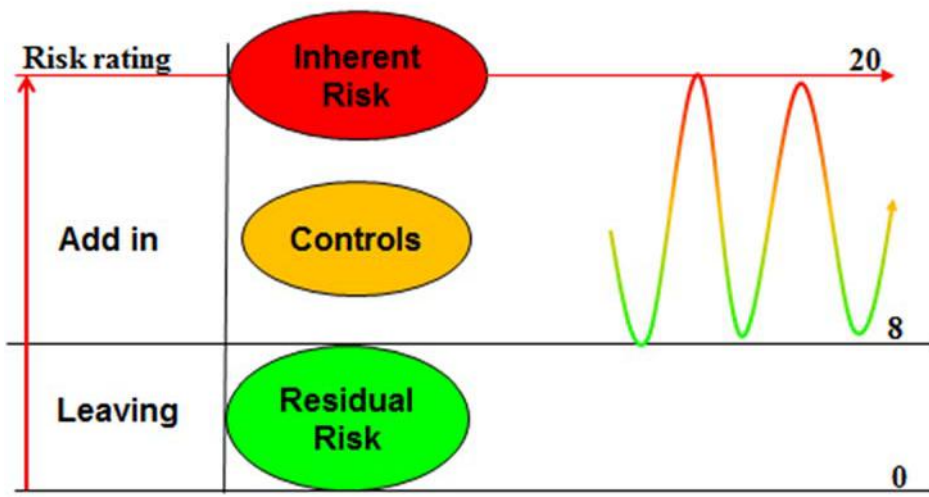
Indicators	Tolerance	Date	Overall Town Result
<i>List of Indicators</i>			

<u>Comments</u>
<i>Rationale for all above ratings</i>

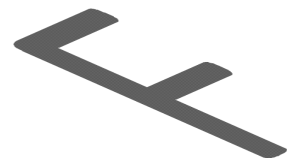
Current Issues / Actions / Treatments	Due Date	Responsibility
<i>List current issues / actions / treatments</i>		

This page left blank intentionally.

The importance of controls



DR



Echelon Australia Pty Ltd trading as LGIS Risk Management

ABN 96 085 720 056

Level 3

170 Railway Parade

WEST LEEDERVILLE WA 6007 Tel
08 9483 8888

Fax 08 9483 8898

CONTACTS

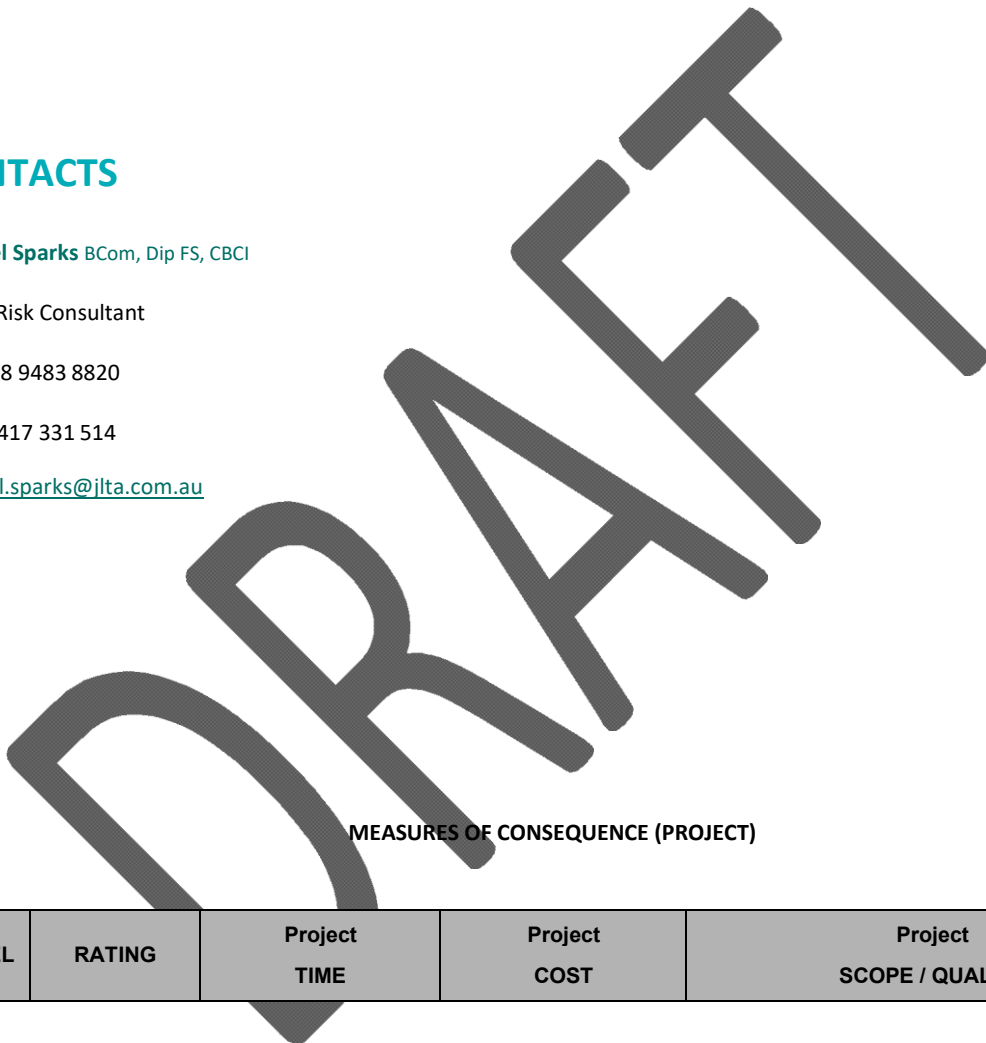
Michael Sparks BCom, Dip FS, CBCI

Senior Risk Consultant

Tel 08 9483 8820

Mob 0417 331 514

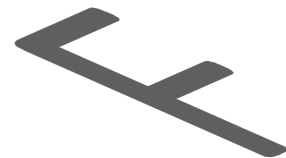
michael.sparks@jlta.com.au



MEASURES OF CONSEQUENCE (PROJECT)

LEVEL	RATING	Project TIME	Project COST	Project SCOPE / QUALITY
-------	--------	-----------------	-----------------	----------------------------

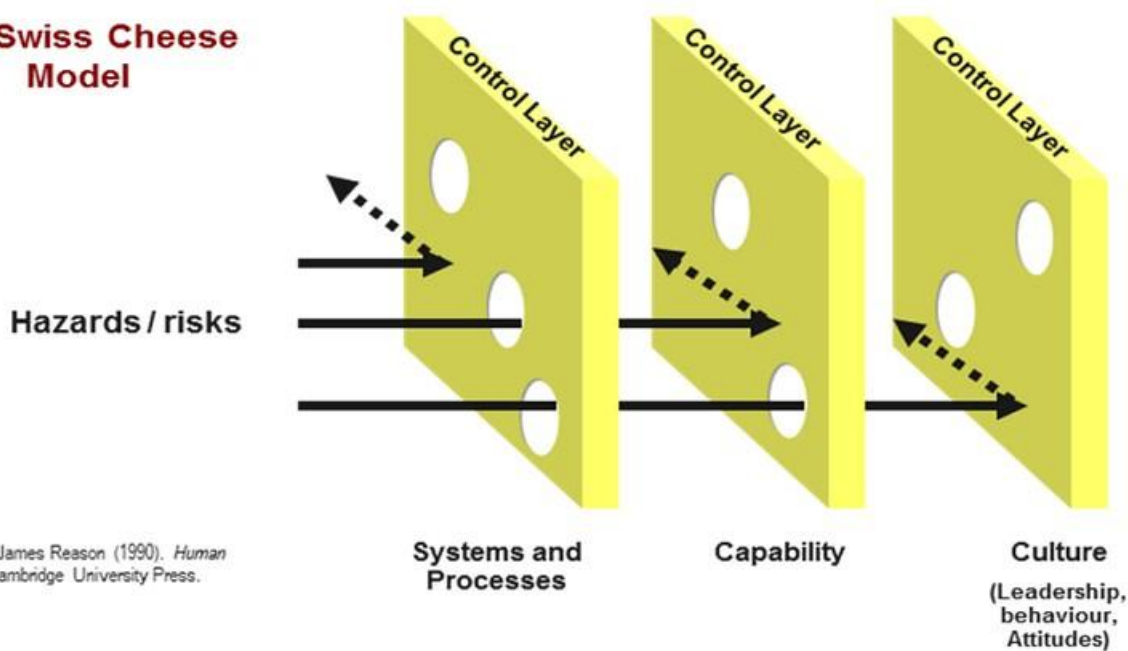
1	Insignificant	Exceeds deadline by >5% of project timeline	Exceeds project budget by 2%	Minor variations to project scope or quality
2	Minor	Exceeds deadline by >10% of project timeline	Exceeds project budget by 5%	Scope creep requiring additional work, time or resources. Reduced perception of quality 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

2.2.7 Fraud and Corruption

Type:	Corporate Services – Risk Management
Legislation:	<i>Local Government Act 1995</i> <i>Corruption, Crime and Misconduct Act 2003</i> <i>Public Interest Disclosure Act 2003</i> <i>Local Government (Rules of Conduct) Regulations 2007</i> <i>Australian National Audit Office.</i>
Delegation:	
Other Related Documents:	Fraud and Corruption Control Plan Town of East Fremantle Strategic Community Plan 2017-2027 KRA: Leadership and Governance <i>5.1. Strengthen organisational accountability & transparency</i> Risk Management Policy and Framework Code of Conduct AS 8001 - 2008 Fraud and Corruption Control AS 8003 - 2003 Good Governance Principals

Objective

The objective of this policy is to articulate the Town of East Fremantle's ("the Town") commitment to the prevention, detection, response and monitoring of fraud and corrupt activities.

This policy, and the Fraud and Corruption Control Plan, are key components of good governance and will establish the structure to address fraud and corruption risks and to detect and respond to fraud and corruption in accordance with the best practice guidance as set out in the *Fraud and Corruption Control Standards (AS 8001-2008)*.

Policy Scope

This policy applies to:

- Elected Members;
- all workers whether by way of appointment, secondment, contract, temporary arrangement or volunteering, work experience, trainees and interns;
- any external party involved in providing goods or services to the Town, such as contractors, consultants, outsourced service providers and suppliers.

Definitions

Fraud is defined by Australian Standard AS8001 – 2008 as:

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of monies or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity.”

Fraud can take many forms including:

- the misappropriation of assets;
- the manipulation of financial reporting (either internal or external to the Town); and
- corruption involving abuse of position for personal gain.

Corruption is defined by Australian Standard AS8001 – 2008 as:

“Corruption is dishonest activity in which an employee or contractor of the entity acts contrary to the interests of the entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or organisation. The concept of ‘corruption’ can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity.”

Corruption is any deliberate or intentional wrongdoing that is improper, dishonest or fraudulent and may include:

- conflict of interest;
- failure to disclose acceptance of gifts or hospitality;
- acceptance of a bribe;
- misuse of internet or email; or
- release of confidential or private information or intellectual property.

Corrupt conduct tends to show a deliberate intent or an improper purpose and motivation and may involve conduct such as the deliberate failure to perform the functions of office properly; the exercise of a power or duty for an improper purpose; or dishonesty.

Policy Statement

The Town is committed to a strong culture and sound governance that will safeguard public funds and property. The Town considers fraud, corruption and misconduct to be serious matters. Such behaviours are considered unacceptable and a zero tolerance approach is adopted by the Town towards such behaviour.

Fraud and corruption are a risk to the Town, including in terms of:

- financial loss;
- reputational impact;
- diversion of management energy;
- organisational morale;
- organisational disruption;
- loss of employment;
- reduced performance; and
- diminished safety.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Town encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate legal remedies available under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Town will protect the anonymity of those reporting the activity.

Detrimental actions are not permitted against anyone who reports suspected or known incidents, consistent with the Town's Public Interest Disclosure procedures. The Town adopts a similar approach to those who maliciously and knowingly create a false allegation.

A Fraud and Corruption Control Plan has been developed to assist the Town to meet the objectives of this policy by ensuring that it has thorough, up-to-date processes in place to mitigate the risk of fraud or corruption occurring in the Town.

Fraud and Corruption Management

The Town will minimise fraud and corruption through:

- adopting the Fraud and Corruption Control Plan, which is aligned with the *Fraud and Corruption Control Standards (AS 8001-2008)*;
- incorporating fraud and corruption risk identification and mitigation strategies as part of the integrated and reporting planning framework;
- educating employees in accountable conduct and fraud awareness issues, including ongoing performance assessment and counselling; and
- monitoring, auditing and communicating processes.

Fraud and Corruption Control Plan

The objectives of the Fraud and Corruption Control Plan are to:

- reduce the potential for fraud and corruption within and against the Town;
- build a culture which seeks to prevent fraud and corruption;
- apply resources to the prevention of fraud and corruption;
- explain how suspected fraud and corruption is dealt with through risk management practices; and
- provide guidance on how any suspected instances of fraud or corruption are dealt with.

This Plan is comprised of four stages: planning and resourcing, prevention, detection and response; and details the Town's intended action in implementing and monitoring the fraud and corruption control initiatives.

The strategies relating to planning and resourcing, prevention, detection and response of fraud and corruption control includes but is not limited to:

- training and awareness;
- pre-employment screening;
- risk assessment;
- internal and external audit;
- whistleblowing; and
- investigation procedures.

Roles and Responsibilities

1. Council

Council has the responsibility to adopt the Fraud and Corruption policy.

Council has the responsibility to adhere to the Fraud and Corruption policy

2. Audit Committee

In relation to fraud control, the Audit Committee's responsibilities include:

- reviewing risk management frameworks and associated procedures for the effective identification and management of fraud risks;
- overseeing development and implementation of the fraud control plan, to provide assurance that the entity has appropriate processes and systems in place to prevent, detect and effectively respond to fraud-related information; and
- providing leadership in preventing fraud and corruption.

3. Chief Executive Officer

The Chief Executive Officer applies the Town's resources to fraud prevention and ensures the implementation of adequate controls for managing fraud and corruption risks within the Town.

The Chief Executive Officer, under the *Corruption, Crime and Misconduct Act 2003* must notify the Corruption and Crime Commission or the Public Sector Commission if misconduct is suspected.

4. Leadership Team (Executive Managers, Coordinators/Supervisors)

The Leadership Team is responsible for implementing the Fraud and Corruption Control Plan. In particular the Leadership Team must:

- provide leadership, guidance, training and support to employees in preventing fraud and corruption;
- identify high fraud risk areas;
- participate in fraud and corruption risk assessment reviews;
- monitor the continued operation of controls;
- report suspected fraud and corruption promptly, maintaining confidentiality; and
- ensure the protection of complainants who report fraudulent and corrupt activities.

5. Public Interest Disclosure (PID) Officer

The Public Interest Disclosure Officer investigates disclosures, and take action following the completion of investigations under the *Public Interest Disclosure Act 2003*.

6. Human Resources Coordinator

The Human Resources Coordinator or delegated officer, will manage the discipline process and be responsible for:

- communicating the existence and importance of the Fraud and Corruption Control Plan; and
- delivering and/or coordinating fraud and corruption training.

7. Employees

All employees have a responsibility to contribute to preventing fraud and corruption by following the Code of Conduct, complying with controls, policies, processes, resisting opportunities to engage in fraudulent or corrupt behaviour and reporting suspected fraudulent or corrupt incidents or behaviour.

8. Internal Audits

Internal audits provide an independent and objective review and advisory service to:

- provide assurance to the Chief Executive Officer/Council that the financial and operational controls designed to manage the Town's risks and achieve the Town's objectives are operating in an efficient, effective and ethical manner; and
- assist management in improving the Town's business performance

9. External Auditors

External auditors provide an opinion on whether the Town's Annual Report represents a true and fair view of the financial position at a certain date.

Annual external audit of the Financial Reports assists in the detection of fraud under *Australian Auditing Standard ASA 240: The Auditors' Responsibility to Consider Fraud in an Audit of a Financial Report*.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	CEO
Decision making Authority:	Council
Policy Adopted:	15/09/20
Policy Amended/Reviewed:	

2.2.8 Volunteer Management

Type:	Corporate Services – Risk Management
Legislation:	Local Government Act 1995 (WA) Equal Employment Opportunity Act 1985 (WA) Volunteers and Food and Other Donors (Protection from Liability) Act 2002 (WA) Occupational Safety and Health Act 1984 (WA)
Delegation:	N/A
Other Related Document:	Volunteering Australia – The National Standards for Volunteer Involvement 2015 Volunteer Australia’s ‘ <i>Principles of Volunteering</i> ’ Council’s Code of Conduct Council’s Occupational Safety and Health Policy Council’s Grievance Policy and Procedure

Objective

To provide Council with guidance on the management of volunteers engaged by Council.

Policy Scope

This policy applies to all volunteers.

Policy

1. Recruiting Volunteers

The Town will publicly advertise and promote volunteering opportunities, ensuring that wherever possible there is equity of access and that voluntary work is structured to be meaningful and rewarding.

The Town of East Fremantle will ensure that selection and screening processes are applied when recruiting volunteers, including:

- (a) Relevant background information
- (b) Criminal record screening and three year Police clearance paid by Council to meet the requirements of the Town of East Fremantle’s policies and relevant legislation.

Volunteers will not be used for Community Transport Services with respect to the Commonwealth Home Support Program (CHSP).

2. Roles and Responsibilities

Council’s Responsibilities to Volunteers

- Volunteers will be recruited in a fair, equitable and formal manner.
- Volunteers knowledge and skills relevant to their roles will be identified and training and development opportunities provided to meet those needs.
- Volunteers will be provided with a safe workplace as per the legislative requirements of the Occupational and Safety Health Act 1984 (WA).

- Volunteers will be provided with support and direction from the relevant Co-ordinator.
- Volunteers will be provided with relevant insurance cover when they are registered and have the approval of Council whilst undertaking their designated volunteer roles.
- Volunteers will be provided with relevant induction prior to each project.
- Volunteers will have their complaints and grievances addressed in accordance with Council's policy and procedures.

Volunteer's Responsibilities to Council

- Volunteers must take reasonable care for the health and safety of themselves and others.
- Volunteers must follow Council's guidelines, policies and procedures relevant to the volunteering position.
- Volunteers must participate in training when it is defined as a mandatory and are encouraged to participate in training that is offered to assist in skill development.
- Volunteers must work within a team structure and report any unsafe conditions.
- Volunteers must respect and maintain confidential information and perform their role to the expected standards defined within their role descriptions.
- Volunteers must abide by Council's Code of Conduct and understand that unsatisfactory volunteer work and/or inappropriate behaviour may result in termination of the volunteer registration.
- Volunteers must record attendance details in an attendance register, log book or minutes for a meeting for insurance purposes.
- Volunteers must inform Council if they are unable to attend their volunteer activities at any time.
- Volunteers must decline or withdraw from work if it is unsuitable or if it is placing excessive demands on them.
- Volunteers will be personally responsible for any fine or suffer any civil or criminal penalty which may be imposed on them for her or her non-compliance with any legislation.

3. Managing Volunteer Code of Conduct Breaches

The Town endeavours to work cooperatively with volunteers to support them in being successful in their voluntary role, however the Town recognises that despite the best intentions of volunteers and the Town there are occasions where relationships may break down or behaviour is incompatible with the Town's obligations to the community. In such circumstances the Town may:

- (a) Where a concern is identified, communicate the concern to the volunteer and provide them with support, encouragement or where appropriate training to over-come the concern. This should be an ongoing communication, review and support arrangement to assist the volunteer in resolving the concern.
 - (b) Where a concern is ongoing and has not been resolved through communication with a volunteer, provide written advice to the volunteer advising that if the concern cannot be resolved that the volunteer service arrangements may be either modified or terminated, at the Town's discretion.
 - (c) Where a concern has been unable to be resolved or in circumstances where a serious breach has occurred, the volunteer is to advise in writing of the unresolved concern or breach and the volunteer's service arrangement may be either modified or terminated, at the Town's discretion.
-

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	15/9/20
Policy Amended/Reviewed:	
Former Policy No:	

2.2.9 Legislative Compliance Policy and Procedure

Type:	Corporate Services – Risk Management
Legislation:	All current Acts and Regulations applicable to Local Government
Delegation:	N/A
Other Related Document:	

Objective

The primary objective of this Policy is to ensure that the Town of East Fremantle (TOEF) complies with its legislative and regulatory requirements. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Town will maintain the highest standards of diligence in all areas of public accountability, through its policies and processes, to meet its legal obligations.

Policy Scope

This Policy, and the principles set out in this Policy, aim to:

- (a) outline TOEF's commitment to legislative compliance
- (b) prevent, and where necessary, identify and respond to breaches of laws, regulations, codes or organisational standards occurring in the organisation.
- (c) promote a culture of compliance within the organisation; and
- (d) assist the Council in achieving the highest standards of governance.

Policy Statement

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

These processes and structures will aim to:

- (a) develop and maintain a system for identifying the legislation that applies to Council's activities.
 - (b) assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
 - (c) provide training for relevant staff, elected members, volunteers and other relevant people in the legislative requirements that affect them.
 - (d) provide people with the resources to identify and remain up-to-date with new legislation.
 - (e) conduct audits to ensure there is compliance.
 - (f) establish a mechanism for reporting non-compliance.
 - (g) review accidents, incidents and other situations where there may have been non-compliance.
-

- (h) review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

General Principles

Council has adopted the following principles based on the Australian Standards AS ISO 19600:2015 *Compliance Management Systems - Guidelines*.

- (a) Commit to achieving compliance in all areas of its operations.
- (b) Maintain a Legislative Compliance Policy that sets out its commitment to compliance with applicable laws and regulations.
- (c) Provide sufficient resources to ensure that this legislative compliance program can be implemented, maintained and improved.
- (d) Ensure that all managers, supervisors and staff generally understand, promote and be responsible for compliance with relevant laws, regulations, codes and standards that apply to activities within their day-to-day responsibilities.
- (e) Use its established risk management practices to accurately identify, rate and treat compliance risks.
- (f) Ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.
- (g) Maintain an effective complaints management system, including the coverage of compliance failures.
- (h) Council will maintain a Statute and Regulation Register and all identified legislation imposing compliance and impacting on Council will be included on the Register.
- (i) Use the Annual Compliance Return as the register to record any non-compliance matters
- (j) Will investigate, rectify and report all compliance failures.
- (l) Appropriate practical education and training of staff will be provided in order for them to meet their compliance obligations
- (m) Actively promote the importance of compliance to staff, contractors and other relevant third parties.

Roles and Responsibilities

- (a) *Elected Members and Committee Members*
 - Elected members and Committee members have a responsibility to be aware of and abide by legislation applicable to their role.
 - (b) *Senior Management Team (Executive Managers)*
 - Senior Management should ensure that directions relating to compliance are clear and unambiguous and that legal requirements which apply to each activity for which they are responsible are identified.
 - Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.
 - (c) *Employees*
 - Comply with relevant legislative obligations within the scope of their roles and their delegated authority;
 - Follow relevant procedures, guidelines and checklists as far as practicable and implement this Policy
 - Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.
-

- Employees shall report through their supervisors to senior management any areas of non-compliance that they become aware of.

Procedure

As part of its Legislative Compliance Management System, Council will have in place a Legislative Compliance Procedure to ensure that staff utilise the latest version of legislation and when legislation changes, steps are taken to ensure that staff are aware of amendments to legislation. The Legislative Compliance Procedure is an attachment to this policy.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	CEO
Policy Adopted	19/10/21
Policy Amended/Reviewed	

LEGISLATIVE COMPLIANCE PROCEDURE (PRO2.2.9)

1. Identifying Current Legislation

1.1 Electronic Versions of Legislation

Council accesses electronic up-to-date versions of legislation through the Western Australian legislation website at www.legislation.wa.gov.au. The WA legislation website is the official WA Government site for the online publication of legislation and is provided and maintained by the Parliamentary Counsel's Office.

Council staff should utilise this website as it is updated on a daily basis.

Federal laws and instruments should be accessed through the Federal Register of Legislation at www.legislation.gov.au

1.2 Australian Standards

The Standards purchased by Council are made available to staff through the Y drive.

2. Identifying New or Amended Legislation

2.1 WA Government Gazette

Council provides website access for its staff to the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia.

2.2 Department of Local Government, Sport and Cultural Industries

Council receives regular circulars from the Department of Local Government, Sport & Cultural Industries on any new or amended legislation relevant to local government. Such advices are received through Council's Records Section and must be distributed by the Records staff to the relevant Council Officers for implementation and elected members for information where applicable.

2.3 Department of Planning

Council receives notification from the Department of Planning on any new or amended legislation. Such advice is received through Council's Records Section and must be distributed by the Records staff to the relevant Council officers for implementation.

2.4 WA Local Government Association

Council receives a weekly circular from the WA Local Government Association. These circulars have sections on finance, planning and environmental law that highlight changes in legislation applicable to Councils and must be distributed to relevant Council officers and elected members for information.

3. Obtaining Advice on Legislative Provisions

Advice on matters of legislative interpretation may be sought when deemed necessary. Contact may be made with the respective legal officer/solicitor from the following sources:

- (a) WALGA (Legal Officer),
- (b) Department of Local Government (Legal Services Branch), or
- (c) Council's Panel of Solicitors.

Note: Accessing of any legal advice must first be approved by the staff member's relevant Manager

4. Informing Council of Legislative Change

If deemed necessary, the Executive Manager or a nominated officer, will, on receipt of advice of legislative amendments, advise Council via a Concept Forum/Briefing on the new or amended legislation where any changes will impact significantly on Council or its operations.

5. Review of Incidents and Complaints for Non-compliance

Council shall review all incidents and complaints in accordance with its incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

6. Reporting of Non-compliance

6.1 All instances of non-compliance shall be reported as soon as practicable to the respective Executive Manager. The Executive Manager shall determine the appropriate response. If the matter is deemed a significant breach or significant fines and/or criminal sanctions apply, the matter must be reported immediately to the Chief Executive Officer.

The Chief Executive Officer may instigate an investigation into any non-compliance matter and will report significant non-compliance matters to the Council and external agencies as required.

6.2 Compliance Audit Return

Undertake annual review of compliance requirements in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*.

7. Auditing Legislative Compliance

Council shall incorporate a review of its processes to ensure legislative compliance is included in its internal audit function.

8. Corporate Calendar

Monthly review of Corporate Calendar to ensure all legislative requirements are being met.

9. Review of Legislative Compliance Procedures

This Procedure will be reviewed every two years.

Town of East Fremantle - Legislative Compliance Matrix Register

Legislation	Office of CEO	Corporate Services			Regulatory Services				Operations	
		Admin & Fin	Rangers	HACC	Building	Health	Planning	Environment	Transport	Parks & Reserves
<i>Public Places and Local Government Property Local Law 2016</i>										
<i>Parking Local Law 2016</i>										
<i>Penalty Units Local Law 2016</i>										
<i>Waste Local Law 2017</i>										
<i>Waste Amendment Local Law 2017</i>										

	Office of CEO
	Corporate Services
	Regulatory Services
	Operations

2.2.10 Habitual or Vexatious Complaints

Type:	Corporate Services – Risk Management
Legislation:	<i>Local Government Act 1995</i>
Delegation:	N/A
Other Related Document:	

Purpose

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Objective

1. To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
2. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

Policy Scope

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or unrealistic outcomes; and/or
 - (ii) reasonable complaints in an unreasonable manner.
2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the CEO, following discussions with the Executive Management Group, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.
 3. The CEO will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The CEO will also notify the Elected Members that a constituent has been designated as a habitual or vexatious complainant.
 4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

Schedule A – Criteria for Determining Habitual or Vexatious Complaints

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

1. persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
2. persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.
6. have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
7. have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
9. are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
11. make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - clearly does not have any serious purpose or value; or

- is designed to cause disruption or annoyance; or
 - has the effect of harassing the public authority; or
 - can otherwise fairly be characterised as obsessive or manifestly unreasonable.
12. make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

Definitions

“habitual” means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	15/08/23
Policy Amended:	
Next Review Date:	

VEXATIOUS COMPLAINTS MATRIX

Date of Initial Complaint	Number of Complaints	Synergy Record Number
<p>Are the complaints of the same nature?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>		
<p>Has the complaint be ongoing for more than three months?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>		
<p>Is the complainant demonstrating an unreasonable manner or requesting unrealistic outcomes?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>		
<p>Is the complaint a matter of Community Safety?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>		
<p>Has the Town received complaints of a similar nature from other residents?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>		
<p>What actions has the Town taken in relation to the complaint?</p> 		
<p>Number of interactions phone/in person/outwards correspondence generated by the Town</p> 		
<p>Is the complainant unwilling to accept documented evidence given as being factual?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>		

Does the Town deem the complaints to be of an unreasonable nature which is imposing a significant burden on resources within the Town?

- Yes
- No

Does the Town require legal advice in relation to habitual or vexatious complaints?

- Yes
- No

Is the matter an area or issue of the Town's jurisdiction?

- Yes
- No

Is the complainant personally affected by the action or decision?

- Yes
- No

Has the Town acted in accordance with the relevant head of power including local laws, policies and State Government legislation?

- Yes
- No

Has the Town acted reasonably and justly?

- Yes
- No

Has the Town provided reasons for a decision?

- Yes
- No

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

1.0 Table of Contents

1.0 Table of Contents	2
2.0 Introduction	3
3.0 Local Planning Policy (Design Guidelines for Residential Development)	3
3.1 Introduction.....	3
3.2 Purpose of this Policy	3
3.3 Objectives of this Policy.....	3
3.4 Local Planning Policy Area	5
3.5 Precincts	6
3.6 Status/Application of this Policy.....	8
3.7 General Standards for Land Use & Development/Policy Statement	8
3.7.1 Residential Development in the Town of East Fremantle Policy Area	8
3.7.2 Additions and Alterations to Existing Buildings	8
3.7.3 Development of Existing Buildings	15
3.7.4 Site Works	17
3.7.5 Demolition	18
3.7.6 Construction of New Buildings	20
3.7.7 Building Setbacks and Orientation	22
3.7.8 Roof Form and Pitch	25
3.7.9 Materials and Colours	27
3.7.10 Landscape Guidelines	29
3.7.10.1 Statement	29
3.7.10.2 Desired Development Outcomes	29
3.7.10.3 Performance Criteria and Acceptable Development Provisions	29
3.7.11 Front Fences	30
3.7.12 Pergolas	33
3.7.13 Incidental Development Requirements	35
3.7.14 Footpaths and Crossovers	39
3.7.15 Woodside & Richmond Precincts	41
3.7.16 Plympton Precinct	54
3.7.17 Richmond Hill Precinct	64
3.7.18 Riverside	74
3.7.19 Preston Point Precinct	87
3.7.20 Richmond Raceway Precinct	88
3.7.21 Development Applications	97
3.8 Policy Date Review	98
3.9 APPENDIX A – Development Impact Statement.....	99
3.10 GLOSSARY	102

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.

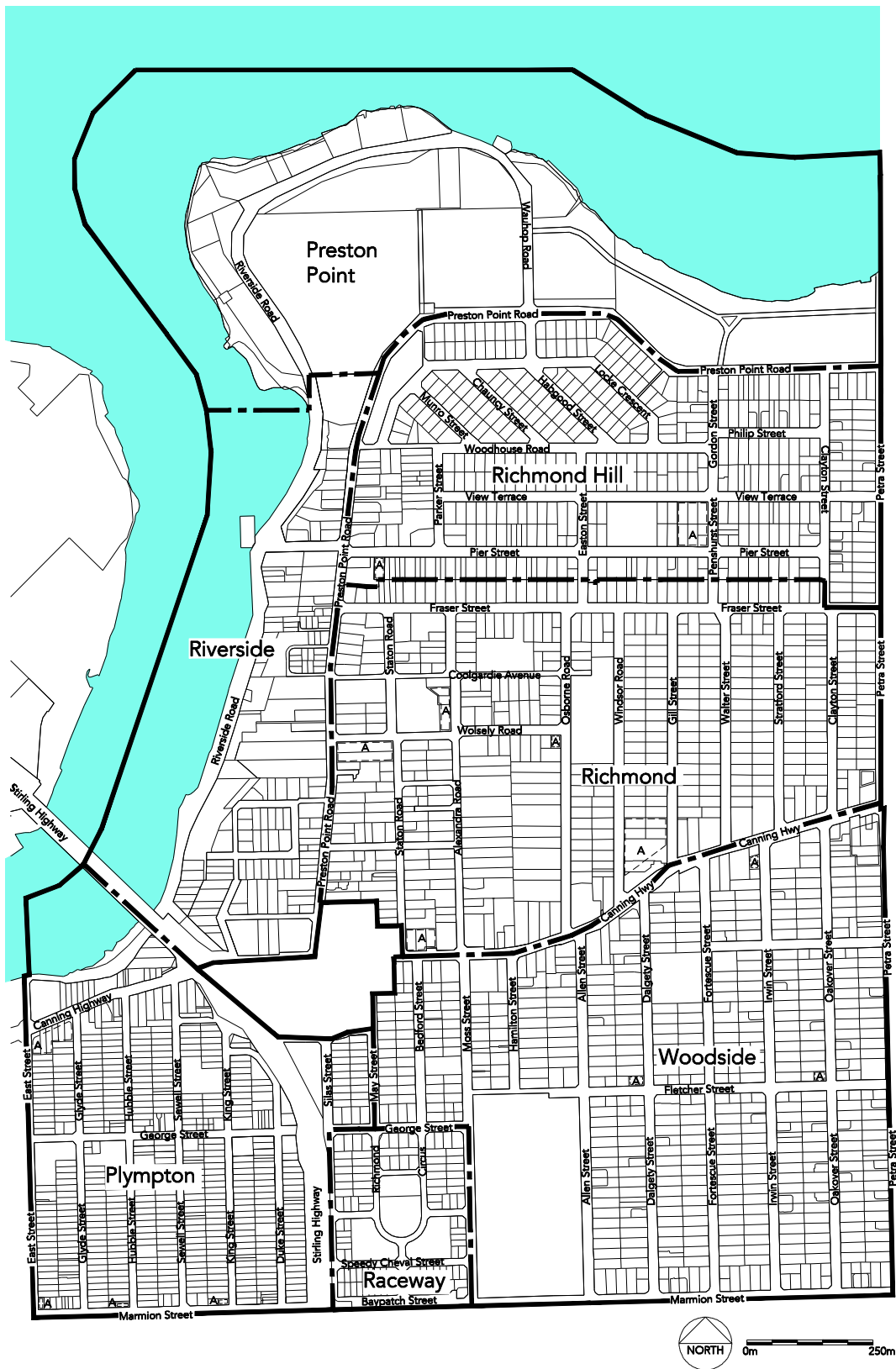


Figure 2 – East Fremantle Precinct Location Plan – Griffiths Architects - November 2011

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.

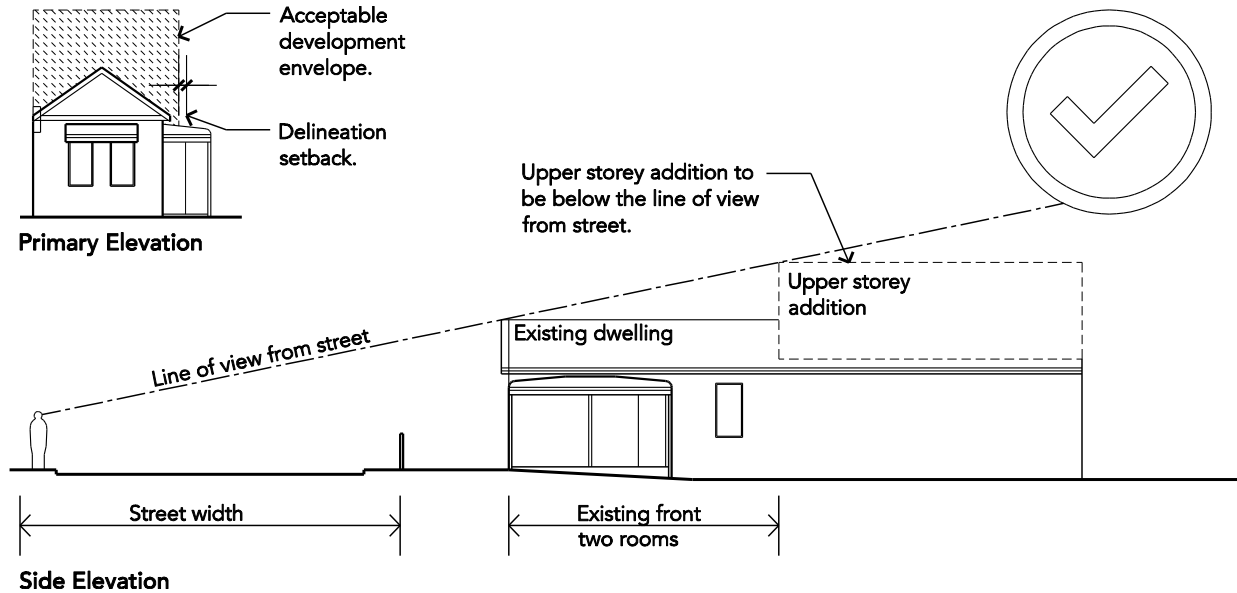


Figure 3 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012*. The actual configuration of such an extension is subject also to R Code setback provisions.

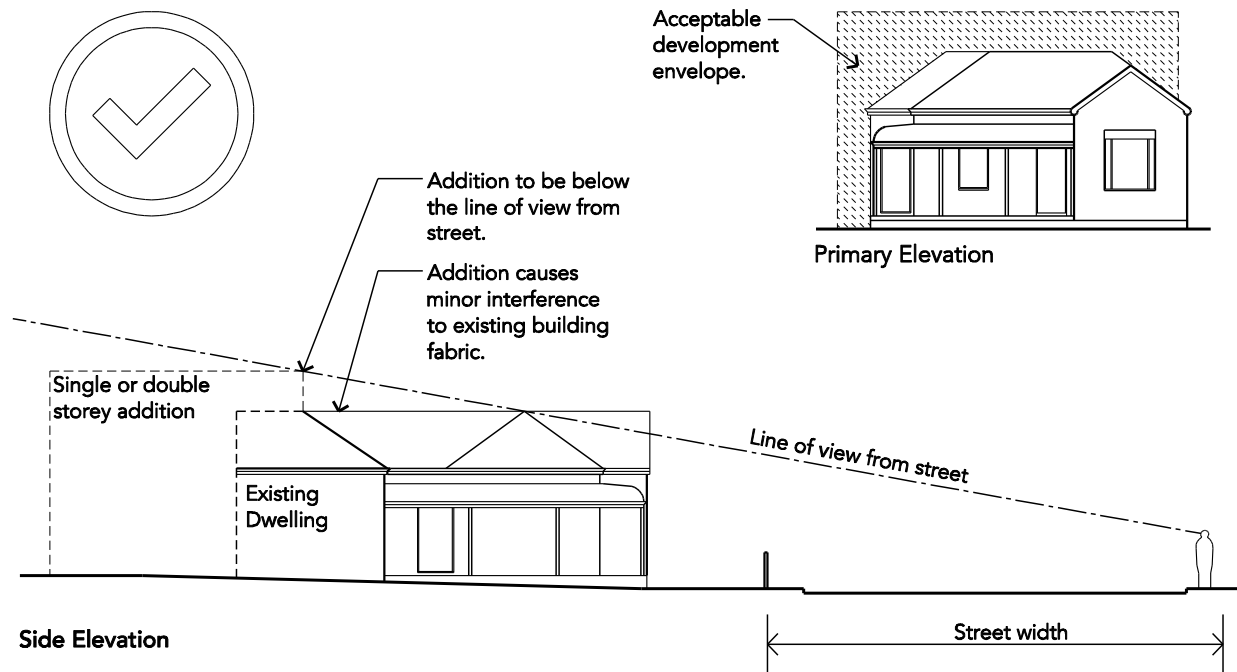


Figure 4 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012*.

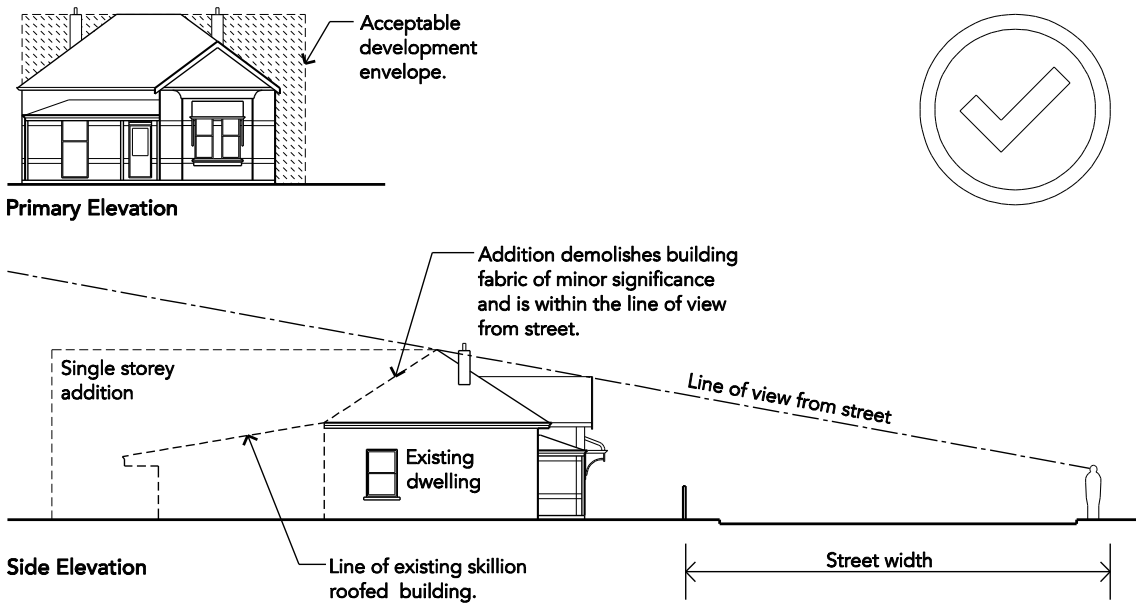


Figure 5 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012.*

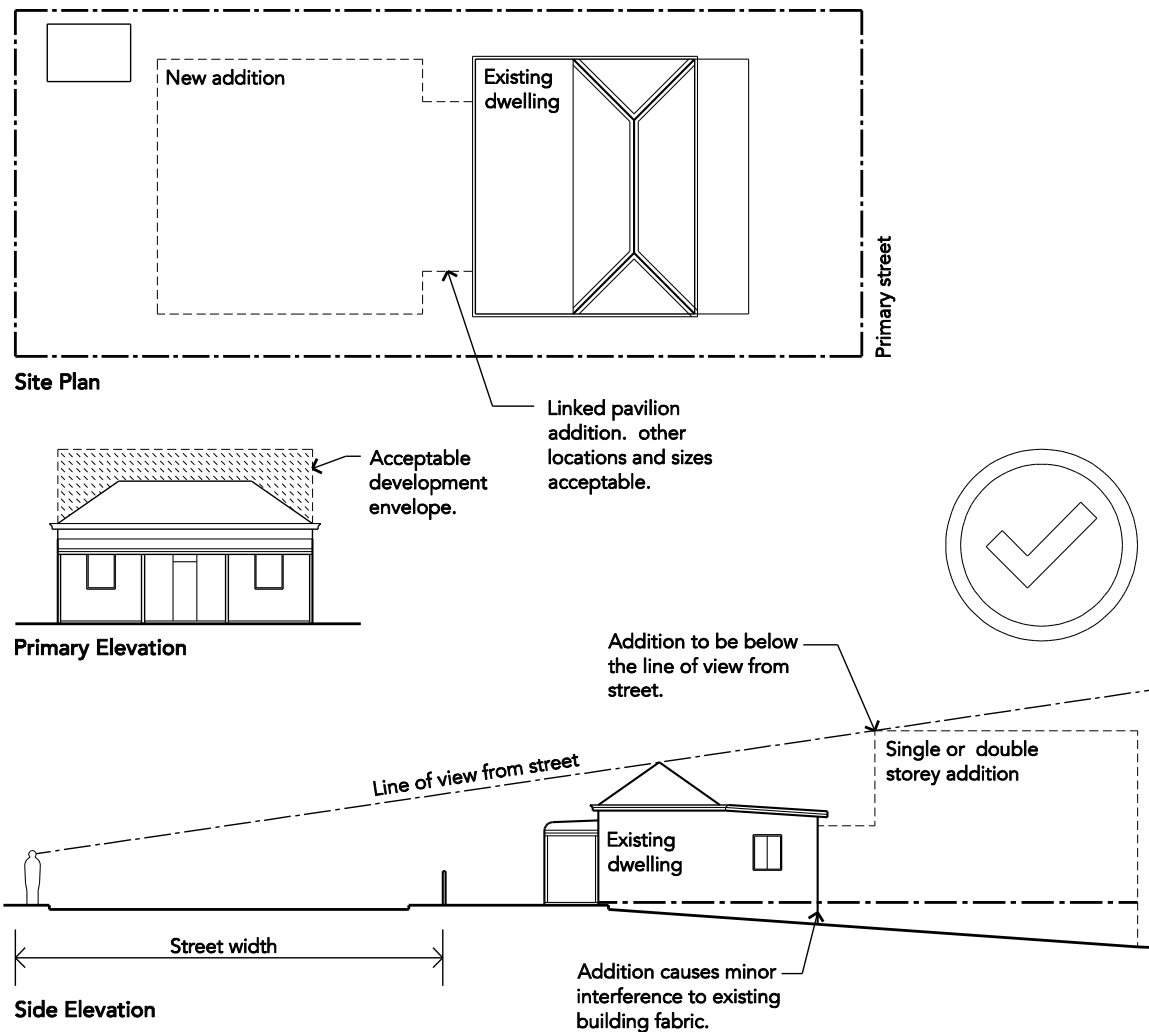


Figure 6 – Plan and elevations illustrating compatible alterations and additions – *Griffiths Architects 2012.*

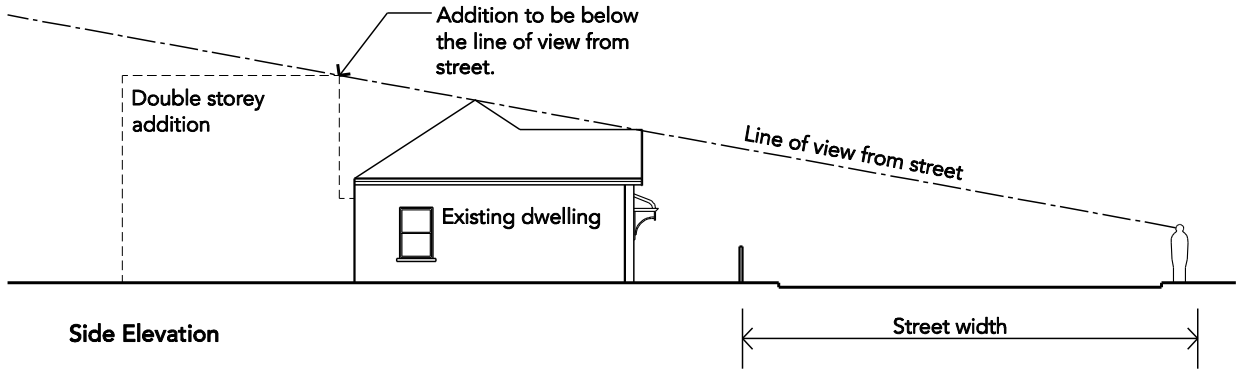
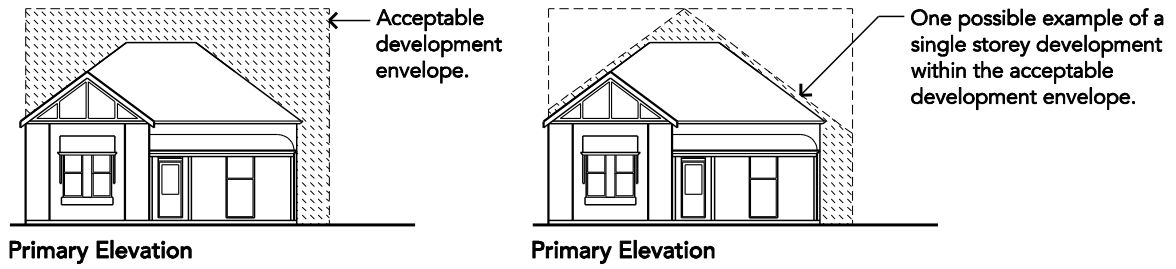


Figure 7 – Elevations illustrating compatible alterations and additions – *Griffiths Architects 2012.*

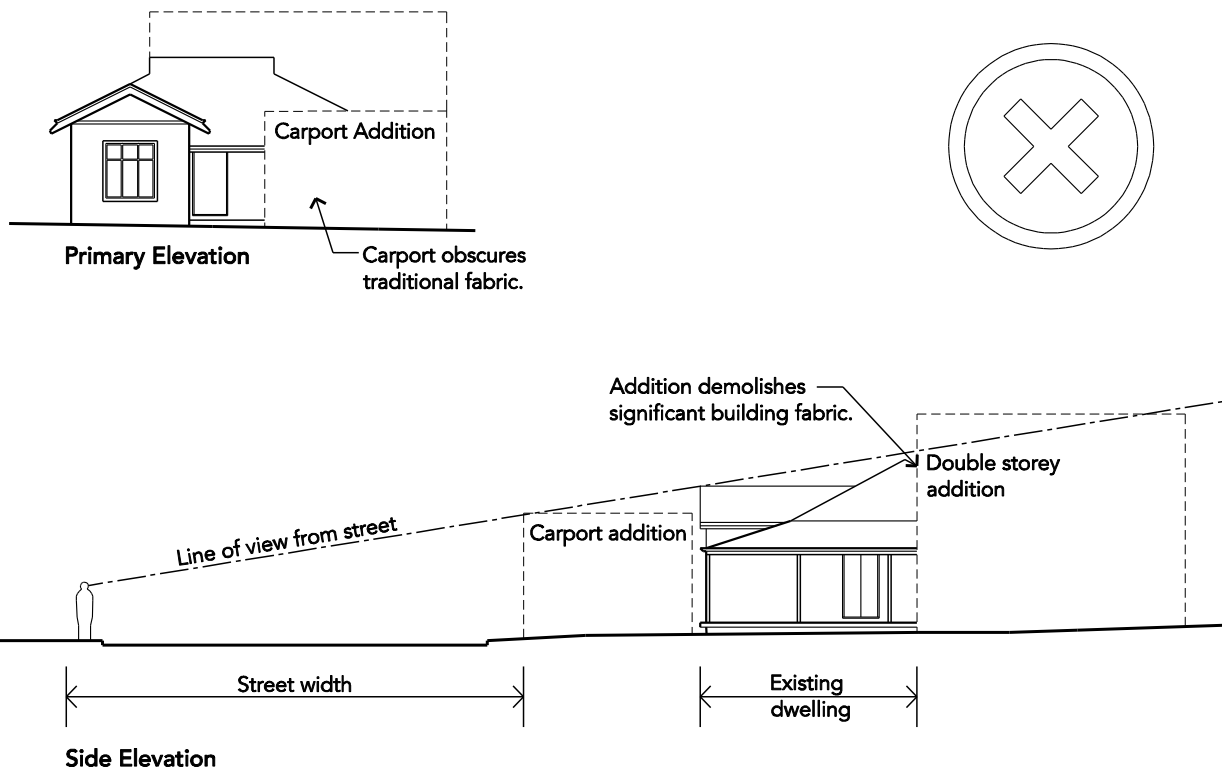


Figure 8 – Elevations illustrating incompatible alterations and additions – *Griffiths Architects 2012.*

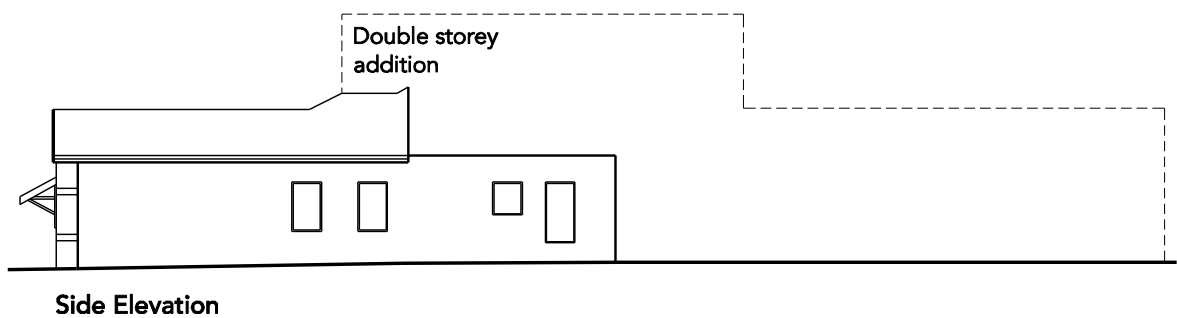
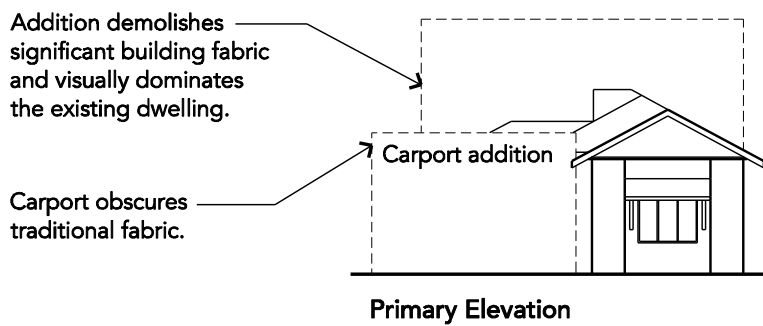
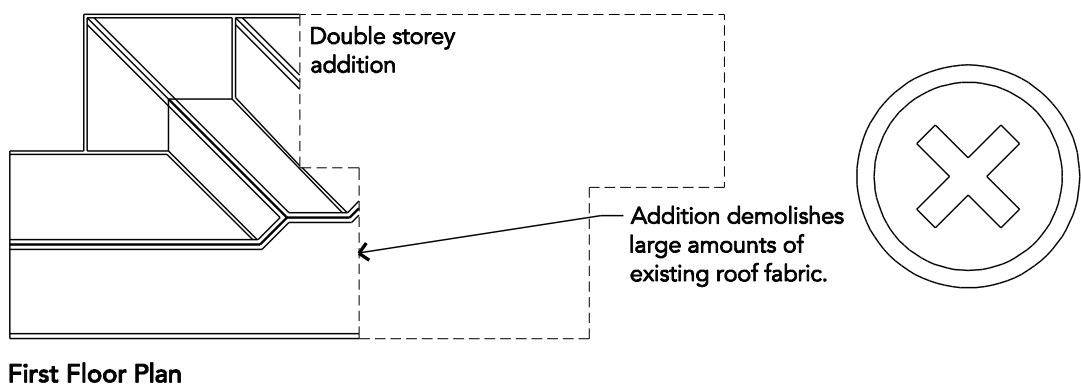
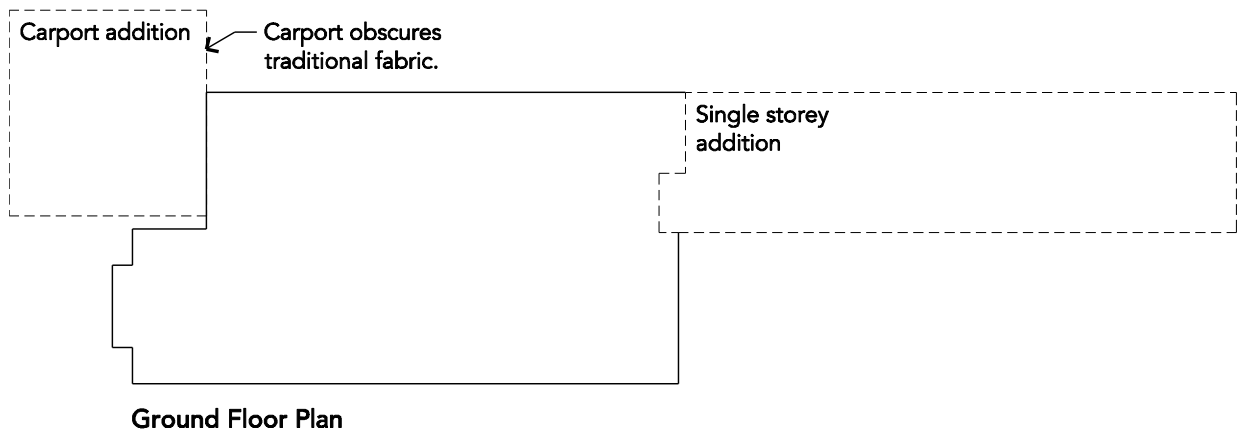


Figure 9 – Plans and elevations illustrating incompatible alterations and additions – *Griffiths Architects 2012.*

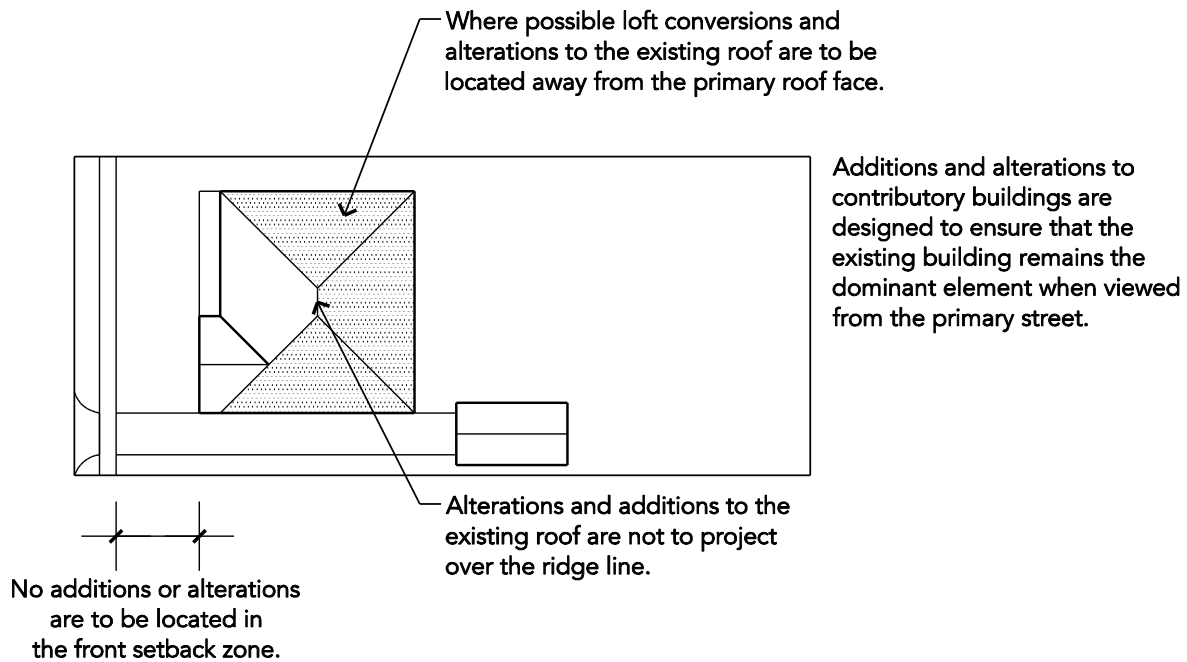


Figure 10 – Plan illustrating compatible and incompatible roof conversions – *Griffiths Architects 2012.*

3.7.2.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>P.1.1 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> <ul style="list-style-type: none"> i. Accommodated within the existing roof (without changes to the roof geometry); and, ii. 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.

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

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.

P2 Restoration of contributory buildings to their original or earlier form.

P3 Streetscape presence of heritage buildings to be retained.

P4.1 Replacement of deteriorated building fabric with either:

- i. A 'like for like' approach; or,
- ii. In a similar but not identical fashion where appropriate.

P4.2 Example of material replacement:

- 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.

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.

A2 Provide relevant historic information to support proposed restoration and/or reconstruction. This shall include historic plans, elevations and photos where possible.

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.

A4 Replacement of corrugated iron roofing with Galvanised steel.

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.

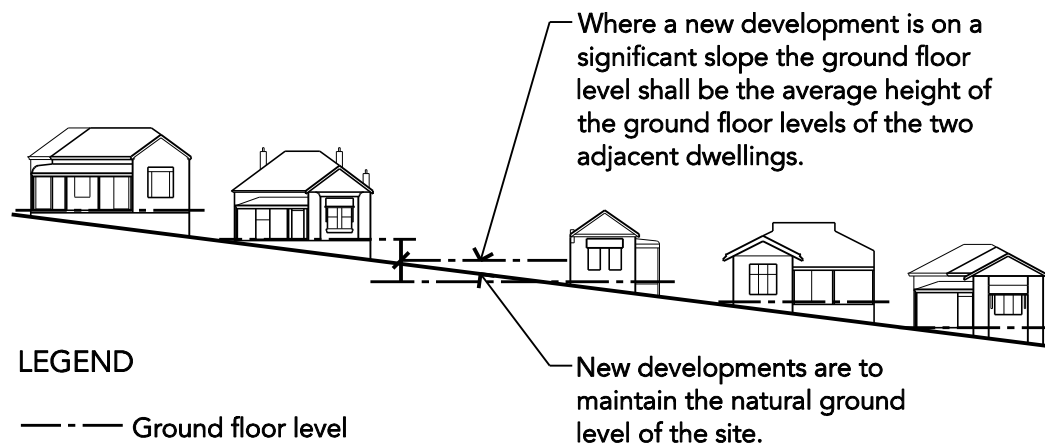


Figure II - Street elevation illustrating ground floor level for new developments - *Griffiths Architects 2012.*

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.
- P2** New developments are to maintain the prevailing natural ground level of the site.

- P3** New developments, additions and alterations are to be designed so that a strong level of visual privacy is retained.

- 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.
- 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.
- 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.
- 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>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:</p> <ul style="list-style-type: none"> 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. 	<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>

- 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 1850s 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.

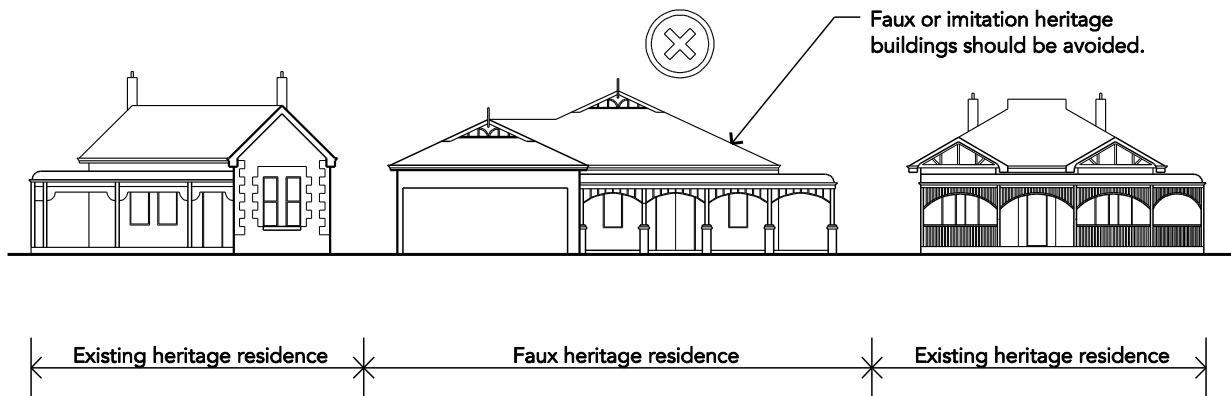


Figure 12 – Street elevation illustrating incompatible faux heritage development – Griffiths Architects 2012. Faux styles devalue the authentic places. Contemporary requirements associated with new homes, results in faux heritage not having the same qualities as authentic places.

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.

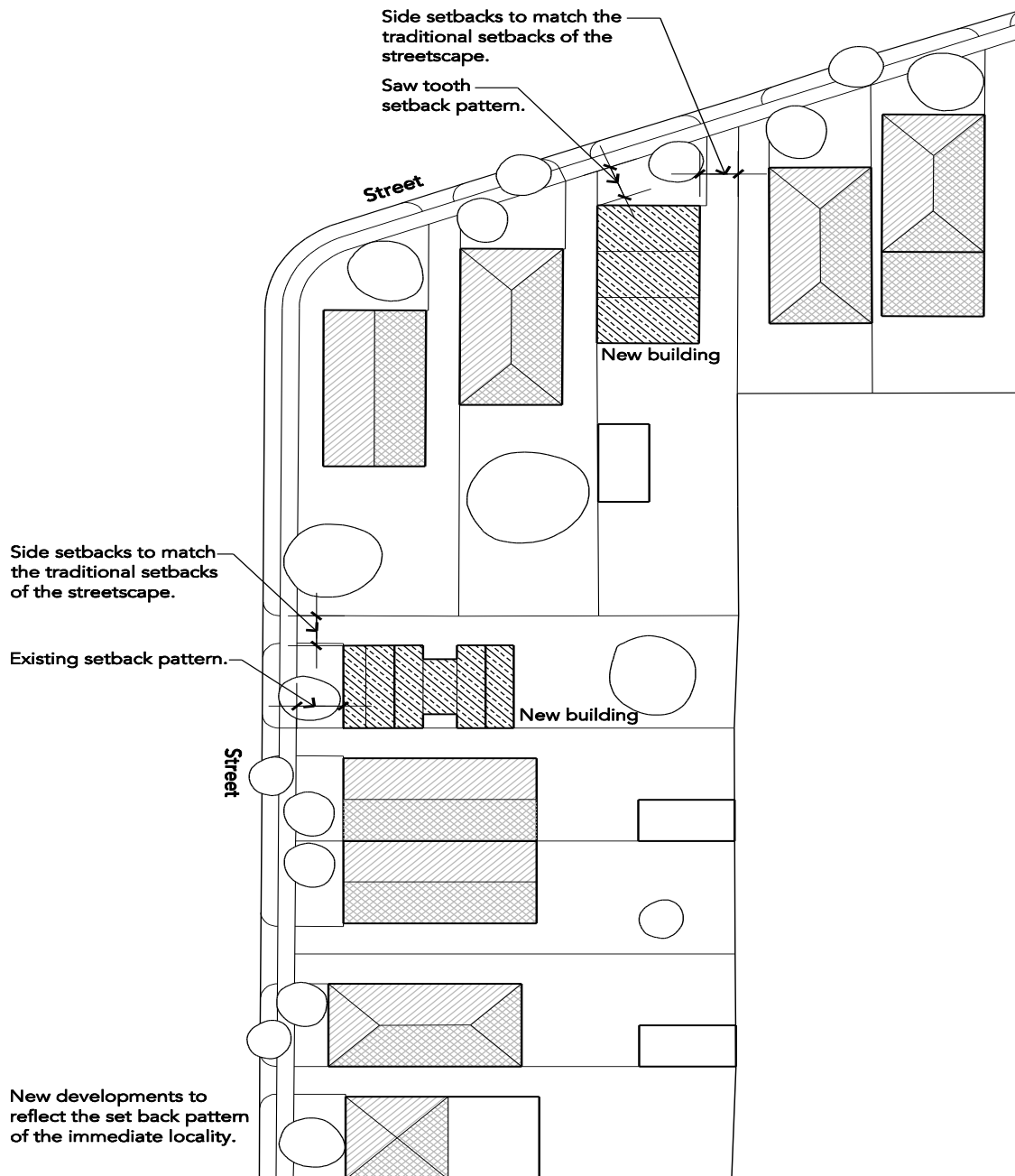


Figure 13 – Site plans illustrating existing setback patterns and compatible new developments – *Griffiths Architects 2012.*

3.7.7.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>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.</p> <p>P1.2 Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.</p>	<p>A1.1 New developments, additions and alterations are to match the existing front and side setbacks of the immediate locality.</p> <p>A1.2 Additions to contributory buildings are to be setback a minimum of 100mm from the primary frontage of the existing building.</p>

P1.3 Developments are to have side setbacks complementary with the predominant streetscape.

P2 Developments to be orientated to address the street.

P3 Wall heights to reflect the immediate locality.

A1.3 Where instances of front setbacks of adjacent residences vary, the front setback of the new development shall either:

i. Match the front setback of one existing dwelling;
or,

ii. Be the average of the two setbacks

A2 Developments to be at a right angle to the street.

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:

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).

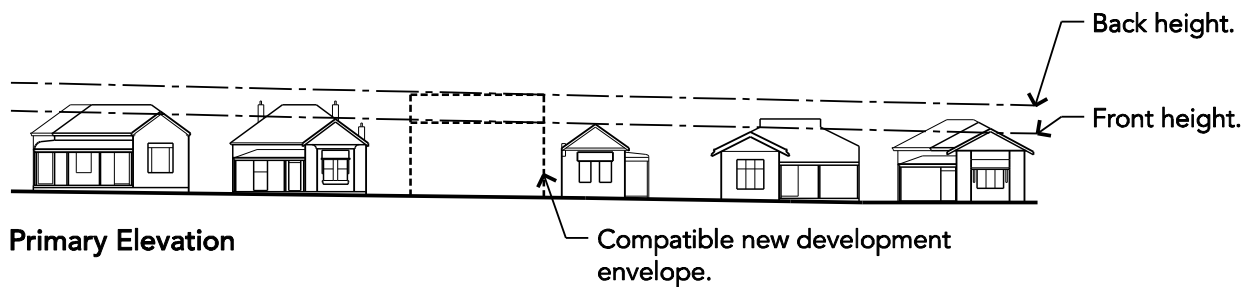


Figure 14 - Street elevation illustration compatible roof envelopes - Griffiths Architects 2012.

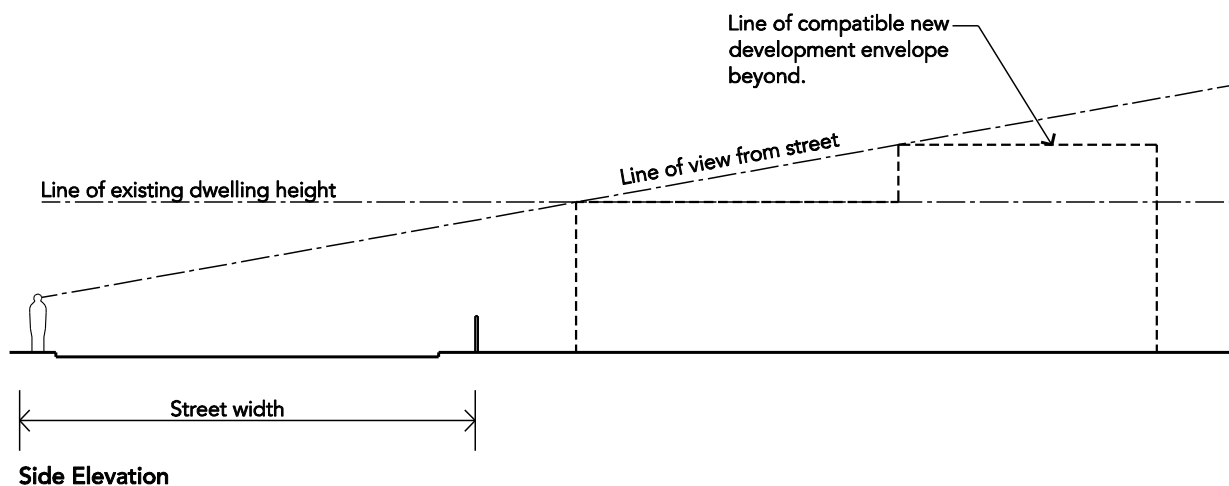


Figure 15 – Side elevation illustrating compatible roof envelope – *Griffiths Architects 2012*.

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
<p>All Precincts</p> <p>P1 Roof forms of additions and alterations positively contribute to the existing dwelling.</p> <p>P2 The eaves of alterations and additions are to complement the eaves of the existing building.</p> <p>P3 The eaves of new developments are sympathetic with immediate locality in regard to size of overhang.</p> <p>Woodside, Richmond, Plympton and Raceway</p> <p>P4 Roof forms of new buildings complement the traditional form of surrounding development in the immediate locality.</p>	<p>All Precincts</p> <p>A1 Additions and alterations to a contributory building are to match the original roof pitch.</p> <p>A2 Eaves to new developments, additions and alterations are unlined.</p> <p>A3 Size and overhang of eaves to new developments, additions and alterations to match the immediate locality.</p> <p>Woodside, Richmond, Plympton and Raceway</p> <p>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.</p> <p>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.</p>

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.

A4.3 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 Zincolume.

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
<p>Existing Buildings:</p> <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> <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.</p>	<p>Existing Buildings:</p> <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> <p>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.</p> <p>A3 Retain or reinstate original colour(s) of the residence.</p>
<p>Additions and Alterations:</p> <p>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.</p> <p>P4.2 Roofs of alterations or additions should be clad in materials that do not detract from the built form of the existing dwelling.</p>	<p>Additions and Alterations:</p> <p>A4.1 For alterations to existing dwellings the materials should match the materials of the original dwelling.</p> <p>A4.2 For additions to existing dwellings the materials should be compatible but distinguishable from the existing. This to be demonstrated in relevant elevations.</p>

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.

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
<p>Existing Buildings:</p> <p>P1 Development shall be designed around significant established vegetation.</p>	<p>Existing Buildings:</p> <p>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.</p> <p>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</p>



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>A1 Retain existing contributory fence (refer glossary) or restore where required with a 'like for like' approach.</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>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>P3 Fences above 1.2m are to be visually permeable to allow passive surveillance to the street.</p>	<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>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; 	<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>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>A4 Demonstration of reasons for requiring a less permeable fence in regards to the performance criteria.</p>

- 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.

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.

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.

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.	A6.1 Relevant drawings to illustrate visual presence of pergola on the existing building and immediate locality. 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.
P7 Pergolas are designed so as: <ul style="list-style-type: none"> i. Not to create a traffic hazard; ii. Not to be constructed over underground services; and, 	A7 Relevant drawings to illustrate position of pergola in relation to power lines, underground services and potential traffic.

iii. Not to be constructed under power lines.

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.

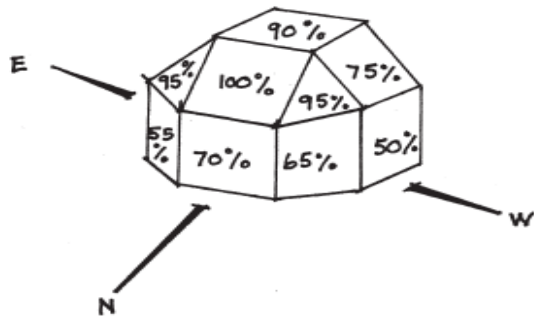


Figure 16 – Percentage of power theoretically generated by solar arrays. *Colin Mendoza, Solar Power Brochure. BP Solar and Solar Partners.*

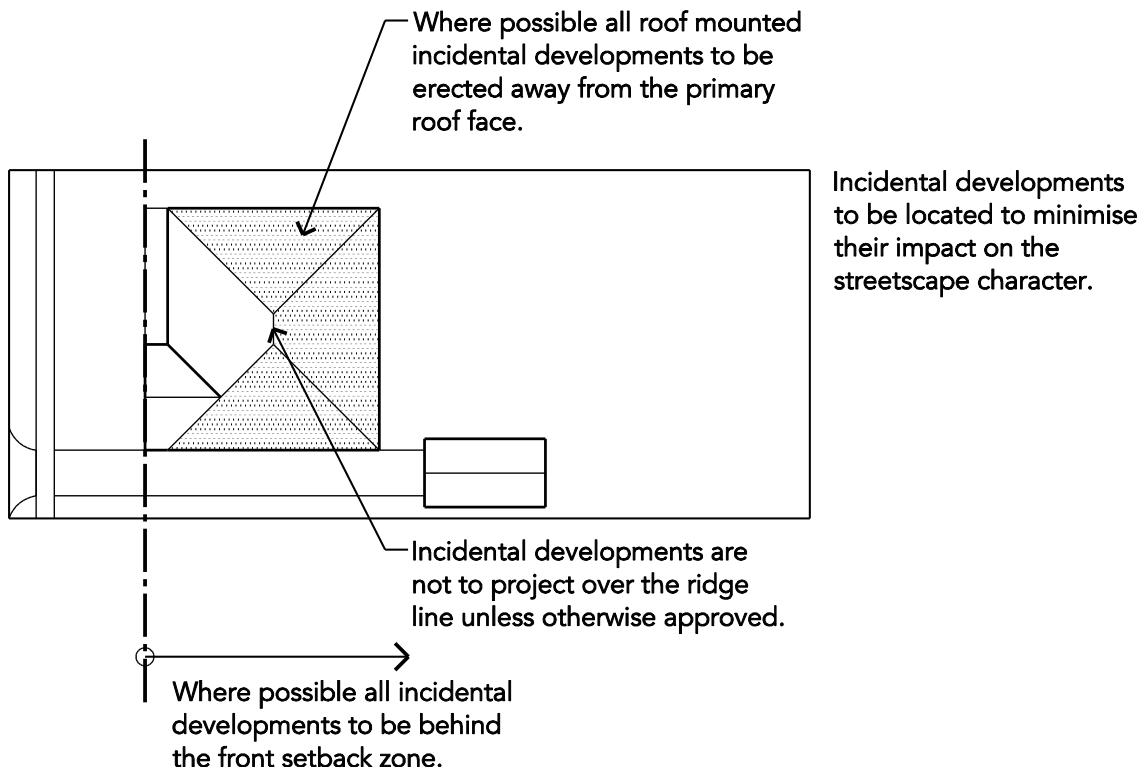


Figure 17 – Location of incidental developments – *Griffiths Architects 2012.*

3.7.13.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>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>	<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"> i. Be behind the building line and not visually dominate the building as viewed from the street; ii. Not exceed 5000L capacity (above 5000L requires a planning approval); iii. Set 1m away from any boundary; iv. Be constructed and retained to the relevant Australian Standard; v. Have an overflow that is directed to a soak well within the property; and, vi. Not exceed a height of 2.4m from the ground floor level of the dwelling.
<p>P2 All solar panels shall be positioned to avoid existing shadows cast from nearby buildings, structures and trees.</p>	<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 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> <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>

P3 Incidental developments are to be constructed behind the front setback zone.

P4 Incidental developments are not to project above the ridge line of the building except for TV antennae.

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.

P6 All incidental elements are to be designed and constructed in accordance with the provisions of the Residential Design Codes.

P7 Incidental developments should not display any form of advertising if visible from street level.

- 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).

A3 Incidental developments must not be within the front setback zone unless:

- 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.

A4 Incidental developments are to be erected on the back facade and not project above the ridge line.

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.

A6 Relevant information illustrating performance against relevant R-Code design elements to be provided.

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
<p>P1 Pedestrian walk ways will take priority over vehicular access. Re-kerbing is to be done wherever footpaths are replaced.</p>	<p>A1 Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority.</p>
<p>P2 Footpaths and crossovers to match the existing relevant Precincts.</p>	<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.

- P3** All crossovers, ramps and footpaths to the requirement of Australian Standards.
- P4** No street trees will be removed for a crossover unless approved by the Council 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.

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.

A3 All crossovers, ramps and footpaths shall be to Australian Standards.

A4 Retain existing trees or replace existing tree where required.

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
<p>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:</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>P1.2 Council shall exercise its discretion to vary scheme requirements for places with heritage value where compliance would adversely impact on heritage places.</p>	<p>A1.1 Parking to be located at the rear of the block.</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>

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.

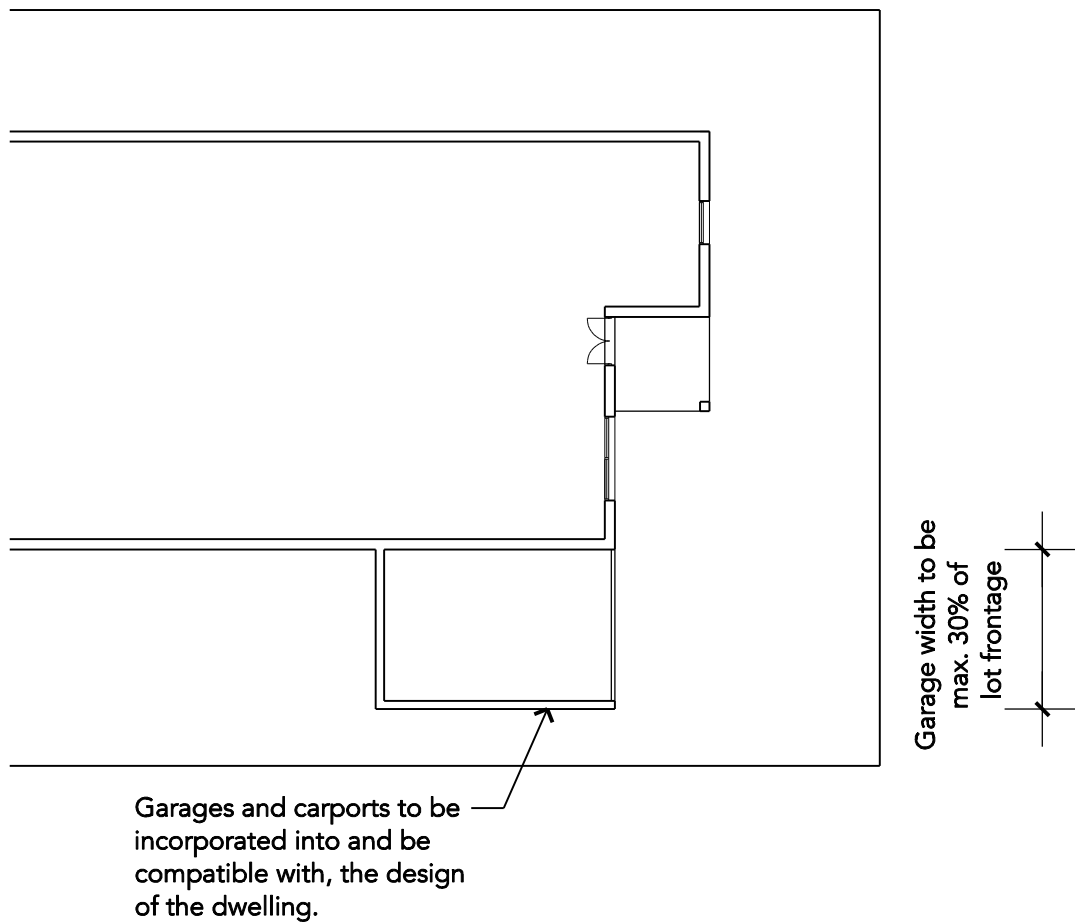


Figure 18 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012.*

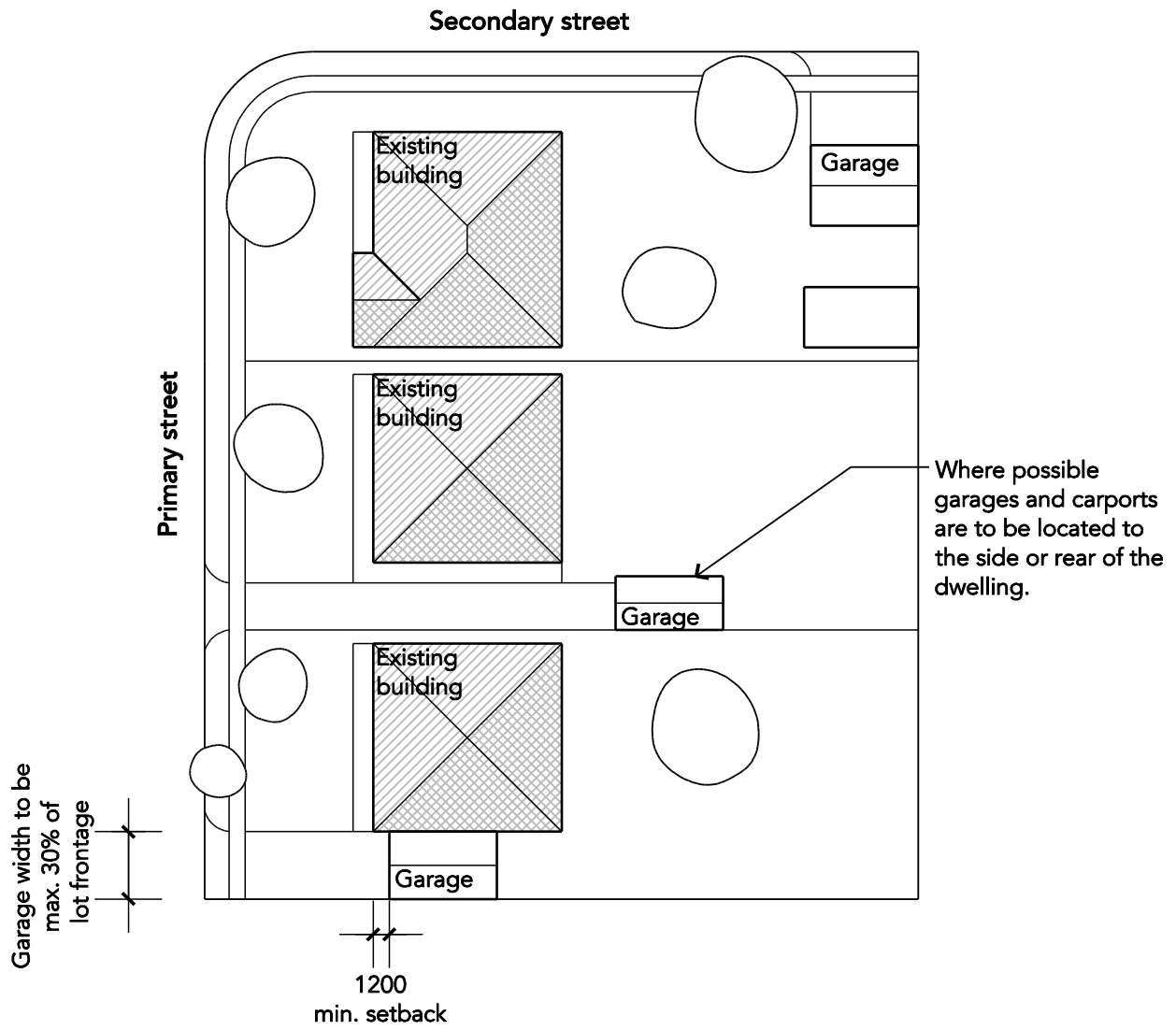


Figure 19 – Site plan illustrating compatible garages in residential developments – *Griffiths Architects 2012.*

3.7.15.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<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 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.</p>
<p>New Dwellings</p> <p>P2 Garages and carports are designed to be incorporated into, and compatible with, the design of the dwelling.</p>	<p>New Dwellings</p> <p>A2 Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the new dwelling.</p>
<p>Existing Dwellings</p> <p>P3 For existing buildings where there are no alternatives, carports may be located forward of the building line, provided they:</p> <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. 	<p>Existing Dwellings</p> <p>A3 For existing buildings garages and carports are constructed behind the building line and comply with the following:</p> <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.
<p>Multiple and Grouped Dwellings</p> <p>P4 Adequate car and bicycle parking provided on-site in accordance with development requirements.</p> <p>P5 Garages and carports shall not be prominent on the primary street façade.</p>	<p>Multiple and Grouped Dwellings</p> <p>A4 Refer R Codes for car space and bicycle space requirements.</p> <p>A5 Garages designed at the rear of the lot.</p>

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
<p>P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.</p>	<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 designed so that the upper storey is not visually dominant when viewed from the primary street.</p> <p>A1.3 Two storey developments to comply with the following:</p> <ol 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.

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:

- 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.

A1.5 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:

- .. 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.

A1.6 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
<p>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.</p>	<p>A1.1 New developments to include a verandah or porch that addresses the primary street and comprises the primary access to the building.</p>
<p>P1.2 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.</p>	<p>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.</p>
<p>P1.3 Missing verandahs to be reinstated.</p>	

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.



LEGEND

□ AREA 3

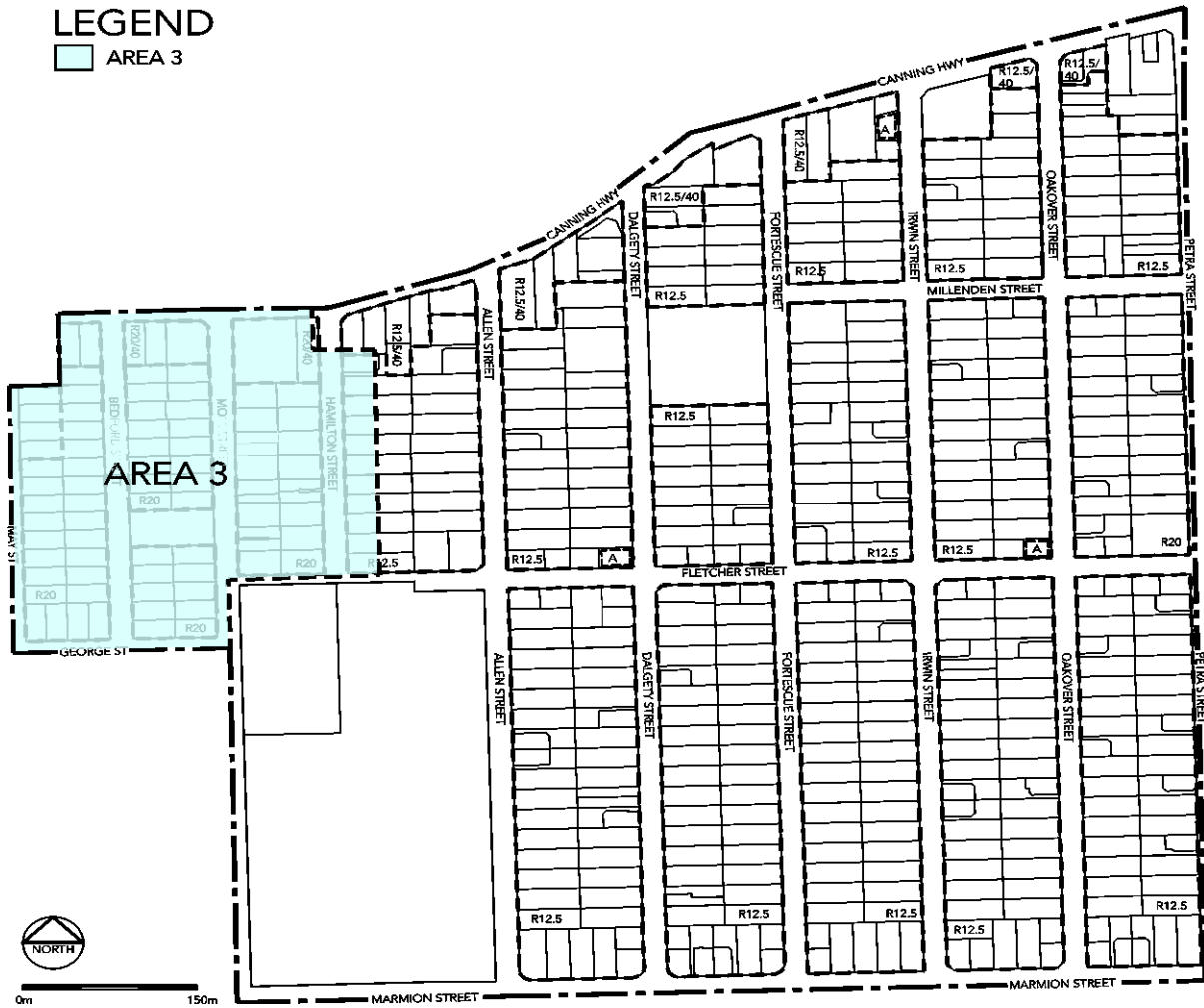


Figure 20- Fremantle Port Buffer Zone Area 3 affecting the Woodside Precinct. *Griffiths Architects 2011*



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 some or all of the development controls of Buffer Area 2.</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 considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.</p>

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
<p>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:</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>P1.2 Council shall exercise its discretion to vary scheme requirements for places with heritage value where compliance would adversely impact on heritage places.</p>	<p>A1.1 Parking to be located to the side of the dwelling.</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>

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.

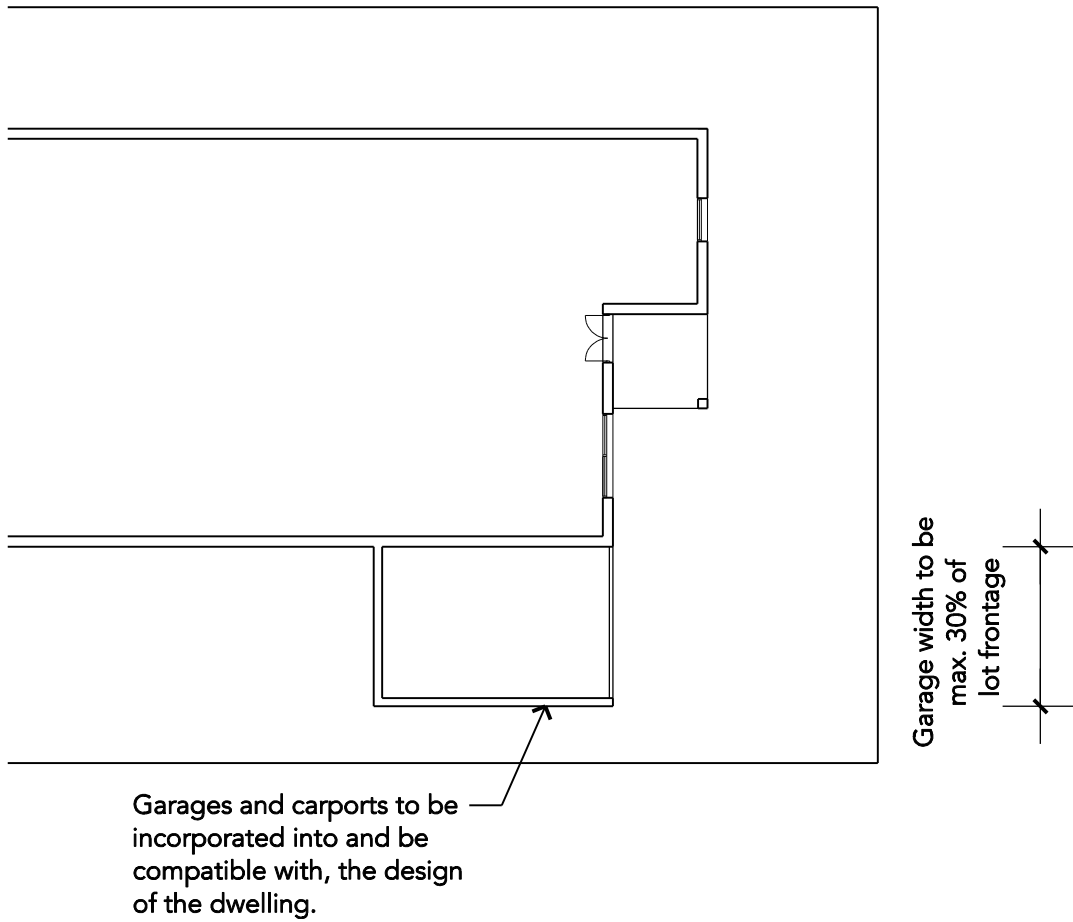


Figure 22 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012*.

3.7.16.3.3 Performance Criteria and Acceptable Development Provisions

Performance Criteria	Acceptable Development Provisions
<p>All Dwellings</p> <p>P1 Garage and carports are to not adversely impact the streetscape.</p> <p>P2 Garages, carports or outbuildings should comply with the recommended building materials for the Precinct.</p> <p>New Dwellings</p> <p>P3 Where garages and carports are required they are to be designed to be incorporated into, and compatible with, the design of the dwelling.</p> <p>Multiple and Grouped Dwellings</p> <p>P4 Adequate car and bicycle parking provided on-site in accordance with development requirements.</p> <p>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.</p>	<p>All Dwellings</p> <p>A1 On street parking.</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> <p>New Dwellings</p> <p>A3 Plans, elevations and section drawings are to be provided to demonstrate the impact of the garage or carport on the new dwelling.</p> <p>Multiple and Grouped Dwellings</p> <p>A4 Refer R Codes for car space and bicycle space requirements.</p> <p>A5 Garages designed at the rear of the lot.</p>

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
<p>P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.</p>	<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> <p>A1.5 Category 'B' will apply as set out within Table 3 – Maximum Building Heights of the Residential Design Codes.</p> <ul style="list-style-type: none"> 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
<p>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.</p>	<p>A1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.</p>
<p>P2 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.</p>	<p>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.</p>
<p>P3 Missing verandahs to be reinstated.</p>	<p>A3 Reinstatement missing verandahs.</p>

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: Areal, 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.



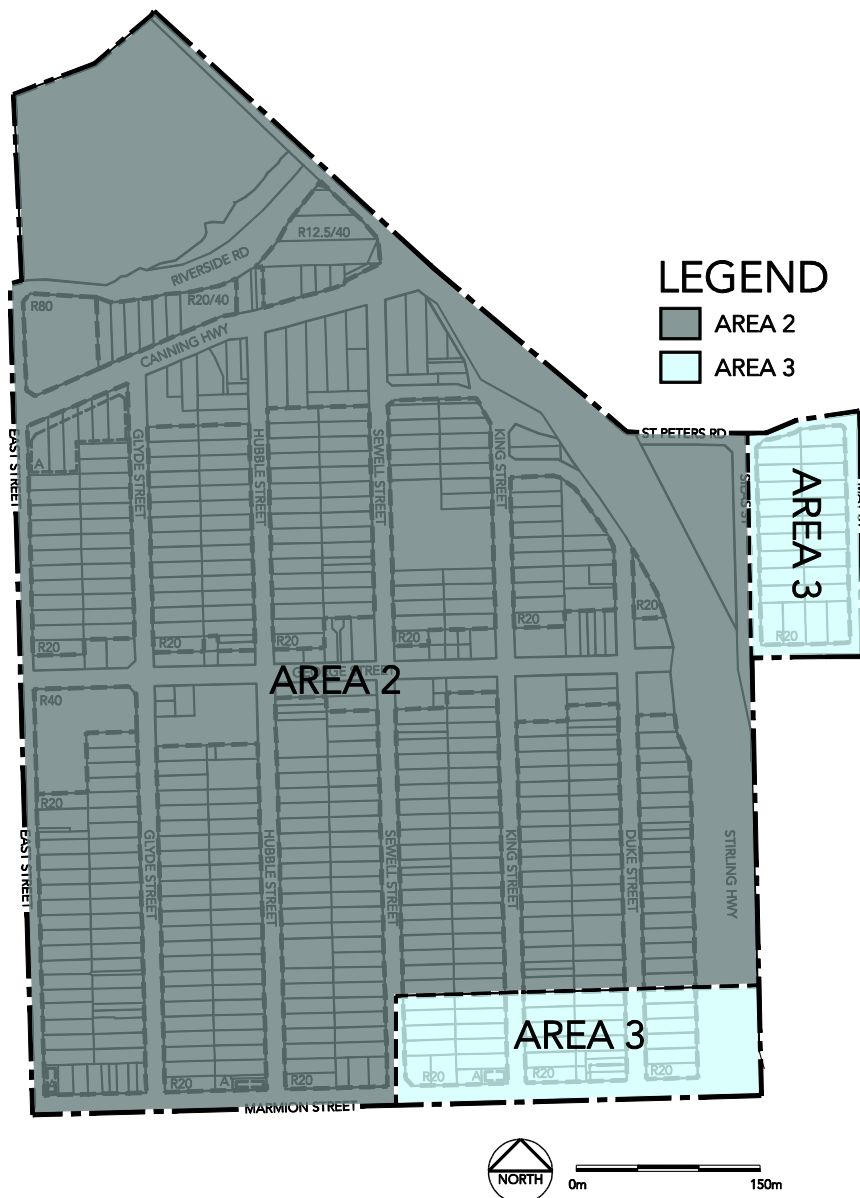


Figure 23- Fremantle Port Buffer

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:

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.

- 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:
 - (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:
 - (a) Adopt the general principles of quiet house design for residential developments; and,
 - (b) All developments shall incorporate roof insulation.

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.

3.7.16.4.3.4 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>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>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>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.

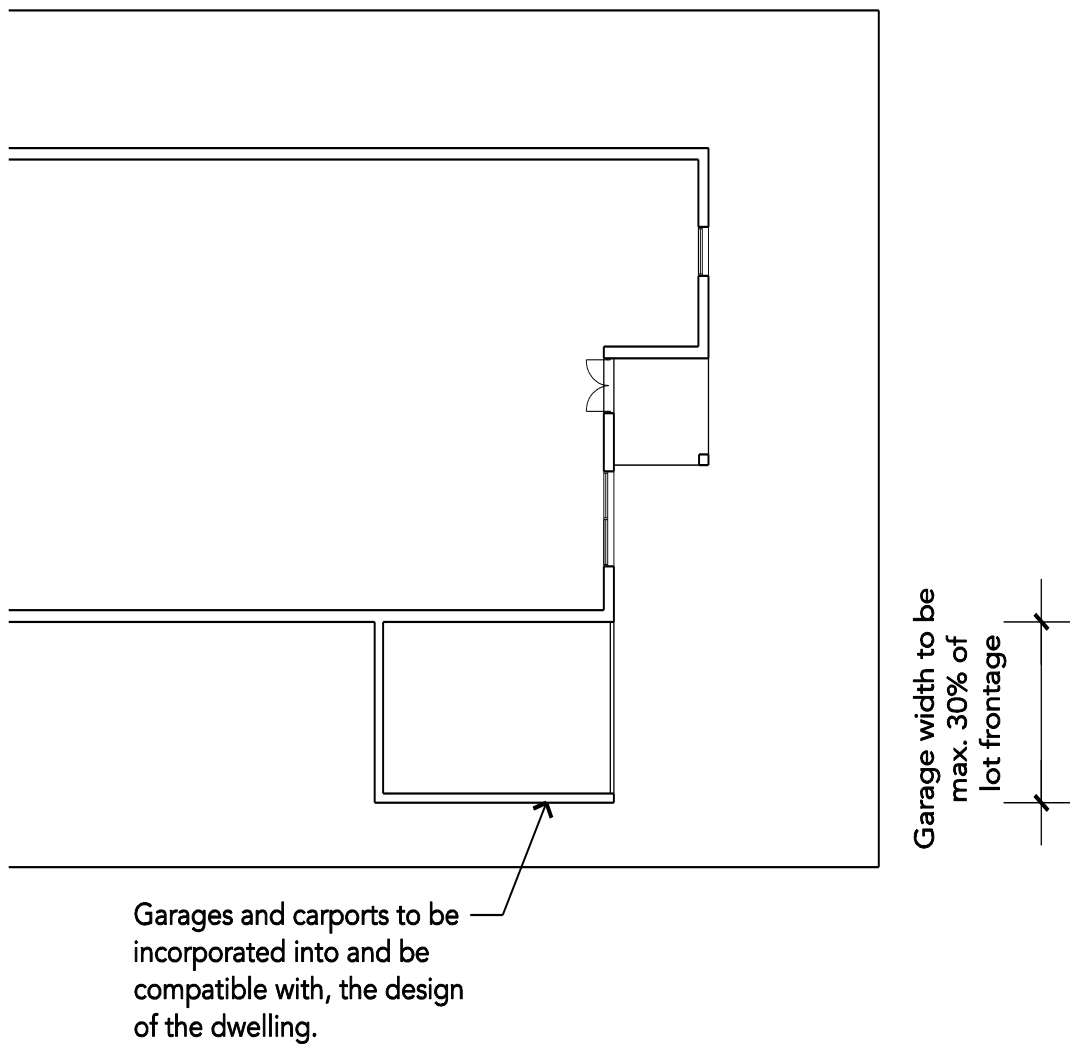


Figure 24 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012.*

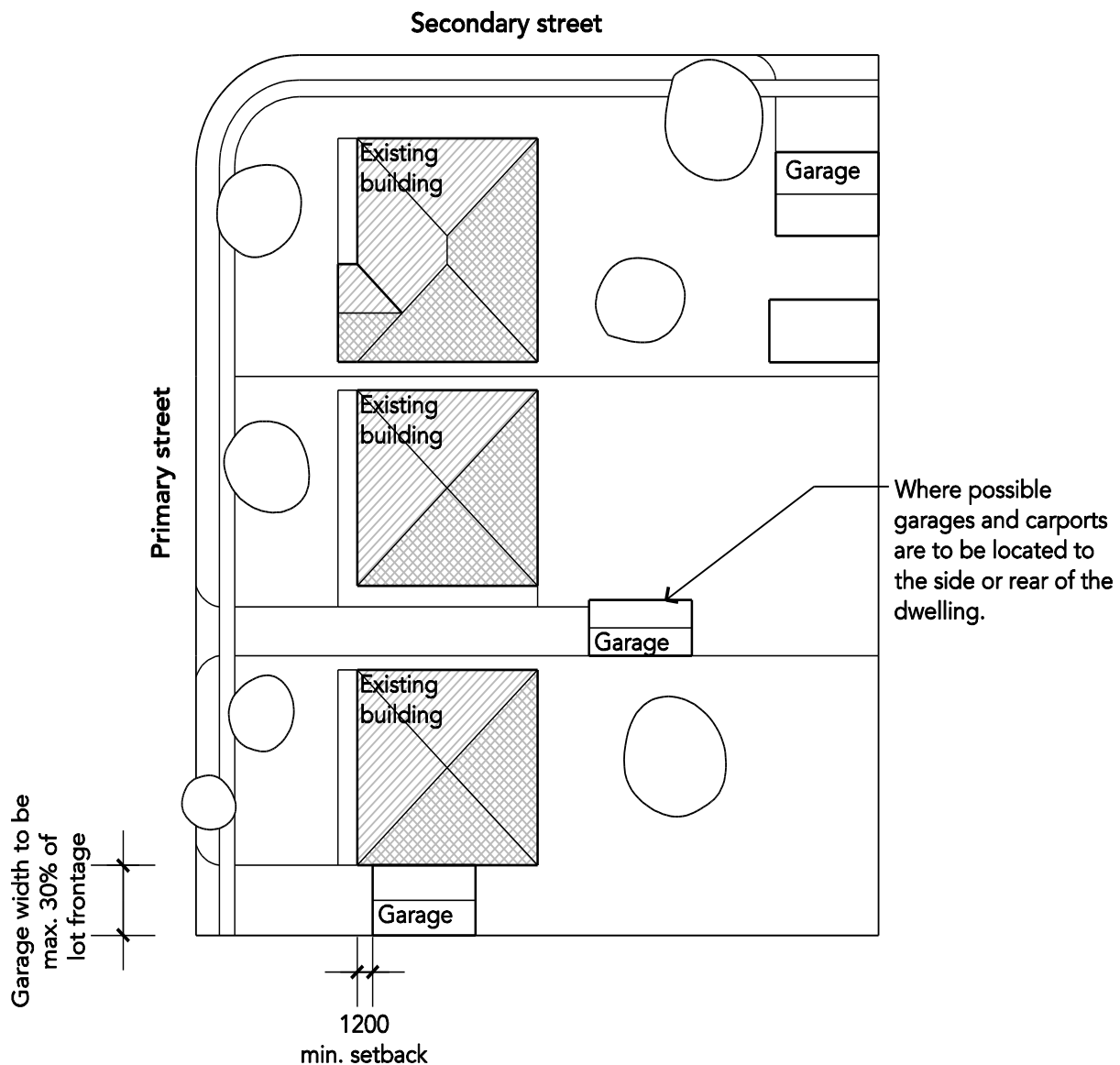


Figure 25 – Site plan illustrating compatible garage locations in residential developments – *Griffiths Architects 2012*.

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>
<p>Existing Dwellings</p>	<p>Existing Dwellings</p> <p>A3 Garages and carports are constructed behind the building line and comply with the following:</p>

P3 For existing contributory buildings where there are no alternatives, carports may be located forward of the building line, provided they:

- 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.

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.

- 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

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
<p>P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.</p>	<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> <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>A1.4 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. <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.

A1.5 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
<p>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.</p>	<p>A1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.</p>
<p>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.</p>	<p>A2 Relevant drawings to demonstrate impact on immediate locality to be provided. This is to include plans, elevations and possible sections.</p>

P3.1 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.

P3.2 Missing verandahs to be reinstated.

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.

3.7.17.4.3 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.

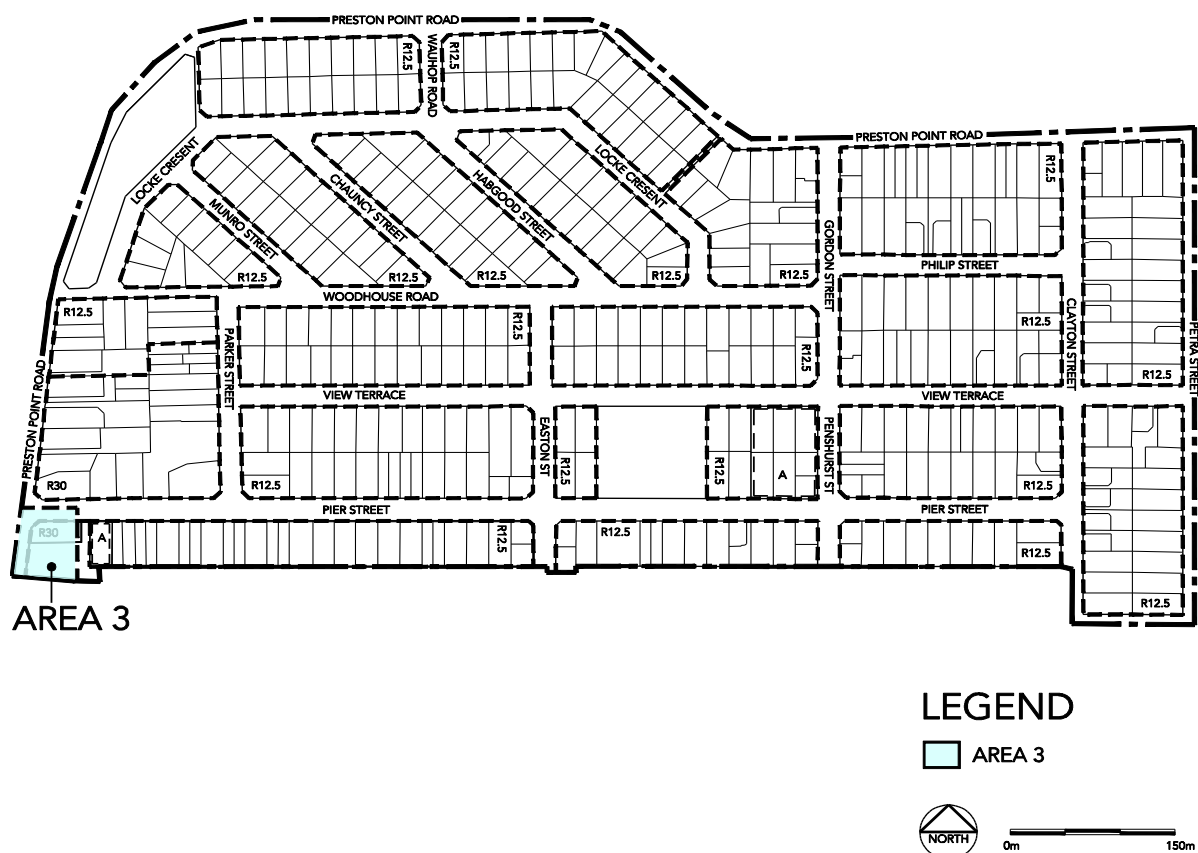


Figure 26- Fremantle Port Buffer Zone Area 3 affecting the Richmond Hill Precinct. *Griffiths Architects 2011*

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
<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 some or all of the development controls of Buffer Area 2.</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 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> <ul 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 would adversely impact on heritage places.</p>	

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.

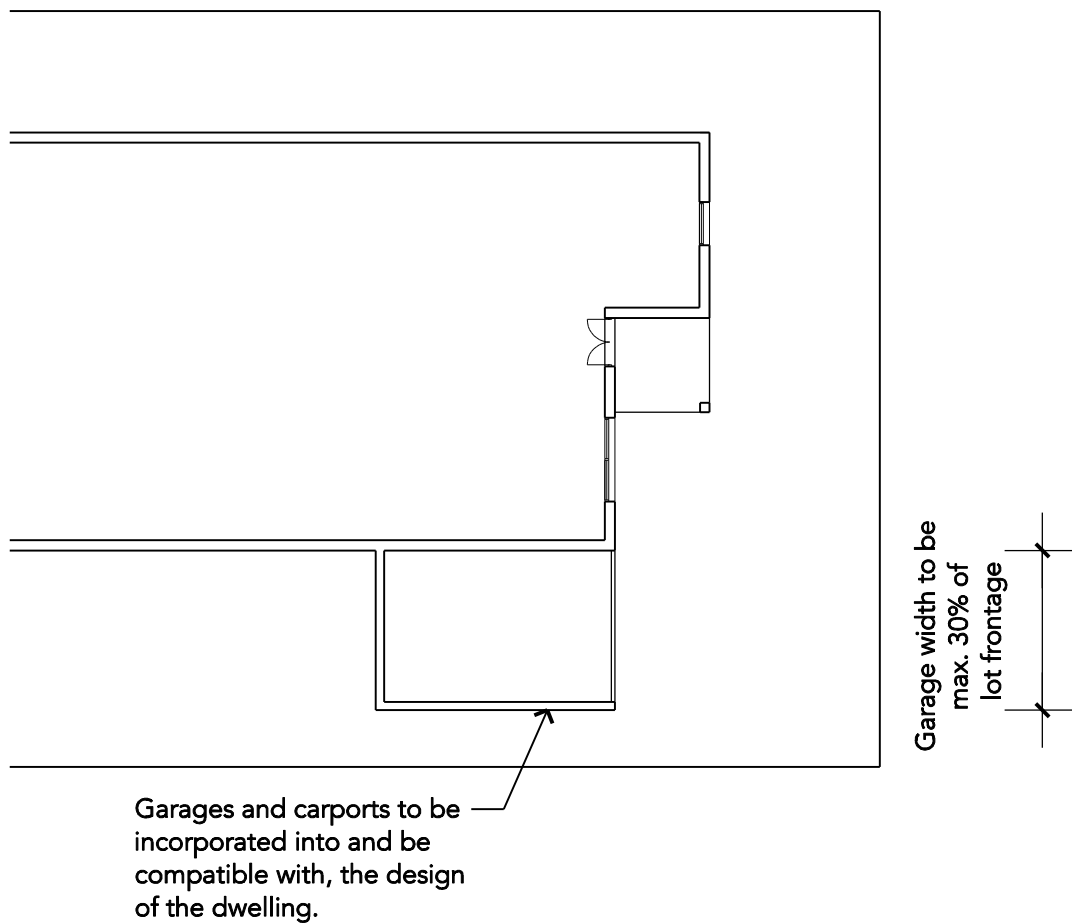


Figure 27 – Plan illustrating compatible garage in new developments – *Griffiths Architects 2012*.

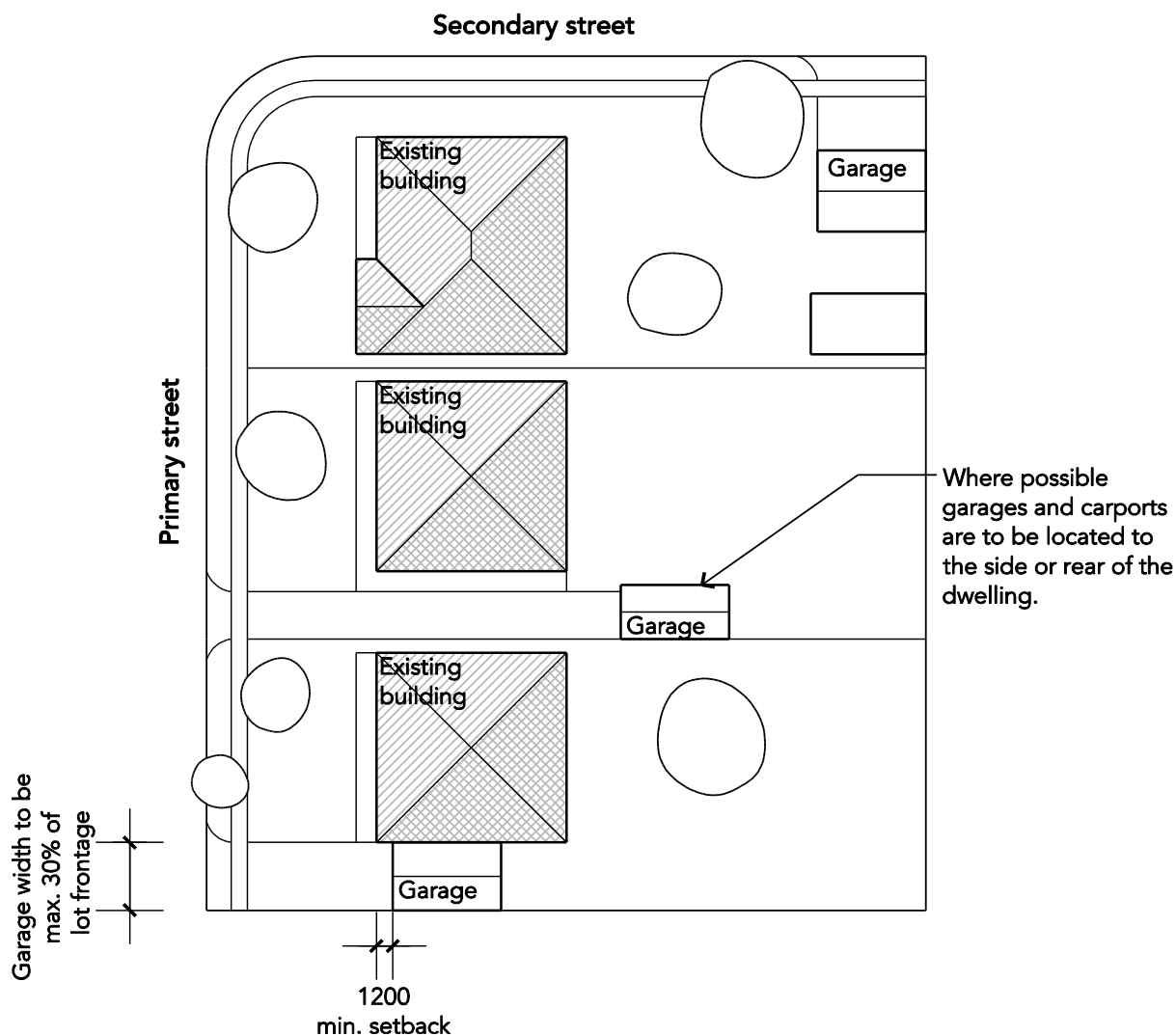


Figure 28 – Site plan illustrating compatible garage locations in residential developments - Griffiths Architects 2012.

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> <ul style="list-style-type: none"> i. Do not visually dominate the streetscape or the buildings to which they belong; and, 	<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> <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.

- 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.

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
<p>P1 New developments, additions and alterations to be of a compatible form, bulk and scale to traditional development in the immediate locality.</p>	<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>P2 Form and bulk of new developments to be designed appropriately to the topography of the landscape.</p>	<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> <ol 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> <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; and
- iii. the subject site is not a battle axe lot.

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:

- .. 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
<p>Riverside South</p> <p>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.</p> <p>P1.2 Contributory buildings retain their primary access and conserve the traditional detailing of verandahs and porches.</p> <p>P1.3 Missing verandahs to be reinstated.</p> <p>Riverside North</p> <p>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.</p>	<p>Riverside South</p> <p>A1.1 New developments to include a verandah or porch that address the primary street and comprises the primary access to the building.</p> <p>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.</p> <p>Riverside North</p> <p>A2 New developments to have openings that are prominent to the street.</p>

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.



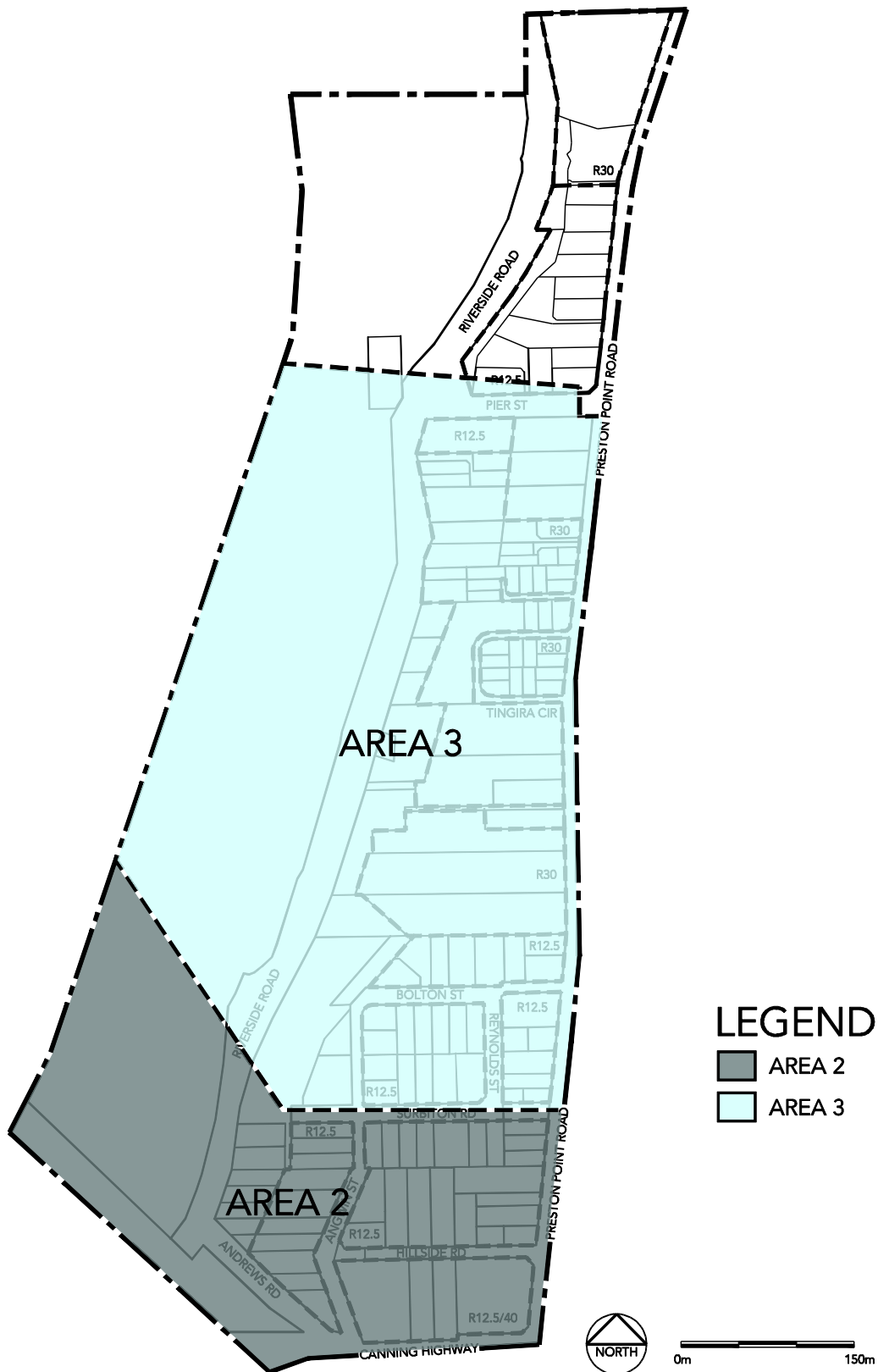


Figure 29- Fremantle Port Buffer Zone Areas 2 & 3 affecting the Riverside Precinct. *Griffiths Architects 2011*

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
<p>P1 Buffer Area 2 built form requirements shall apply to all residential development other than alterations and additions to existing dwellings.</p>	<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, and b. 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, and b. 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, 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 (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>	<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>

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 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

- 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:
- The streetscape character and amenity; and,
 - The availability of on-street parking in the locality.
- P2** Parking for all dwelling types shall not be prominent on the primary street facade.

Acceptable Development Provisions

- A1** Parking areas of lots and development sites for grouped or multiple dwellings are accessed from a shared access way.
- A2** Parking to all dwellings to be designed at the rear of the lot.

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

- Garages and carports shall be incorporated into and be compatible with, the design of the dwelling;
- Garages and carports shall not visually dominate the dwelling as viewed from the street;
- Materials should not detract visually from the streetscape; and,
- Carports associated with existing residences are not required to mimic or match the materials of the house.

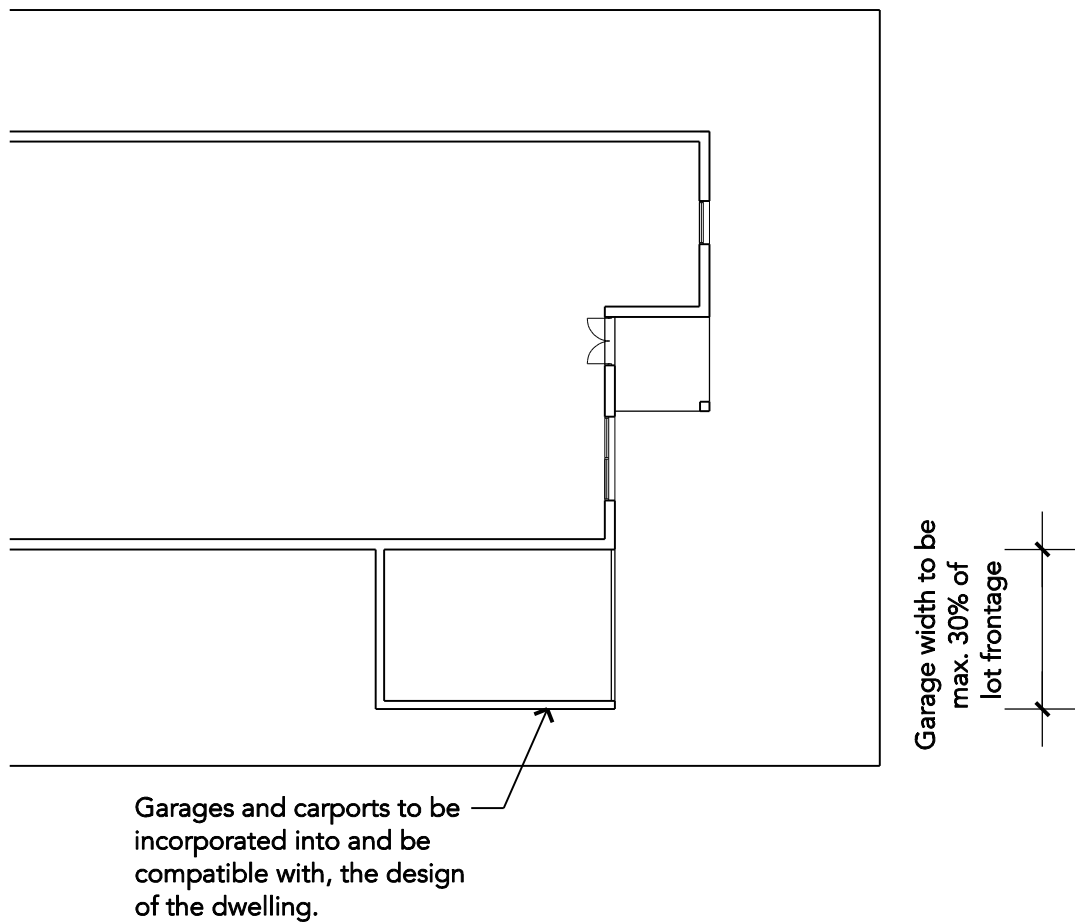


Figure 30 – Plan illustrating compatible garage in new developments - *Griffiths Architects 2012.*

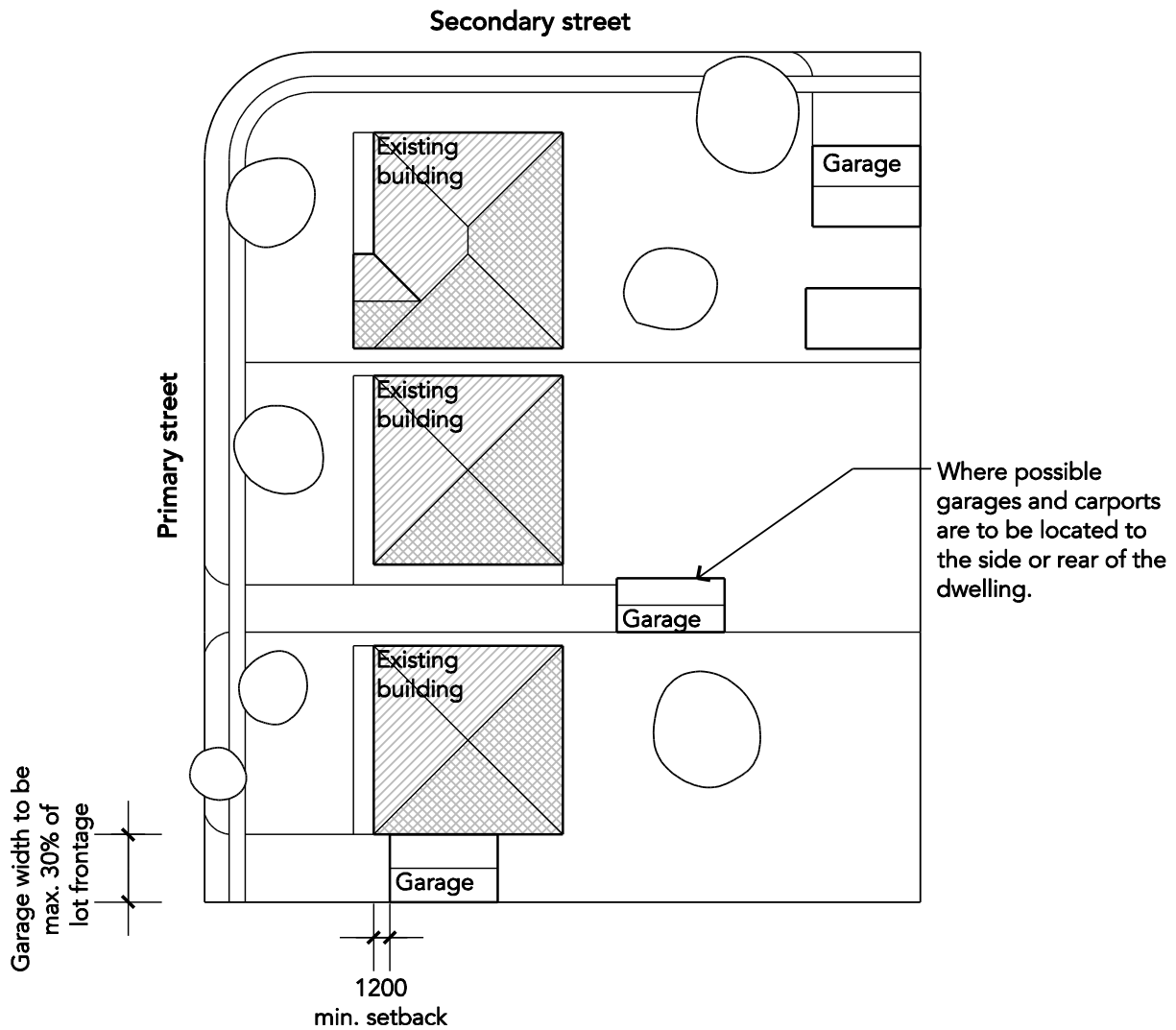


Figure 31 – Site plan illustrating compatible garage locations in residential developments – *Griffiths Architects 2012*.

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> <ol style="list-style-type: none"> Do not visually dominate the streetscape or the buildings to which they belong. 	<p>Existing Dwellings</p> <p>A2 Garages and carports are constructed behind the building line and comply with the following:</p> <ol style="list-style-type: none"> 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.
<p>New Dwellings</p>	<p>New Dwellings</p>

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.

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

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

Acceptable Development Provisions

A1.1 Developments to comply with all design elements of this Local Planning Policy.

A1.2 Additions and alterations are single storey or double story.

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.

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.

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:

- 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,
- 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.

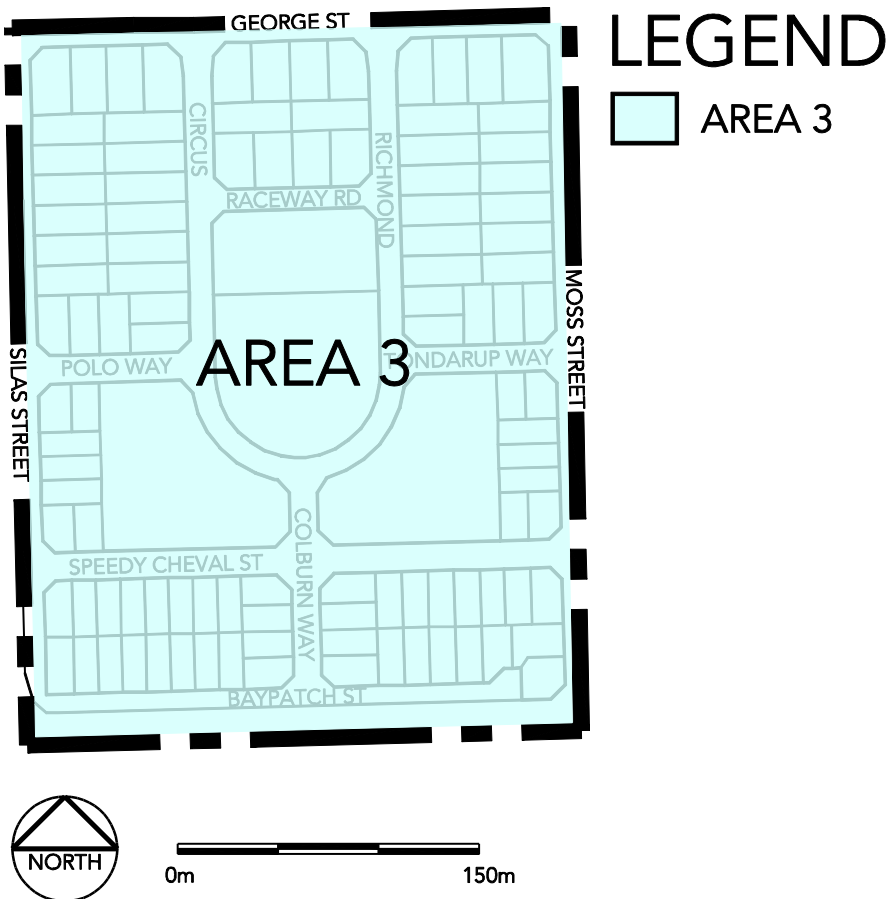


Figure 32- Fremantle Port Buffer Zone Area 3 affecting the Richmond Raceway Precinct. *Griffiths Architects 2011*

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
<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 some or all of the development controls of Buffer Area 2.</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 considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.</p>

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

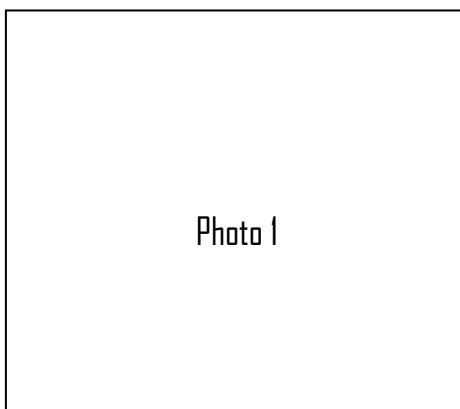
Heritage values	
Aesthetic	Degree of significance located on the MHI.
Historic	Degree of significance located on the MHI.
Social	Degree of significance located on the MHI.
Scientific	Degree of significance located on the MHI.
Heritage Attributes	
Rarity	Degree of significance located on the MHI.
Representativeness	Degree of significance located on the MHI.
Integrity	Degree of significance located on the MHI.
Authenticity	Degree of significance located on the MHI.

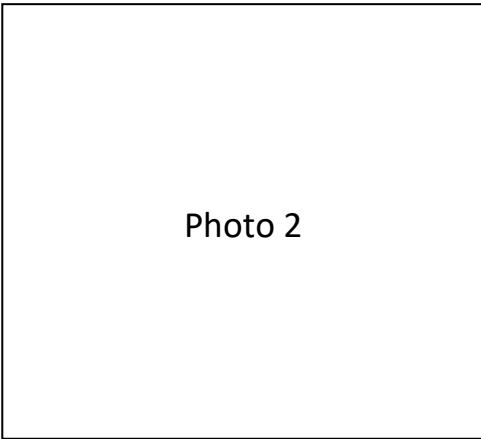
Significance			
Exceptional	Considerable	Some	Limited or none
Comments: Tick one of the above and provide comment.			

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





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.

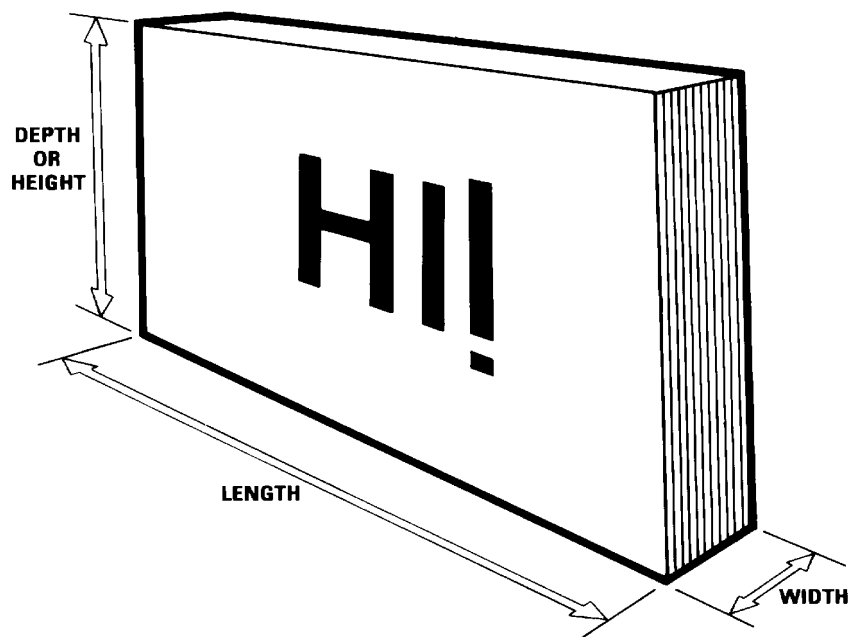


Figure 1 - Sign Dimensions

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.

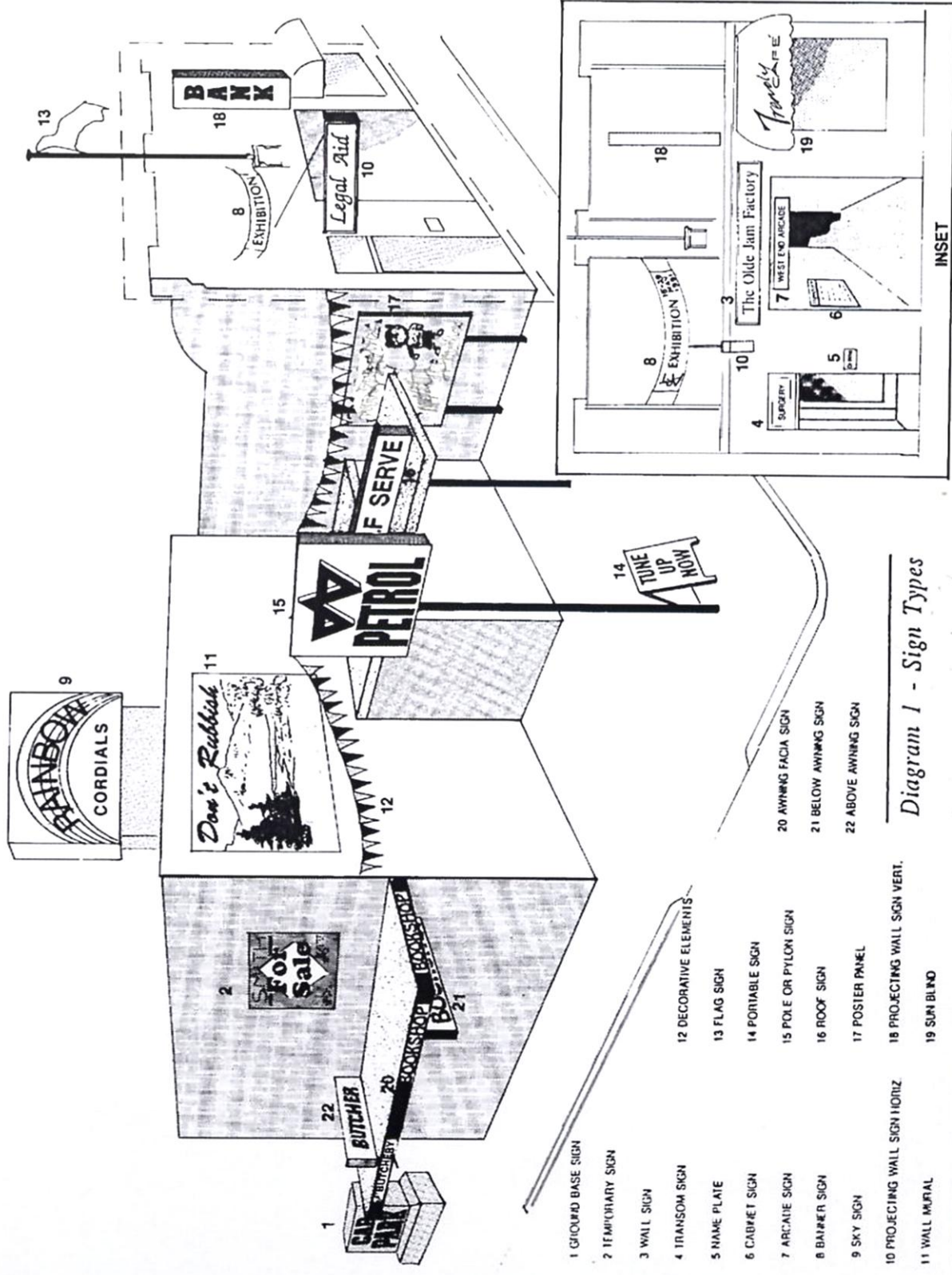
For the purpose of this Design Guideline, the different sign types are defined as follows and illustrated in Diagram 1.

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.



- 1 GROUND BASE SIGN
- 2 TEMPORARY SIGN
- 3 WALL SIGN
- 4 TRANSOM SIGN
- 5 NAME PLATE
- 6 CABINET SIGN
- 7 ARCADE SIGN
- 8 BANNER SIGN
- 9 SKY SIGN
- 10 PROJECTING WALL SIGN HORIZ
- 11 WALL MURAL
- 12 DECORATIVE ELEMENTS
- 13 FLAG SIGN
- 14 PORTABLE SIGN
- 15 POLE OR PYLON SIGN
- 16 ROOF SIGN
- 17 POSTER PANEL
- 18 PROJECTING WALL SIGN VERT.
- 19 SUNBLIND
- 20 AWNING FACIA SIGN
- 21 BELOW AWNING SIGN
- 22 ABOVE AWNING SIGN

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.

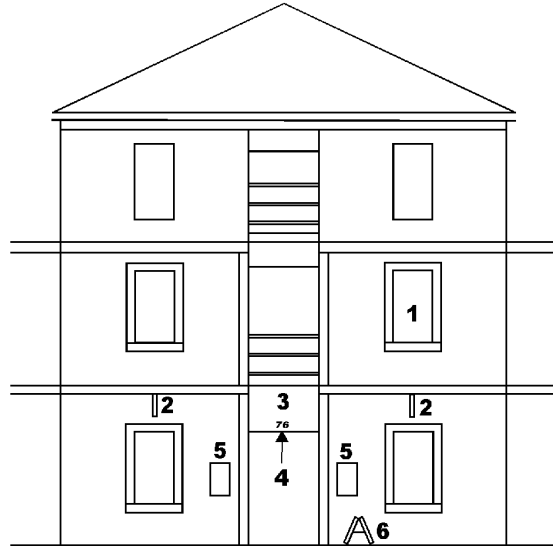
SIGN TYPE	ACCEPTABLE SOLUTION (PERMITTED)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY)
Arcade Signs	<ul style="list-style-type: none"> • Max depth 500mm. • Max width 300mm. • Min clearance from ground level 2500mm. • Not sited in conjunction with another arcade sign or horizontal projecting wall 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:	Town of East Fremantle Local Planning Scheme No 3

Introduction

The intent of this policy is to provide detailed guidance for development within the East Fremantle Town Centre and a defined area surrounding it. This document provides:

- A background summary of the prevailing planning context.
- A statement of desired intent that describes a vision for how the Town Centre Redevelopment Area could 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 development.

This policy document is supported by the following attached plans:

Plan 1: A context plan that identifies the relationship between the Town Centre Redevelopment Area and other centres within and adjacent to the Town of East Fremantle.

Plan 2: The area to which this policy applies and a set of precincts within that area.

Plan 3: A plan that identifies important pedestrian connections to surrounding destinations within the Town of East Fremantle in relation to the Town Centre Redevelopment Area.

Plan 4: A plan identifying important desired pedestrian connections within the Town Centre (Plan 4).

Plan 5: A concept plan that indicates how the structure and built form of the Town Centre Redevelopment Area might evolve.

Plan 6: A plan that shows the Fremantle Inner Harbour Port Buffer Areas 2 and 3.

Plan 7: A height plan that identifies required and notional building height limits across the Town Centre Redevelopment Area.

Relationship to Other Documents

This Local Planning Policy forms part of the Town of East Fremantle (the Town) local planning policy framework. It is intended that this policy will be further reviewed and/or replaced as a result of future outcomes of the Local Planning Strategy and subsequent amendment/review of Local Planning Scheme No. 3 which is to follow.

Local Planning Scheme No. 3

This policy provides guidance to designers and decision makers with regard to development in the Residential, Mixed Use and Town Centre Zones within the policy area where discretion may be

exercised under Clauses 5.3.4 and 5.3.5 of the Local Planning Scheme No. 3; and where discretion may be exercised for all applicable development under Clause 5.6 for Clause 5.8.

Where this Policy is inconsistent with Local Planning Scheme No. 3 (which includes Schedule 2 - Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*), the local planning scheme prevails.

Local Planning Strategy (2022)

The Local Planning Strategy generally includes the Town Centre Redevelopment Area in Planning Area B – Town Centre and part of Planning Area C – Canning Highway (Mixed Use).

The Local Planning Strategy recognises the need for further detailed planning to encourage and guide development of a vibrant Town Centre. It includes action to undertake detailed analysis for mixed use opportunities within the Town Centre (Planning Area B) and the Canning Highway – Mixed Use area (Planning Area C) with a view to preparing precinct plan/s to facilitate more intensive residential development and mixed-use development and improvements to the public realm in the medium term.

This is likely to include changes to zoning and scheme provisions relating to residential density and development controls, as well as policy review. The Local Planning Strategy promotes application of this policy as an interim measure as a precursor to the precinct planning process for the Town Centre and its surrounds.

Local Commercial Centres Assessment and Strategy (2022)

The Local Commercial Centres Assessment and Strategy guides the provision of commercial floorspace type and amount within the Town Centre and its surrounds, indicates additional dwelling numbers required to support a robust and vibrant Town Centre and recommends opportunities to create improvements to trade exposure and shopping experiences.

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol.1) and Volume 2 – Apartments (R-Codes Vol.2)

1. Unless otherwise varied by this Policy, applications for development approval for the following are to have due regard to the policy objectives of the R-Codes and comply with the development standards of the R-Codes, as applicable:
 - a) Volume 1 Part B for:
 - Single houses in the Residential and Mixed Use Zones where R12.5, R20 and R40 applies; and
 - Grouped dwellings in the Residential Zone where R12.5 and R20 applies.
 - b) Volume 1 Part C for:
 - Grouped dwellings and multiple dwellings in the Residential, Mixed Use and Town Centres Zones where R40 applies; and
 - Grouped dwellings in the Town Centre Zone if determined by Council that density greater than R40 applies.
 - c) Volume 2 for:
 - Multiple dwellings in the Town Centre Zone if determined by Council that R80 applies.
2. In accordance with clause 3.2.3 of the R-Codes Vol.1, the Town may amend, replace and/or augment the following deemed to comply provisions of the following sections of the R-Codes Vol.1:

Part B	Part C
5.1.2 Street setbacks – all clauses 5.1.3 Lot boundary setbacks – C3.2-3.3 5.1.6 Building height – all clauses 5.2.1 Setback of garages and carports – all clauses 5.2.2 Garage width – all clauses 5.2.3 Street surveillance – all clauses 5.2.4 Street walls and fences – all clauses 5.2.5 Sight lines – all clauses 5.2.6 Appearance of retained dwelling – all clauses 5.3.5 Vehicular access – C5.1 5.3.7 Site works – all clauses 5.4.3 Outbuildings – all clauses 5.4.4 External fixtures, utilities and facilities – all clauses 5.5.2 Aged and dependent persons’ dwellings – all clauses 5.5.3 Single bedroom dwellings – all clauses	1.2 Trees and landscaping – C1.2.5 1.4 Water management and conservation – all clauses 2.1 Size and layout of dwellings – C2.1.8 2.4 Waste management – all clauses 2.5 Utilities – all clauses 3.3 Street setbacks – all clauses 3.4 Lot boundary setbacks – C3.4.4 and C3.4.5 3.5 Site works and retaining walls – all clauses 3.6 Streetscape – all clauses 3.7 Access – C3.7.1 and C3.7.2 3.8 Retaining existing dwellings – all clauses

Where this policy is inconsistent with the R-Codes Vol.1 in relation to the above matters, then this policy prevails.

3. In accordance with clause 1.2.2 of the R-Codes Vol.2, the Town may amend or replace Acceptable Outcomes of the following sections of the R-Codes Vol.2:
 - a) All of Part 2 Primary Controls – Building height, Street setbacks, Side and rear setbacks, Plot ratio, Building depth, Building separation, Development incentives for community benefit.
 - b) Some of Part 3 Siting the Development – Public domain interface, Pedestrian access and entries, Vehicle access.
 - c) Some of Part 4 Designing the Building – Façade design, Roof design, Adaptive reuse.

Where this policy is inconsistent with the R-Codes Vol.2 in relation to the above matters, then this policy prevails.

Fremantle Port Buffer Development Guidelines

Fremantle Inner Harbour Port Buffer Areas 2 and 3 apply to parts of the Town Centre Redevelopment Area. For development within the Town Centre Redevelopment Area affected by Buffers 2 and 3, this policy reflects and considers the referral process and recommended land use and built form development considerations of the Fremantle Port Buffer Development Guidelines.

Other Council policies and Guidelines

Unless otherwise stated in this policy, Council’s adopted policies and guidelines also apply to the Town Centre Redevelopment Area, including: Signage Design Guidelines; Wood Encouragement Policy – General; Percent for Public Art Policy; Urban Streetscape and Public Realm Style Guide; and Noise Attenuation Policy.

Background

The East Fremantle Town Centre is generally regarded as lacking appeal, with much of the local community pursuing their needs at other centres with improved amenity and a broader more attractive range of services.

The Town Centre has experienced more recent development of higher density urban housing, notably along Canning Highway, Silas Street and 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 in need of improvement.

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* and *State Planning Policy 4.2: Activity Centres Policy for the Perth and Peel Regions (SPP 4.2)*, the latter being reviewed in 2021.

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

The Town is located within the Central Sub-Regional Planning Framework whereby 890 additional dwellings are expected to be accommodated within the Town by 2050 to support population growth. It is expected that the majority of these dwellings be provided within identified urban consolidation areas (including activity centres and urban corridors).

The Town Centre is not identified by SPP 4.2 or the Spatial Plan provided in the framework as a higher order centre (it is only identified as a Neighbourhood Centre) but nevertheless functions as a 'mini activity town centre' within the Town. This policy has embraced the principles of SPP 4.2 by considering opportunities for an increase in residential development in and around the Town Centre, as well as a number of adjacent and nearby properties along Canning Highway (identified as a high frequency transit corridor).

The State Government policies also reinforce the fundamental principle of *Liveable Neighbourhoods* (WAPC: 2009 update) and *draft Liveable Neighbourhoods* (WAPC: 2015) 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 attached to this policy. In response it is important that additional growth in the Town Centre and surrounding areas is in a manner conducive to pedestrian movement.

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.

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 the Town where much of the surrounding neighbourhood contains a long-established building stock with a desirable character, including many with heritage significance.

This policy adopts an interim position on what the Town considers to be an acceptable form of development to meet higher order planning policy; what will meet the concerns of the local community; and enables the viable redevelopment of the Town Centre. It is anticipated that further planning studies and precinct planning for the Town Centre and its surrounds, guided by the Local Planning Strategy and the Local Commercial Centres Assessment and Strategy, will supersede this policy into the future.

The Local Planning Strategy generally includes the Town Centre Redevelopment Area in Planning Area B – Town Centre and part of Planning Area C – Canning Highway (Mixed Use). The success of the Town Centre will greatly depend on the increased development of higher residential density development in close proximity. Potential dwelling yields for these planning areas will depend on further investigation to identify opportunity sites suitable for redevelopment and/or further development. However, the LCCAS promotes establishment of 360 - 480 additional dwellings within 1.5 km of the Town Centre to incentivise development of a major anchor tenancy such as a supermarket which could also attract other commercial development in this area.

Policy

Extent of the Town Centre Redevelopment Area

This policy applies to the area defined in Plan 2 attached to this policy and includes the land shown as Town Centre zone within the Town of East Fremantle Local Planning Scheme No. 3 together with adjacent land along Canning Highway zoned Mixed Use and a small number of properties zoned Residential adjoining the Town Centre and Mixed Use Zone generally along the Canning Highway alignment.

The Town Centre Redevelopment Area extends further than the Town Centre Zone for the following reasons:

- The current Town Centre zone reflects an emphasis on the permissibility of commercial uses, whereas draft *SPP 4.2: Activity Centres* 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 (i.e. north and south sides) rather than as a barrier between two different environments.

A set of precincts have been identified within the Town Centre redevelopment Area (as shown on Plan 2). These are:

- Town Centre Core Precinct;
- Canning Highway Precinct; and
- 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 Intent

The intent of the Town 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.



A montage of images that suggests the overall intent for the East Fremantle Town Centre.

More specifically:

- The Town Centre Core Precinct is to be the principal focus of the commercial activity within the Town Centre Redevelopment Area.
- 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 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.

The overall intent for the Town Centre Redevelopment Area is elaborated upon in the following set of planning and urban design objectives:

Planning and Urban Design Objectives:

The proposed Town’s planning and urban design objectives for the Town Centre Redevelopment Area 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 within the Town Centre.

- Maintain and improve, where possible, pedestrian connectivity to the surrounding neighbourhoods, the George Street commercial area and the East Fremantle Oval Precinct.
- Establish heights for 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 Redevelopment Area where there is an interface with existing suburban residents.
- Avoid 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 private car.
- Distribute traffic movement where possible and avoid 'bottlenecks'.
- Incorporate a network of publicly accessible open spaces, such as piazzas.
- Incorporate a generous amount of vegetated landscape by means of new planting and/or the retention of existing planting.
- Maintain a degree of continuity in the landscaping of publicly accessible areas.

Detailed Urban Design Guidelines

Development within the Town Centre Redevelopment Area is subject to the provisions of Local Planning Scheme No. 3 and the Metropolitan Region Scheme (for land abutting Canning Highway Canning).

Local Planning Scheme provisions relating to the applicable zoning (Town Centre, Mixed Use and Residential) apply to the corresponding land within the Town Centre Redevelopment Area.

The R-Codes Vol. 2 previously applied to design elements for multiple dwellings in areas coded R40 or greater; within mixed use development and activity centres. Recent amendments to the R-Codes Vol.1 and Vol. 2 have resulted in development no longer being fully assessed under the R-Codes Vol.2 within the Town Centre Redevelopment Area such that:

- For development of grouped and multiple dwellings proposed on land where a density code of R40 applies, due consideration is now to be given to the R-Codes Vol.1, Part C; and
- For development of multiple dwellings proposed on land where Council has determined that a density code of R80 and above applies, due consideration is now to be given to the R-Codes Vol.2.

Clause 5.3.5 of Local Planning Scheme No. 3 allows Council to approve residential development at a density in excess of R40 in the Town Centre Zone where it is satisfied that the resultant design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the centre.

Local Planning Strategy 2022 provides an initial guide to future planning research, study and processes for the planning areas identified in the strategy for potential future growth. For Planning Area B – Town Centre, the strategy suggests a future context for the Town Centre area south of Canning

Highway to be considered at a density of R-AC2 (R80-100+) with an Urban context – Mid-rise/high density urban centre development streetscape character (with stricter height controls near civic heritage buildings).

For the purposes of this Policy, the density code supported under Clause 5.3.5 of the Local Planning Scheme for the Town Centre Zone to work towards achieving this on the southern side of Canning Highway is R80-100 (as guided by the Local Planning Strategy) excluding the land contained within the “Town Hall sensitivity zone” shown in Plan 7: Building Height.

When considering applications for development approval within the Town Centre Redevelopment Area, including variations to standards and requirements under Clauses 5.3.4, 5.3.5, 5.6 and 5.8 of Local Planning Scheme No. 3, the Town will be guided by the aforementioned planning and urban design objectives and the following Element Objectives and Acceptable Outcomes for each Element.

Element 1: Urban Structure

Urban 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 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, lead to a more attractive and sustainable centre.

Element Objective	Acceptable Outcomes
<i>Development should meet these criteria.</i>	<i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>To achieve good urban structure within the East Fremantle Town Centre, development is to:</p> <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 attached to this policy. .. 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 Redevelopment Area.

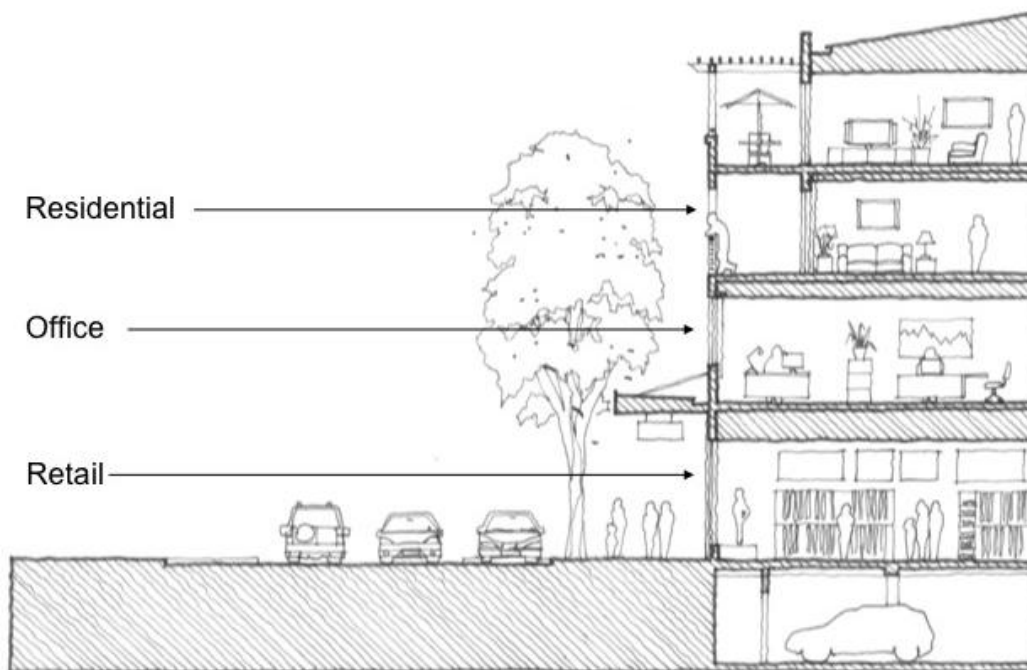
In regard to land use, the policy objectives are:

- 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 Redevelopment Area to create a sense of community and provide opportunities for passive surveillance, or ‘eyes on the street’, outside normal business hours.
- To ensure that land use located within the Fremantle Inner Harbour Port Buffer Areas 2 and 3 are compatible with the strategic operations of the port and the amenity of residents is protected.

Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>In regard to land uses within the Town Centre Redevelopment Area, development is to:</p> <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 and the need for expensive land-consumptive road and 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 residential density within the Town Centre zone 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. .. Be mindful of the Fremantle Inner Harbour Port Buffer Areas when considering land use. 	<p>Plan 5: Concept Plan attached to this policy shows indicative land use guidance within the Town Centre Redevelopment Area.</p> <ul style="list-style-type: none"> .. Town Centre Core and Canning Highway Precincts: Developments are to incorporate commercial uses consistent with those allowed under the relevant Local Planning Scheme No. 3 provisions and incorporate a minimum of 40% of Net Lettable Area (NLA) floorspace for multiple dwellings and/or short stay accommodation. .. Frame Precinct: Subject to compliance with Local Planning Scheme No. 3 provisions, the preferred use is multiple dwellings and grouped dwellings and small-scale commercial uses may be incorporated as components of mixed-use developments, providing they are compatible with a residential environment. .. Fremantle Inner Harbour Port Buffer Areas: Fremantle Inner Harbour Port Buffer Areas 2 and 3 apply to parts of the Town Centre Redevelopment Area (refer to Plan 6 attached). The Town will: <ul style="list-style-type: none"> - Refer applications for development approval to Fremantle Ports for comment for any sensitive use* (excluding residential development of less than 5 dwellings) or other development that will result in a concentration of people within Buffer Area 2; - Use the Fremantle Port Buffer Development Guidelines in the assessment and consideration of

Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
	<p>approval of development applications within the buffer areas;</p> <ul style="list-style-type: none"> - Notify Fremantle Ports of any intention to seek to amend the local planning scheme in a manner that could result in an increase in development of sensitive uses within Buffer Area 2 or 3. <p><i>*Sensitive use includes residential development, major recreational areas, childcare facilities, aged persons facilities, prisons, hospitals and other institutional uses involving accommodation and any other use that Council considers may be affected by proximity to the Fremantle Inner Harbour.</i></p>



An indicative example of mixed-use development that contains a range of commercial activities and residential units.

Element 3: Building Form, Scale and Height

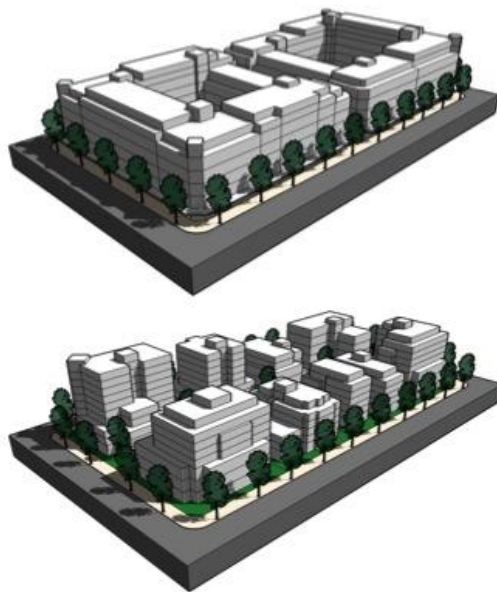
Building form, scale and height provide definition to the overall shape and size of buildings.

In regard to building form, scale and height, the policy objectives are:

- To allow a sufficient mass of building within the Town Centre Redevelopment Area 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 and as the major commercial centre within the Town.
- To provide a sensitive transition where development abuts/adjoins/is in close proximity to heritage properties and residential properties of lesser density capacities.

Three main scales of urban development
2: Urban Scale (notionally 3-8 storeys)



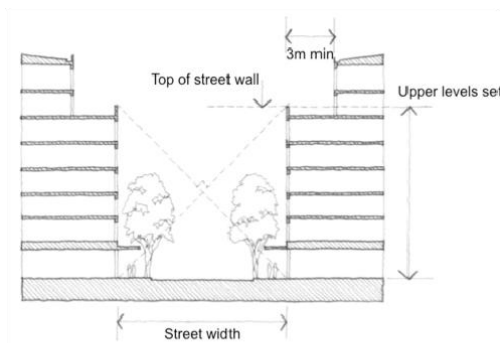
Indicative examples of appropriate scales and forms for buildings in a Town Centre.

<p>Element Objective</p> <p><i>Development should meet these criteria.</i></p>	<p>Acceptable Outcomes</p> <p><i>The acceptable outcomes are ways of meeting the element objective.</i></p>
<p>In regard to building form, scale and height within the Town Centre Redevelopment Area, development is to:</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 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. .. Establish a reasonable transition between larger-scaled development within an activity centre and the 	<p>Council may consider variations to development standards and requirements of Local Planning Scheme No. 3 within the Town Centre Redevelopment Area:</p> <ul style="list-style-type: none"> .. To support residential development in the Town Centre Zone exceeding R40 density to R80-100 where the Town is satisfied that the resultant mix of development will be consistent with the planning proposals contained within the Local Planning Strategy and accord with any approved development plan for the centre and the requirements of this policy. .. Limit the overall mass of development to a plot ratio of:

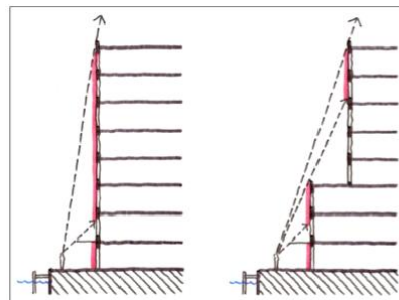
Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>domestic scale of any existing adjacent residential development.</p> <p>.. Modulate the building mass to create visual interest and break down the perceived scale of large developments.</p>	<ul style="list-style-type: none"> - Town Centre Core Precinct - 3.5 for land within the Town Centre zone; - Canning Highway Precinct - 3.0 for land within the Town Centre and Mixed Use zones*; and - Frame Precinct – 2.0 for land within the Town Centre zone**. <p>.. Irrespective of maximum building heights and minimum building setbacks permitted, the above plot ratio requirements are not to be exceeded.</p> <p>.. Limit the overall height of development to the heights as indicated in Plan 7 attached to this policy however, consider additional height in the Town Centre Core and Canning Highway Precincts* where the development provides significant public benefit (such as publicly accessible spaces, public car-parking, or activities that are deemed to be advantageous to the community or the Town Centre as a whole) where the additional height is set back a minimum distance of 3 metres to avoid excessive overshadowing of adjacent properties; does not adversely impact on adjoining and nearby heritage listed places; is treated in a visually recessive manner to reduce its visual impact on the street; and is of exemplary architectural design.</p> <p><i>* Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area.</i></p> <p>.. In addition to the overall height limits shown on Plan 7, limit the 'street wall' height to:</p> <ul style="list-style-type: none"> – 5 storeys in the Town Centre core; – 3 storeys in the Canning Highway Precinct, except for buildings in the 'Town Hall Sensitivity Zone' shown on Plan 7, where the height 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'). <p>.. As indicated on Plan 7, limit the overall height of buildings, in the Frame Precinct** to 3 storeys.</p> <p>.. In the Canning Highway and Frame Precincts**, development is limited to 3 storeys within 12 metres of adjacent existing residences.</p> <p>.. Unless otherwise stated in this Policy, a 'storey' has the same meaning as the R-Codes Vol.1 and Vol.2.</p> <p><i>* Note that special development provisions apply to The Entrance (Roofing 2000) site (Lots 418 and 419 Canning Highway, Lot 81 St Peters Road and Lot 423 King Street). Refer to Clause 5.10, Clause 5.11 and Schedule 13 in Local Planning Scheme No. 3 (Amendment No. 14).</i></p>

Element Objective	Acceptable Outcomes
<i>Development should meet these criteria.</i>	<i>The acceptable outcomes are ways of meeting the element objective.</i>
	<p>** Note that special development requirements apply to the site on Canning Highway between East and Glyde Streets (Lots 14, 15, 16, 17 18 and 19). Refer to Schedule 2: Additional Use Sites and Requirements of Local Planning Scheme No. 3, in relation to Additional Use A9 (Amendment No. 17).</p>

Diagram A

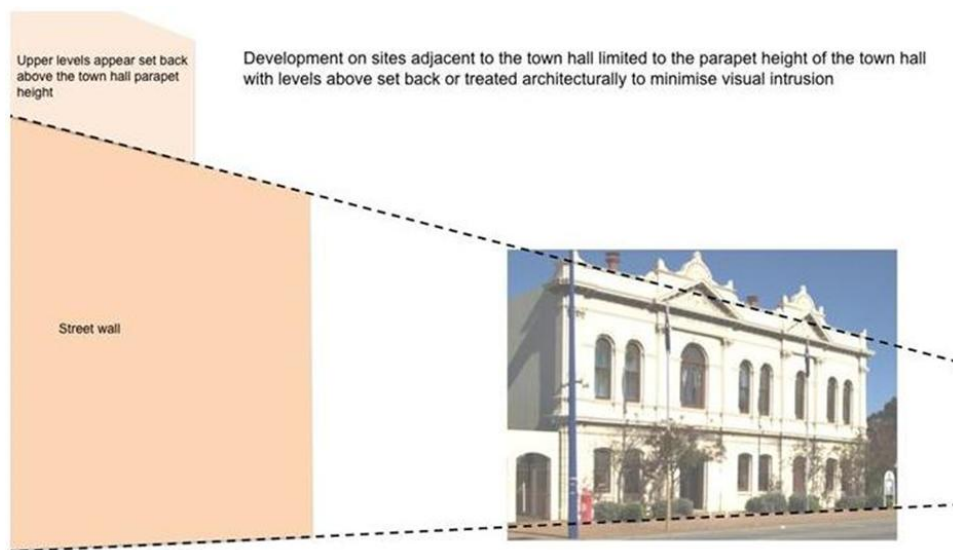


Indicative example of a building's street wall with the upper levels set back



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



Element 4: Occupant Amenity

Occupant amenity refers to the quality of experience enjoyed by residents and other building users within the Town Centre Redevelopment Area.

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 Town Centre Redevelopment Area.
- To address the requirements of WAPC State Planning Policy 5.4: Road and Rail Noise.
- To include the Fremantle Port Buffer Development Guidelines established by Fremantle Ports for land use planning around the Inner Harbour, where applicable.

Element Objective	Acceptable Outcomes
<i>Development should meet these criteria.</i>	<i>The acceptable outcomes are ways of meeting the element objective</i>
<p>To ensure a reasonable level of occupant amenity within the Town Centre Redevelopment Area, development is to:</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. .. Provide a reasonable degree of privacy for centre residents within the context of an urbanised environment. 	<ul style="list-style-type: none"> .. Unless otherwise varied by this policy, mixed use and residential development is to be consistent with the relevant requirements of the R-Codes Vol.1, and R-Codes Vol.2 as applicable. .. Development is to comply with Town of East Fremantle Local Planning Policy 3.1.2 – Noise Attenuation Policy and WAPC State Planning Policy 5.4: Road and Rail Noise (SPP 5.4). For properties within the trigger distance specified in SPP 5.4, development applications are to be accompanied by the following information where deemed appropriate, prepared in accordance with the Road and Rail Noise Guidelines: <ul style="list-style-type: none"> – Noise exposure forecast table assessment; and/or – Noise level contour map; and/or – Noise management plan, outlining the proposed noise mitigations measures. .. The Town may impose conditions requiring the implementation of mitigation measures as outlined in the Road and Noise Guidelines. In addition, notifications on the Certificate of Title will be required informing the existence of transport noise where existing and or forecasted noise levels are to exceed the SPP 5.4 outdoor noise targets. .. Development on properties located within Fremantle Inner Harbour Port Buffer Areas 2 and 3, development is to comply with the Fremantle Port Buffer Development Guidelines.

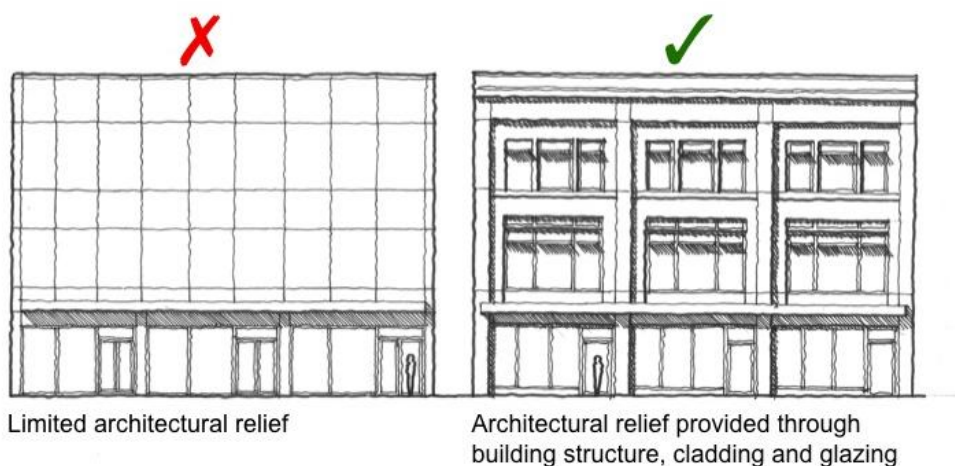
Element 5: Street Interface

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.

Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>In regard to the street interface of buildings within the Town Centre Redevelopment Area, development is to:</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 (is to 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. .. Street elevations are to incorporate at least two different materials. .. Development is to provide openings to habitable rooms to any adjacent street reserve or public space. .. Service areas are to be located away from the public domain or screened from view from the public domain.



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 Redevelopment Area.

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.

Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>In regard to pedestrian amenity within the Town Centre Redevelopment Area, development is to:</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. .. 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. 	<ul style="list-style-type: none"> .. Buildings with a commercial ground floor adjacent to footpaths are to 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 is to be consistent with the WAPC document <i>Designing Out Crime</i>. .. Development is to meet all relevant BCA requirements for universal access. .. Provide for the pedestrian connections identified in Plans 3 and 4. .. Connecting pathways are to be of suitable materials and design as agreed to be acceptable by the Town and in reference to the Tow of East Fremantle Urban Streetscape and Public Realm Style Guide 2020

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.

Element Objective	Acceptable Outcomes
<i>Development should meet these criteria.</i>	<i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>In regard to vehicle movement within the Town Centre redevelopment Area, development is to:</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. .. Development is to be limited to one crossover per street. .. Development adjacent to Canning Highway is to comply with any Main Roads WA 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 Redevelopment Area.

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.

Element Objective	Acceptable Outcomes
<i>Development should meet these criteria.</i>	<i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>In regard to vehicle parking within the Town Centre Redevelopment Area, development is to:</p> <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. 	<ul style="list-style-type: none"> .. On-site car parking is to be located either behind street front tenancies or dwellings, below ground level when viewed from the street, or otherwise suitably screened from view from the adjacent public domain.

<ul style="list-style-type: none"> .. 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 local centre. .. 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 Redevelopment Area. 	<ul style="list-style-type: none"> .. New residential and mixed use development is to incorporate bicycle parking in accordance with the R-Codes Vol.1 and R-Codes Vol. 2, as applicable. .. Development with an office floorspace greater than 250sqm is to provide appropriate end-of-trip facilities for cyclists. .. Car parking is to be consistent with Local Planning Scheme No. 3 provisions. and may include consideration of payment in lieu of parking in accordance with an approved parking plan.
---	---

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 Redevelopment Area.
- Avoid an excessive maintenance burden on the Town.

Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
<p>In regard to landscape and public spaces within the Town Centre Redevelopment Area, development is to:</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. 	<ul style="list-style-type: none"> .. Landscape and street furnishings in the public domain are to use materials and plants, and street furniture that have been agreed as acceptable by the Town based on the Town of East Fremantle Urban Streetscape and Public Realm Style Guide 2020, or other adopted policy/guidelines.*. .. Public art is to be provided in accordance the Town of East Fremantle Local Planning Policy 3.1.9 - Percent for Public Art. .. Street trees are to be planted at a rate of not less than one per 15m of linear street length, subject to verge width and underground service constraints, with reference to

<p>.. 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.</p>	<p>the Town of East Fremantle Urban Streetscape and Public Realm Style Guide 2020.</p> <p><i>*CI 5.8.4 of Local Planning Scheme No. 3 requires a Landscaping Plan to be approved by Council for development in the Commercial zones.</i></p>
---	--

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.

<p>Element Objective <i>Development should meet these criteria.</i></p>	<p>Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i></p>
<p>In regard to resource conservation within the Town Centre, development is to:</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. .. 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. 	<ul style="list-style-type: none"> .. Development to comply with the acceptable outcomes of the Energy efficiency; Water management and conservation; and Waste management elements of the R-Codes Vol.1 and R-Codes Vol. 2, as applicable. .. Consider the Town of East Fremantle Local Planning Policy 3.1.8 Wood Encouragement Policy – General.

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.



Element Objective <i>Development should meet these criteria.</i>	Acceptable Outcomes <i>The acceptable outcomes are ways of meeting the element objective.</i>
<ul style="list-style-type: none"> .. In regard to signage within the Town Centre Redevelopment Area, development is to comply with the Town of East Fremantle Local Planning Policy 3.1.2 Signage Design Guidelines. .. Any incidental structures and mechanical equipment is to be located to minimise visual impact on adjacent streets and public open spaces. 	<ul style="list-style-type: none"> .. Signage is to comply with the Town of East Fremantle Local Planning Policy 2.1.3 – Signage Design Guidelines .. The Town may require the submission of an overall signage plan for approval for the development site, or compliance with an overall signage plan where one has been prepared for a larger area within the Town Centre Redevelopment Area. .. Any incidental structures and mechanical equipment (including bin stores, solar collectors, air conditioning units, mechanical plant rooms, lift overruns, antennae, satellite dishes and communications masts and the like) is to be located in basements; in screened enclosures; on roofs (subject to height requirements of Element 3); or at the rear of buildings and not visible from the street or adjacent public open space. .. Development applications are to include a waste management plan including details of bin storage and collection.

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; 16/05/23; and 10/04/24
Former Policy No:	3.1.4

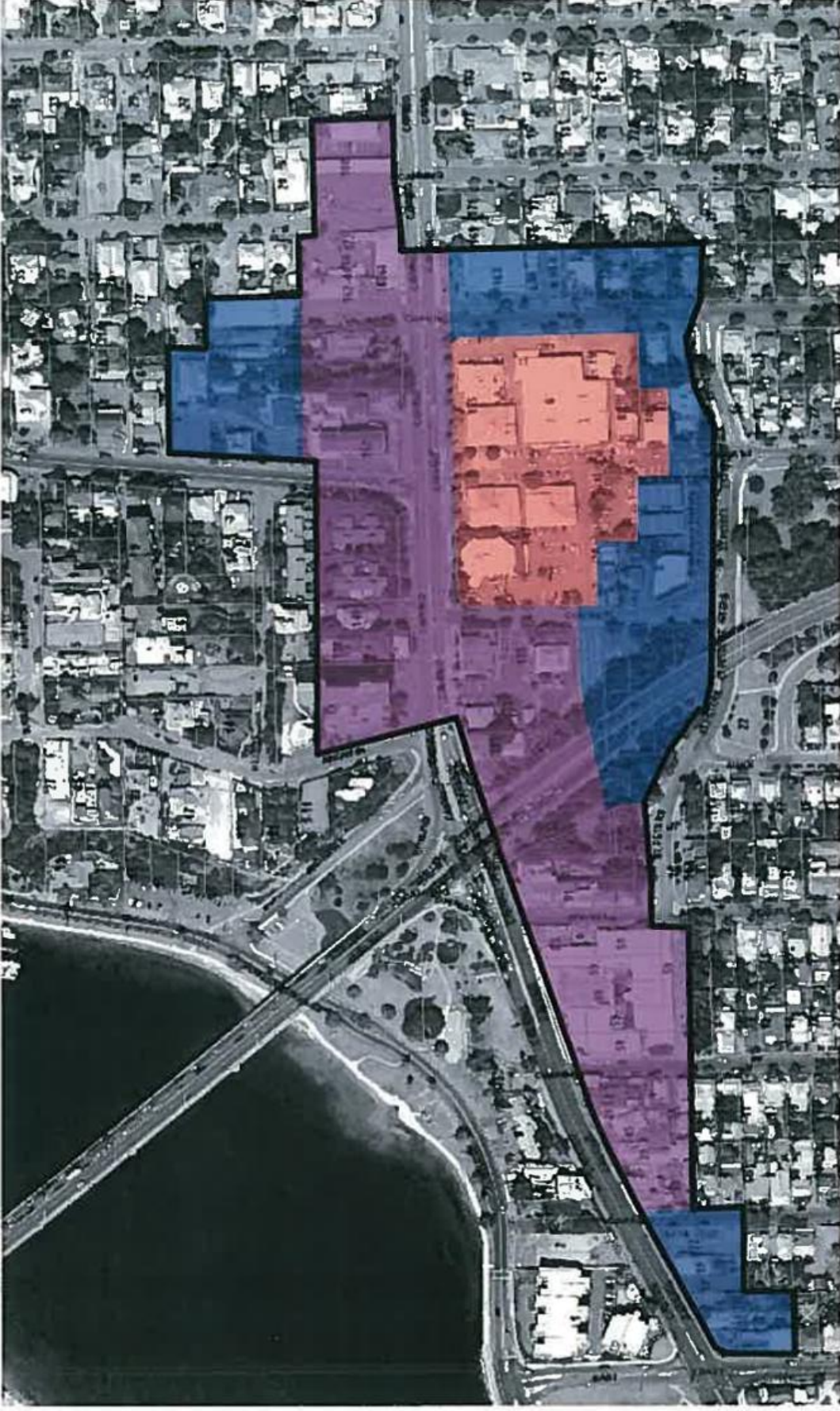
ATTACHMENTS

- 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:** Fremantle Inner Harbour Ports Buffer Areas
- Plan 7:** Building Height Plan



- LEGEND**
-  Town Centre Redevelopment Area
 -  Notional 10 min walk
 -  Notional 5 min walk

Plan 1: Context plan



- LEGEND**
- Extent of policy area
 - Town centre core precinct
 - Canning Highway precinct
 - Frame precinct

Plan 2: Policy Area and Precincts



Plan 3: External pedestrian connections and local destinations



LEGEND

- Public space
- Urban space (privately owned but publicly accessible)

Plan 4: Internal pedestrian connections and public/urban spaces



LEGEND: Indicative land uses only – refer to Element 2: Land Use and LPS 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

Plan 5: Concept Plan



- LEGEND**
-  Town Centre Redevelopment Area
 -  Fremantle Inner Harbour Port Buffer Area 2
 -  Fremantle Inner Harbour Port Buffer Area 3

Plan 6: Policy Area and Fremantle Inner Harbour Port Buffer Areas



- 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

- 3D Building envelope + other conditions apply as per Schedule 13 of LPS No.3 (Amt 14)
- Height provisions apply as per A9 of Schedule 2 of LPS No.3 (Amt 17)

Plan 7: Building height plan

* 3-storey maximum within 12m of adjoining existing residential properties beyond the town centre area.

3.1.4 Payment in Lieu of Parking Plan – Local Planning Policy

Type:	Regulatory Services - Planning
Legislation:	Schedule 2, Part 9A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Delegation:	N/A
Other Related Document:	Town of East Fremantle Local Planning Scheme No. 3

Introduction

1.1 Regulatory compliance

This Payment in Lieu of Parking Plan (the Plan) has been created under Schedule 2, Part 9A of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and has been prepared in the Manner and Form approved by the Western Australian Planning Commission (WAPC).

1.2 Purpose

This Plan, together with the Regulations, governs the application of payments in lieu of providing car parking for development in the area(s) identified in this Plan. This plan outlines the purposes for which payment in lieu of car parking will be used in the areas(s) identified and how money collected will be administered by the Town of East Fremantle (the Town).

1.3 Operational dates

The Plan commenced operation on 25 July 2023.

The Plan will cease operation on 25 July 2033, being 10 years from the operational date, unless extended in writing by the WAPC prior to the expiry date.

1.4 Amendments to the Plan

Amendments to the Plan shall be made in accordance with clause 77M and the current version shall be published in accordance with clause 77L.

A record of amendments to the Plan shall be maintained in the table below:

Amendment No	Date	Comment

1.5 Objectives of the Plan

The Plan has the following objectives:

- i. To detail and expand upon the circumstances under which the Town may agree to exercise discretion under the provisions of Local Planning Scheme No. 3 (LPS No. 3) by accepting cash payment in lieu of the provision of on-site car parking for development within the areas as specified in Section 3.1.
- ii. To further detail the manner in which the Town will calculate the cash payment in lieu of the provision of car parking.
- iii. To establish a method of managing and spending funds paid to the Town in lieu of parking for the provision of alternative parking in the public realm.
- iv. To facilitate the provision and development of adequate parking facilities for commercial and community uses close to activity.
- v. To facilitate the provision of supporting infrastructure to create a pleasant and safe public realm environment for parking and active (walking and cycling) and public transport in the vicinity.
- vi. To protect the amenity of existing and future nearby residents.

1.6 Linkages to relevant adopted planning documents

This policy supersedes LPP 3.1.4 – George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking.

The Plan supports compliance with, and implementation of, the following documents and Integrated Planning and Reporting framework:

- Town of East Fremantle Community Strategic Plan 2020-30.
- Town of East Fremantle Local Planning Scheme No. 3.
- Town of East Fremantle Local Planning Strategy, 2022.
- Integrated Traffic Management and Movement Strategy (including Traffic Management and Movement Plan, Active Transport Plan and Parking Plan), 2021.
- Urban Streetscape and Public Realm Style Guide, 2020.
- Town of East Fremantle Public Art Strategy 2018 and associated local planning policy and public art plans.
- Town of East Fremantle Climate Emergency Strategy 2022-2032.
- AS 2890.5:2020 Parking Facilities On-street parking.

Works associated with payment in lieu of parking will also be expected to be provided in accordance with future precinct plans, local development plans and development applications as they are approved, adopted and endorsed.

Terms used

The terms used in the Plan have the same meaning as in the Regulations.

Parking plan application and area

This Plan relates to the area specified in Section 3.1. Moneys collected within the Sub-plan areas of the overall Plan area must be spent in the corresponding Sub-plan area.

Maps

Attachment 1 shows the Individual Sub-plan areas within the Plan area. These include:

1. Town Centre.
2. Plympton.
3. East Fremantle Oval Precinct.
4. Petra Street Centre.
5. Riverside North.
6. Riverside South.

Attachment 2A shows the indicative location of parking infrastructure and describes other transport infrastructure and/or ancillary purposes to be funded in each Sub-plan area. More specific intentions for the Sub-plan areas are noted in **Attachment 2B**.

Reasonable estimate of costs for payment in lieu

4.1 Calculation of reasonable estimate of costs

The reasonable estimate of costs has been calculated in accordance with clause 77H and as determined by the WAPC approved method of calculation (as published in the Gazette). The approved method calculation is accessible via the following web link:

<https://www.wa.gov.au/system/files/2021-08/PD-Clause-77H-4-Method-of-calculation.pdf>

The maximum lump sum calculation for payment in lieu of parking is as follows:

\$5,730 x car parking space shortfall.

This represents an infrastructure cost (as of May 2023) of \$382 per m² x 15m². This represents a 50% discount to a car parking space and manoeuvring area of 30m² and is to be indexed annually to maintain alignment with increases in infrastructure cost.

4.2 Revisions to reasonable estimate of costs

The Reasonable Estimate of Costs in this Plan will be revised by the Town from time to time using the method(s) approved by the WAPC (as published in the Gazette). Revised Estimates of Cost are to be published in the updated version of the Plan in Section 4.1, together with a note confirming the date of inclusion of the revised estimate.

Where the method of calculation includes infrastructure costs, the Town will use a recognised construction cost publication to establish the construction escalation factor.

In this Plan, updates to the Reasonable Estimate of Costs are noted in the version table in Section 1.4.

4.3 Attribution of costs

Contributions paid towards parking infrastructure in terms of the plan need to be spent in the Sub-plan area within which the contribution was made.

Purposes for which payment in lieu will be applied

In accordance with clause 77I(2), money collected under the Plan must be applied for the purposes set out below:

5.1 Public Car Parking Infrastructure

Provision and maintenance of at grade parking bays in the nearest suitable location on the streets or other Local Government managed reserve within the associated Sub-plan area in accordance with the relevant Australian Standard for either on-street or off-street carparking and may include the land and construction costs of public parking stations provided by the Town or within a joint venture; the cost of creating new additional parking bays; and/or rationalisation, improvements, upgrades and maintenance to existing parking spaces on or off street in locations most needed.

5.2 Other Transport and Ancillary Infrastructure

In addition, the funds under control of this Parking Plan may also be used for:

- Provision and maintenance of public transport infrastructure and items supporting active transport including:
 - bus stop shelters along Transperth bus routes, including new and upgrades;
 - footpath infrastructure including kerb ramps, new connections and upgrades;
 - provision of, or upgrades to, bicycle networks;
 - traffic calming measures;
 - bicycle parking and other end-of-trip facilities.
- Provision and maintenance of ancillary or incidental infrastructure including:
 - street furniture;
 - public art;
 - street trees and planting;
 - street lighting;
 - CCTV and other security measures.
- Measures to restrict parking time limits.
- Technology to increase efficiency and turnover of bays, parking meters or payment machines.
- Electric vehicle charging facilities.
- Taxi or ride share pick-up bays.
- Signage and wayfinding, including to underutilised parking.
- Loading zones and ACROD bays.

Other information required by the WAPC

No further information has been required by the WAPC.

Operation

7.1 Operational requirements

The Plan shall operate in accordance with Part 9A of the *Regulations*.

7.2 Triggers for payments to be made

Payment of money shall be made to the Town to satisfy a payment in lieu of car parking condition validly applied to a development approval for development located in the area subject to the Plan. The payment in lieu of car parking condition applied to the development approval shall specify when the Town requires payment of monies to be made. This is expected to be prior to the submission of a Building Permit, in accordance with the following draft condition:

Draft Condition:

Prior to the submission of a Building Permit for the development, payment of \$<insert total amount> shall be made to the Town of East Fremantle for Payment in Lieu of <insert number of car

parking bays> car parking bays which have not been provided on site or in a shared parking arrangement. This condition has been imposed under the requirements of the Town of East Fremantle LPP XXX - Payment in Lieu of Parking Plan and Schedule 2, clause 77H of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Prior to the granting of development approval and imposing a condition for payment in lieu of parking, the Town will give the applicant a notice of apportionment (similar to the one as shown as **Attachment 3**) in accordance with clause 77F(1)(b) to confirm the specified shortfall of car parking spaces in the proposed development that is to be dealt with by the condition.

7.3 Decision-making on Development Applications using this Plan

Decision makers are to have due regard to this Plan when making decisions on development applications that seek or require consideration of Payment in Lieu of Car Parking under the Plan.

Payment in lieu of parking can provide an alternative to developers with regard to parking requirements however, the decision to accept payment in lieu remains at the discretion of the Council and is not an automatic right. The acceptance of payment in lieu of parking is to be carried out in such a way that it does not relieve owners from any obligation to provide car parking according to planning requirements.

A broader delivery model, which allows payment in lieu funds to be used to support sustainable public infrastructure, including upgrades to pedestrian, cycling and public transport facilities, can support a more flexible use of payment in lieu of parking across the Town.

The Town may accept payment in lieu of parking where it is satisfied that:

- Sufficient public parking is available to serve the development, or that the Town will be able to provide a supply increase in the short term; and/or
- The applicant satisfactorily demonstrates that the arrangement benefits the wider community through the supply of publicly and equitably managed parking for the use of high-value or highest-need parkers.

Factors to be considered by decision makers in entering into a payment in lieu arrangement include, but are not limited to the following:

- Consistency with the objectives of the Town's local planning framework and relevant strategic documents.
- Requirements/concerns of commenting agencies.
- Whether there is an identified local government interest in providing public parking facilities in the immediate area.
- The timing for the delivery of the public parking facilities and the adequacy of alternatives to on-site parking until public parking facilities are delivered.
- Whether on-site parking deficiencies would result in a hardship for the site or surrounding area.
- Ability of the site to accommodate the proposed development, based on the available supply of parking.
- The number of spaces proposed to be considered for payment in lieu.

Concessions will only be considered for approval where the applicant can clearly demonstrate to Council's satisfaction that the parking requirement is excessive and not simply as a mechanism to allow applicants to proceed because they are unable to provide what is deemed to be an appropriate amount of parking.

Should the decision maker approve a concession because it is technically justifiable, the applicant has the option to seek approval of payment in lieu of parking to further reduce the amount of parking required on-site.

The payment in lieu amount may be set at a discount to the actual cost of providing the parking to:

- Provide a financial incentive for developers to contribute to the creation of strategically located public parking facilities.
- Recognise that the Town may be able to recover some of the costs through user fees.
- Recognise that parking spaces are not allocated to specific users on a reserved basis, although the general supply will aim to meet demand.
- Recognise that the contributor may not have an ownership interest in the public parking facilities.
- Recognise that the parking may not be as conveniently located to a specific development compared to on site or other nearby parking facilities.
- Recognise that all or a portion of the parking may not be constructed at the same time as the development.
- Recognise that the developer/owner will not have any control over parking fees and use regulations.

Financial Administration (clause 77I)

8.1 Reserve Account to be established and maintained

The Town shall establish and maintain a Reserve Account for money collected under the Plan (clause 77I(1)). The Reserve Account shall be established under the provisions of the *Local Government Act 1995*, Section 6.11. The reserve account shall be operated in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

Monies held in the trust for the previous Local Planning Policy 3.1.4 - George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking is to be spent in accordance with this policy within the Plympton Sub plan area.

8.2 Interest earned

Interest earned on the Reserve Account under the plan shall be treated in accordance with clause 77I which requires that interest be spent for the purposes set out in this payment in lieu of parking plan.

8.3 Records to be kept

Records of income and expenditure for the Reserve Account established under the Plan shall be maintained by the local government until all funds have been expended or repaid.

8.4 Reporting

Report of the Reserve Account shall be provided in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. R.38 of those Regulations

requires that the City's annual financial report include specific details about this Reserve Account.

8.5 Invoice for payment of money

In addition to a payment in lieu of parking condition applied to a development approval under clause 77H, the Town shall issue an invoice to the payer at the appropriate time to enable the payer to satisfy the condition of development approval. The invoice shall specify the method and timing for payment of the money required to satisfy the payment in lieu of parking development approval condition.

8.6 Money held in the Reserve Account at the expiry of the Plan

Money held in the Reserve Account at the Expiry of the Plan shall be treated in accordance with clause 77I(5), (6) and (7) which provide for repayment of unspent funds and any interest.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	18 July 2023
Policy Amended/Reviewed:	



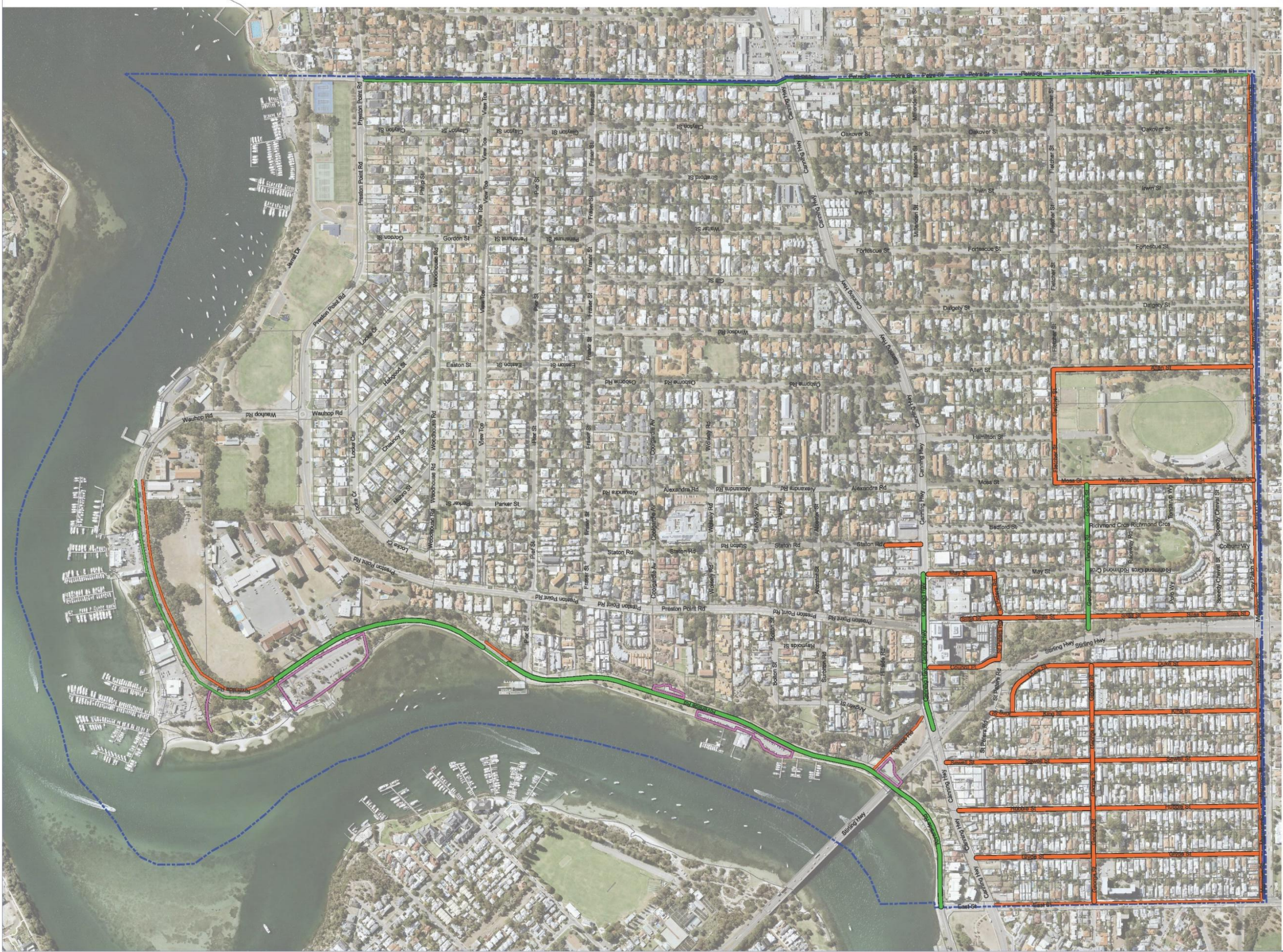
TOWN OF EAST FREMANTLE
PARKING
SUB PLAN AREAS

TOWN OF EAST FREMANTLE

NOT TO SCALE

- Legend**
- Scheme Area
 - Sub Areas
 - 1 - Town Centre
 - 2 - Plympton
 - 3 - EF Oval Precinct
 - 4 - Petra St Centre
 - 5 - Riverside North
 - 6 - Riverside South
 - Common to 1, 2 & 3

Note: Contributions paid towards parking infrastructure in terms of the plan need to be spent in the Sub-plan area within which the contribution was made.



TOWN OF EAST FREMANTLE
PARKING
AREAS

TOWN OF EAST FREMANTLE

NOT TO SCALE

- Legend**
- Parking Locations
 - Off Street Parking and Streetscape
 - On Street Parking and Streetscape
 - Streetscape
 - Bicycle

Note: Contributions paid towards parking infrastructure in terms of the plan need to be spent in the Sub-plan area within which the contribution was made.

Attachment 2B – More specific intentions

1. Town Centre

More specific intentions:

- Speed reduction measures on Silas Street (between St Peters Road and Canning Highway) and Council Place (consideration for Safe Active Street design).
- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters (Canning Highway).
- Provision of electric vehicle charging facilities.
- Enable and promote public parking at the Town Hall on weekends.
- Streetscape works, tree planting, street furniture on Silas Street (between Canning Highway and St Peters Road); May Street, Council Place; St Peters Road (between May Street and Council Place); Staton Road (from Canning Highway extending along the extent of the Town Centre zone); and Canning Highway (between May Street and Stirling Highway).

Common to Sub-plan areas 1, 2 and 3

- Upgrade of the St Peters Road/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Upgrade of the George Street/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Streetscape works, tree planting, street furniture along George Street, between Stirling Highway and Moss Street.
- Streetscape works, tree planting, street furniture along Silas Street, between St Peters Street and Bay Patch Road/Marmion Street.
- Speed reduction measures on George Street between Stirling Highway and Moss Street (consideration for Safe Active Street design).

2. Plympton

More specific intentions:

- Streetscape works, tree planting, street furniture along George Street between East Street and Stirling Highway.
- Streetscape works, tree planting, street furniture along Duke Street between King Street and George Street.
- Provide for one way traffic flow along Duke Street between King Street and George Street.
- Clear line marking to Australian standards and standard signage to delineate parking bays and restrictions throughout the precinct including residential streets.
- Mark roadway to prevent parking in front of residential property access/driveways where considered necessary and appropriate.
- Consider potential to introduce parking permits for residents who have no onsite parking to exempt them from parking restrictions.
- Consider potential to remove local area traffic management (LATM) measures along Hubble Street and Sewell Street and replace with alternate measures as appropriate.
- High quality pedestrian and cycling infrastructure for the Royal George Hotel redevelopment and The Entrance (Roofing 2000) and any other significant development that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.
- Provide appropriate road marking to delineate Marmion Street cycling lane between East Street and Stirling Highway.

- Speed reduction measures on George Street (between East Street and Stirling Highway) and King Street (consideration for Safe Active Street design).
- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters (Canning Highway and Marmion Street).
- Provision of electric vehicle charging facilities.

Common to Sub-plan areas 1, 2 and 3

- Upgrade of the St Peters Road/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Upgrade of the George Street/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Streetscape works, tree planting, street furniture along George Street, between Stirling Highway and Moss Street.
- Streetscape works, tree planting, street furniture along Silas Street, between St Peters Street and Bay Patch Road/Marmion Street.
- Speed reduction measures on George Street between Stirling Highway and Moss Street (consideration for Safe Active Street design).

3. East Fremantle Oval Precinct

More specific intentions:

- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.
- Streetscape works, tree planting, street furniture etc. (Moss, Allen, Marmion Streets, Fletcher Road).
- Wayfinding to public transport and parking at Town Hall, directions to the Town Centre and George Street local centre.
- Provide appropriate road marking to delineate Marmion Street cycling lane between Stirling Highway and Petra Street.
- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters along Marmion Street (between Stirling Highway and Petra Street).

Common to Sub-plan areas 1, 2 and 3

- Upgrade of the St Peters Road/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Upgrade of the George Street/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Streetscape works, tree planting, street furniture along George Street, between Stirling Highway and Moss Street.
- Streetscape works, tree planting, street furniture along Silas Street, between St Peters Street and Bay Patch Road/Marmion Street.
- Speed reduction measures on George Street between Stirling Highway and Moss Street (consideration for Safe Active Street design).

4. Petra Street Centre

More specific intentions:

- Infrastructure upgrades to improve cycling and pedestrian amenity at the Canning Highway/Petra Street intersection in collaboration with Main Roads WA.
- Provide a connecting cycling lane along Petra Street from Hammad Street to Preston Point Road in collaboration with City of Melville.
- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters (Canning Highway).
- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.
- Provision of electric vehicle charging facilities
- Streetscape works, tree planting, street furniture along Petra Street.

5. Riverside North

More specific intentions:

- Consider potential to consolidate Zephyr Café parking with Leeuwin Boat Ramp car park and associated streetscape works and landscaping.
- Wayfinding for alternative parking at the soccer club and other locations.
- Streetscape works, tree planting, street furniture along Riverside Road on the Swan River side, with street parking and streetscape works on the non-Swan River side.
- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.

6. Riverside South

More specific intentions:

- Consider potential to reconfigure parking area on the corner of Riverside Road and Andrews Road, under Stirling Bridge and associated streetscape works and landscaping.
- Streetscape works, tree planting, street furniture along Riverside Road and Andrews Road.
- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.



NOTICE OF APPORTIONMENT

Clause 77F(1)(b)(i) and (ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Version: 1.0 (June 2021)

Date of Notice: [insert date of notice]

Issuing Authority: [insert name of Local Government]

Notice is hereby given that the car parking space shortfall for the [insert development type]

at [insert address]

is [insert total number of car parking spaces shortfall on site].

Apportionment

Payment In Lieu of Parking

For the purposes of imposing a payment in lieu of parking condition in accordance with clause 77H, the number of car parking spaces for which payment in lieu is required is

[insert number of car spaces subject to payment in lieu].

Shared Parking Arrangement

For the purposes of imposing a shared parking arrangement condition in accordance with clause 77Q, the number of car parking spaces for which a shared parking arrangement condition is imposed is

[insert number of car spaces subject to a shared parking arrangement].

Signed: _____

Name: _____

Position: _____

3.1.5 Community Design Advisory Committee

Type:	Regulatory Services - Planning
Legislation:	Local Government Act 1995
Delegation:	N/A
Other Related Document:	State Government Design WA Planning Policy 7.0 Design of the Built Environment (SPP7.0)

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) Context and character:
Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
 - (b) Landscape Quality:
Good design recognises that together landscape and buildings operate as an integrated and sustainable system within a broader ecological context.
 - (c) Built form and scale:
Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
 - (d) Functionality and build quality
Good design meets the needs of users in an efficient and effective manner, balancing functional requirements to deliver optimum benefit, and performing well over the full life-cycle.
 - (e) Sustainability:
Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
 - (f) Amenity:
Good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working environments that are comfortable and productive.
 - (g) Legibility:
Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.
 - (h) Safety:
Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
 - (i) Community:
Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.
 - (j) Aesthetics
Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

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 Executive Manager Regulatory Services 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 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 (R-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 Terms of Reference of this Policy, noting the 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 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 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, 19/10/21
Former Policy No:	3.1.6

3.1.6 George Street Designated Heritage Area - Local Planning Policy

Type:	Regulatory Services - Planning
Legislation:	Schedule 2, Part 2 & 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Delegation:	N/A
Other Related Document:	Town of East Fremantle Local Planning Scheme No. 3

Introduction

This Policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

A Heritage Area is a location within the Town of East Fremantle that is deemed to have collective heritage significance. It is a select area of special qualities that are generally rare in the context of the Town as a whole, however, every place within the defined area is not required to have heritage significance.

Now superseded, Town Planning Scheme No. 2 identified an area known as the George Street Precinct on the scheme map and in Appendix V – Schedule of Places of Heritage Value. This comprised of an area adjoining George Street between East Street and Silas Street and described as: *“An area comprising individual Places of Heritage Value and adjoining properties which should be viewed as a precinct. It is Council’s intention to undertake the revival of the precinct as an historic and community focus for the Plympton and surrounding area”*.

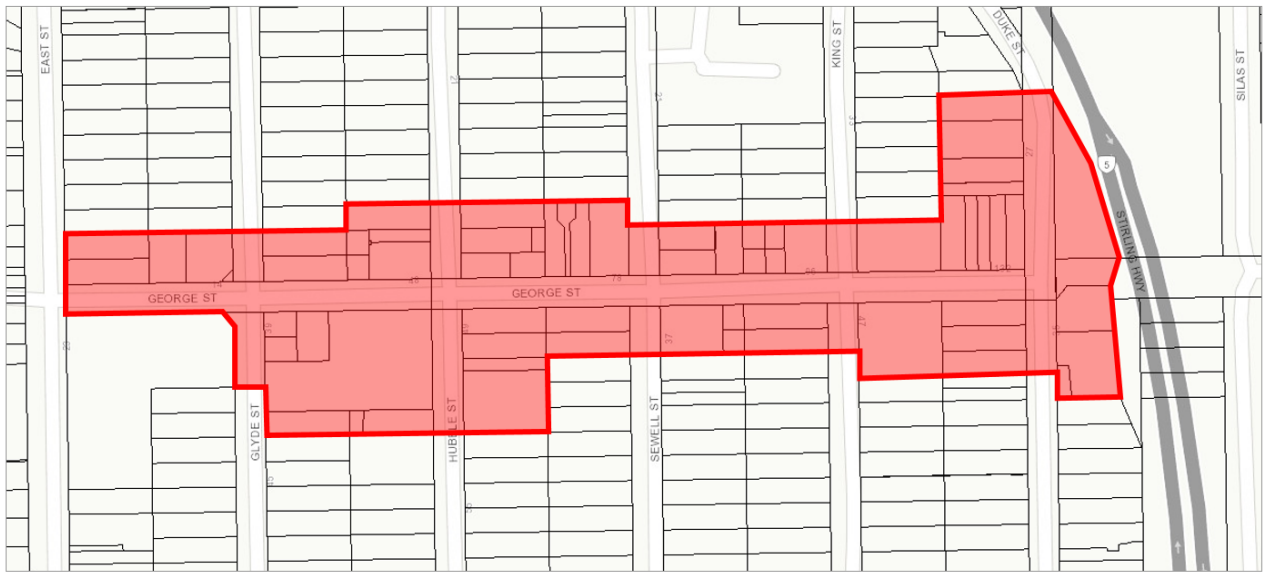
When Local Planning Scheme No. 3 came into effect, Council resolved to include those properties that were contained in Appendix V of Town Planning Scheme No. 2 within the Local Planning Scheme No. 3 Heritage List. As a result, the George Street Precinct was listed on the Local Planning Scheme No. 3 Heritage List.

The land contained within the George Street Precinct varies slightly to the George Street Heritage Area. The main difference was the omission of the Royal George Hotel and the Brush Factory from the George Street precinct, historically as a result of previous proposals for the Stirling Highway extension that have since been altered.

This was addressed as part of the Town’s MHI review in 2014. An area similar to this George Street Heritage Area was determined and recommended to be a Heritage Area through assessment carried out in parallel with the review of the Town’s MHI review in 2014 and this included the Royal George Hotel and the Brush Factory accordingly. The MHI review was finalised in 2015, however, it only dealt with individual heritage properties and consideration of proposed heritage areas was postponed. The George Street Heritage Area has now been formally recognised and will replace the George Street Precinct.

The Town of East Fremantle has resolved to allocate an area within the George Street vicinity (between East Street and Stirling Highway) as a designated Heritage Area under the provisions of the Regulations and provides this associated local planning policy as part of satisfying the requirements of those provisions. The George Street Heritage Area is shown in Figure 1. Each affected property is listed in Appendix 1, together with an indication of its record of heritage significance.

Figure 1: George Street Designated Heritage Area



Purpose and Application

The purpose of this Policy is to:

- Provide guidance for development within the George Street Heritage Area as shown in Figure 1;
- Ensure that places of heritage value that contribute to the scale and architectural character of the George Street Heritage Area are retained and where adaptations or extensions are necessary to ensure their ongoing preservation and conservation, development does not reduce the heritage value of the places or their contribution to the streetscape and character of the Heritage Area; and
- Provide added protection for the established character of the George Street Heritage Area.

Pursuant to the Regulations, an application for development approval is required for all development within a Heritage Area. The exception to this relates to the carrying out of internal building works which not do materially affect the external appearance of the building, unless the development is located in a place that is listed on the State Heritage Register; is subject of an order under the *Heritage Act 2018*; included on the local planning scheme heritage list as having an interior with cultural heritage significance; or the subject of a heritage agreement.

This Local Planning Policy provides a comprehensive basis for the control of all types of development within the George Street Heritage Area including (but is not limited to) demolition, the conservation of existing buildings, additions to existing buildings, new development, landscaping, street fencing, carports and garages. This policy includes a set of development guidelines and seeks to preserve and enhance the established character and amenity of the George Street Heritage Area while allowing for new development that meets the changing needs of the community and adaptation of heritage buildings.

RELATIONSHIP TO OTHER DOCUMENTS

This Local Planning Policy forms part of the Town of East Fremantle local planning policy framework.

Where this Policy is inconsistent with:

- The Town of East Fremantle Local Planning Scheme No. 3 (which includes Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local planning scheme prevails;

- Notwithstanding the dot point above, this George Street Heritage Area replaces the area known as the “George Street Precinct” as listed in the Local Planning Scheme No. 3 Heritage List;
- Local Planning Policy 3.1.1 - Residential Design Guidelines (LPP 3.1.1), this local planning policy prevails;
- Other local planning policies or local laws, this local planning policy prevails;
- Any ‘Deemed to Comply’ provisions that are permitted to be amended or replaced under Clause 7.3.1(a) of *State Planning Policy 7.3 - Residential Design Codes Volume 1*, the provisions of this local planning policy prevails;
- Any ‘Acceptable Outcomes’ provisions that are permitted to be amended or replaced under Clause 1.2.2 of *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*, this local planning policy prevails.

ADDITIONAL INFORMATION AND ADVICE

Clause 63 of Schedule 2, Part 8, of the *Planning and Development (Local Planning Schemes) Regulations, 2015* outlines what is required to be submitted in order to make an application for development approval.

Pursuant to Clause 63(1)(d) of the Regulations and to assist in the determination of an application for development approval, the Town may require an applicant to provide additional information which may include, but is not limited to, one or more of the following (at the applicant’s expense):

1. A Heritage Assessment in a form approved by the Heritage Council of Western Australia (also pursuant to Clause 11 of the Regulations).
2. A Heritage Impact Statement for properties listed on the Local Planning Scheme No. 3 Heritage List where development is considered likely to have a substantial impact on cultural values of that place.
3. A copy of an existing Conservation Management Plan and/or Conservation Management Strategy where one (or both) have already been prepared and approved for individual buildings, groups of buildings or places of cultural heritage significance involving the property the subject of the application for development approval.
4. A Conservation Management Plan for consideration and approval prior to development assessment, if the development includes a building or place included on the Local Heritage Survey.
5. A Structural Condition Assessment (in the case of partial or full demolition of a place listed on the Local Planning Scheme No. 3 Heritage List).
6. A contextual elevation showing the elevation of the proposed development and the existing development including at least the adjoining properties either side.
7. A ‘line of sight’ diagram (in the case of additions and/or alterations to contributory buildings) clearly documenting the proposal in relation to the existing building (refer Figures 2, 3, 4 and 5 in Appendix 2).
8. Any other additional information or material as may be mentioned elsewhere in this local planning policy, or as comes to light as being necessary during assessment of the proposal.

In addition, an application for development approval may be referred to a design review panel comprising of suitably experienced and qualified members as appointed by the Town for advice regarding the proposal.

All information will be taken into consideration by the Town when considering the merits of applications for development approval.

Refer to Appendix 7 for the information to be submitted with a development approval application and the required plans and drawings necessary to accompany a development approval application.

Policy

STATEMENT OF HERITAGE SIGNIFICANCE

History

The George Street Heritage Area subject to this policy, is generally surrounded by the Plympton Precinct (refer to LPP 3.1.1). It is a cohesive area whereby a majority of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of commercial buildings with a small number of dwellings for workers and their families.

This Heritage Area is part of a suburban residential development associated with the expansion of Fremantle, and East Fremantle in particular. The discovery of gold in Western Australia in the 1880s and 1890s resulted in a large and rapid increase in population within the Plympton Precinct area. It developed during this time to accommodate Fremantle's growing population of workers and their families who wanted to live close to their sources of income.

The Area developed integrally with the establishment of the Plympton area when a localised provision for goods and services was required for the occupants in the vicinity. The establishment of a civic centre between King and Duke Street led to the development of this part of George Street. By the end of World War I, the construction of several corner shops had been completed. In 1974, the Stirling Bridge was built and in 1985 it was extended through to Leach Highway. In the twenty-first century, the George Street Heritage Area has undergone extensive redevelopment with progressive restoration of shop fronts and verandahs, the reoccupation of shops, major restoration of significant heritage buildings and development on vacant portions of heritage sites.

Streetscape

George Street presents as a variegated streetscape, with a range of single and multi-levelled commercial and residential structures spread along its length in an irregular lot arrangement. This includes both original historic structures and some more recent infill development, which has been of generally consistent scale and form, though with a contemporary architectural feel in the main. Most original buildings remain reasonably intact, although some are deteriorated without awnings and others have been modified.

The most significant change has occurred at the western end, where the 1970s Harbour Heights high-rise block of apartments dominates the entry to the precinct, although this structure is itself somewhat isolated by its open car parking area located to the east of the building. Opposite this building on the north side of the street, a corner shop with residential extensions occupies the corner entry point, with other 1960s buildings or modified structures adjacent through to Glyde Street. Thereafter the historic precinct becomes more discernible, with a single storey Victorian residence as probably the oldest surviving structure in the Street. Glasson Park on the south side continues the open feel along to Hubble Street, from where the more densely built up streetscape to both sides is established.

The built structures are highly individualistic and located on lots with considerable open spaces between. For a commercial strip this is somewhat unusual, without buildings generally set hard up to each other. Rudimentary structures sit adjacent to more substantial buildings, with rear yards from corner premises further variegating the streetscapes. Most new structures are larger mostly two storey elements, compounding the streetscape effect and to some extent infilling the 'gaps' that have historically existed. The deteriorated nature of some buildings also impacts on the streetscape, though lending an element of historical integrity to the whole.

The corner buildings are particularly important to the street, punctuating its progress and linking it into the historic residential streets leading away from it and which they were designed to serve. The visual / physical association of corner buildings with those immediately beyond them is important in achieving this effect and reason for the extension of the Heritage Area into the beginnings of cross streets beyond George Street itself.

Architectural Character

While the historic architecture within George Street dates from a relatively short period, there is considerable variety between the buildings spread along its length. They are both timber and masonry, single and two storeyed, commercial and residential, and original and contemporary structures, interspersed on an irregular lot arrangement with considerable open spaces occurring in places. Nonetheless the street presents as a clearly contiguous commercial precinct with a clear historical basis and physicality appropriate to the residential precinct within which it sits.

At the western end, the very large Harbour Heights apartments predominate, and while of little architectural relevance to other places in George Street is of some interest in itself as an architectural and social type, indicating a prior era of a non-heritage based planning approach. A large open space for associated car parking occupies the area to the east that formerly accommodated a local dairy facility. Single storey housing to the north side of the road in this vicinity is primarily 1970s in origin, although including a modified Georgian masonry cottage at the midpoint.

Across Glyde Street, a Victorian limestone cottage in reasonably original condition is perhaps the oldest surviving structure in the precinct and an important indicator of the Area's simple origins. Single storey commercial buildings beyond demonstrate the emergence of commercial operations, with ornamental parapet shopfronts built hard up to the roadway. The bottle shop/wine bar at the Hubble Street corner is a particularly flamboyant example, now restored and adapted in a generally sympathetic manner. This ornament contrasts with the former Semple Building across the road which displays a more rudimentary architecture clearly developed from an initial residential base. The corner was formerly enclosed by buildings on all sides, however the south-west corner building has long since been adapted into a community education facility with a contemporary form set well back from the corner.

Other corner shopfront buildings appear at the Sewell Street intersection, including the more substantial two storey former Grosser's Butcher Shop and the flamboyantly detailed single level shop house on the north-east corner. The juxtaposition between this substantial ornamental limestone shopfront and its attached rudimentary timber cottage is particularly notable. The use of timber in the skillion roofed shop-houses occurring between Sewell and King Streets beyond this are also interesting for their grand allusions overlaying a rudimentary base. None of the buildings in this central portion retain or have had reconstructed their verandah awnings, somewhat lessening its aesthetic integrity and visual condition. Other ad-hoc timber cottages appear at various points in the Area, notably to the south side immediately beyond the Hubble Street corner and between the George Street Mews and Duke Street corner. These structures add to the diversity, architectural richness and historic readability of the Street.

Between King and Duke Streets, the streetscape is dominated by terrace housing, with the King Street Terraces and George Street Mews as two distinct groupings of high compositional and detailing merit. Both are attributed to prominent Victorian architect Norman Hitchcock, whose idiosyncratic works dot the Plympton landscape. Their scale and continuity strengthen the streetscape at this end, reinforced through punctuation at the eastern end by the former Albrecht's Brush Factory and Royal George Hotel. The former was probably the first really substantial building in the street, and has a strongly free classical façade of well-considered monumental proportion and ornamental restraint, and with some more recent additions extending up Duke Street. The hotel was a grand statement of the confidence and socially egalitarian basis of the new State of Western Australia, dating from 1903, with finely considered classical facades surmounted by an octagonal corner cupola that crowns the building and street at its highpoint. This prominence has been somewhat restricted by the closing of the street by the Stirling Highway extension beyond, however this has increased its prominence in regard to that vehicular vista.

An interesting ensemble of mid-20th Century single storey industrial buildings is found between Sewell and King Streets, now partially converted to warehouse housing. The former Mitchell's Drycleaners is an architecturally interesting piece with an idiosyncratic, asymmetric façade and neon signage that adds character to the street in an appropriate scale and manner.

More recent buildings in George Street are generally multi-storeyed in scale and built hard up to the road reserve edge in a traditional manner, with simple parapets and awnings. These infill the open spaces to some extent and reinforce the continuity of the street while at the same time altering its traditional feel in some respects, on account of both their scale and contemporary detailing. They variously demonstrate the need for both imagination and restraint in considering the ongoing development of the Area.

A record of places of heritage significance in the George Street Heritage Area is shown in Appendix 1.

Prevailing Building Typologies

The George Street Heritage Area is laid out as an east-west access spine, central to the Plympton Precinct. Residential streets run in a north-south fashion from George Street. The George Street Heritage Area is primarily a commercial street. However, there are some residences, former residences and former commercial buildings adapted for residential use.

The commercial section contains a mixture of redeveloped pre-World War I buildings and several new developments. The majority of the redevelopment of this strip has occurred within the past two to three decades. The existing buildings are comprised primarily of timber, brick and limestone construction. Commercial premises are predominantly in the Federation Free Classical Style. Generally, places have been redeveloped sympathetically, with an emphasis on maintaining the character and established form of the area.

George Street reflects the surrounding streets in both character and scale. George Street also provides an attractive streetscape with good public amenity. Both the workers' cottages and commercial buildings address George Street and are generally built without setbacks. These features contribute towards creating a very intimate relationship with the street.

The commercial buildings on George Street range from 10-15m in width. The commercial frontage is a result of new developments, redevelopments and the conversion of existing houses. In some instances a large frontage to George Street was created from the side elevation of a house on an adjoining perpendicular street. This activation of the side elevation is a positive development that both increases the amenity of the street and retains the building's character, albeit in a modified manner. The corner buildings are particularly important to the street. They act as mediation between the commercial strip and the historic residential streets.

The western end of George Street accommodates a nine storey apartment tower (Harbour Heights) which physically and visually dominates the predominantly one and two storey scale of both East and George Streets. This late twentieth century building is of modernist/international influences style, and is socially and representatively significant, however, its merit in terms of aesthetics, rarity and group/precinct value is relatively low.

The eastern end of the George Street Heritage Area is well defined by the Stirling Highway reservation and two prominent buildings on the north and south corners of Duke Street, these being the Royal George Hotel and the Brush Factory, respectively.

The Royal George Hotel is a notable landmark in the Town and a very important townscape element in the Heritage Area. It is a significant and representative example of a Western Australian gold boom hotel with much of the original form and fabric intact. The tower and cupola is an increasingly rare example of a landmark element still in its original form and fabric intact.

The now four-level Brush Factory building is an integral part of the George Street Heritage Area with exceptional aesthetic value as a good restrained example of the Federation Free Classical style applied to a commercial building. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.

Buildings and places between the west and east end landmarks of the George Street Heritage Area predominantly comprise of a mix of one and two storey commercial, residential and mixed use buildings

together with a small local park and the infrequent three/four storey development. Overall the George Street streetscape possesses a high level of visual coherence.

Key Features and Elements

Key features of the George Street Heritage Area include:

- places consistently address the street
- corner shops/residences;
- mixed use of commercial and residential;
- masonry construction;
- street trees;
- Federation Free Classical Architecture style;
- articulated facades including decorative parapets, recessed entries, decorative motifs;
- mostly one to two storey building scale;
- facade arrangements with prominent vertical elements and multiples of vertical elements;
- shallow/zero front setbacks;
- timber framed verandahs;
- continuous awnings in some parts of the street;
- ornate parapet walls;
- simple skillion and hipped roof forms (often concealed by parapets);
- corrugated iron roofs;
- consistent front boundary building alignments;
- parallel kerbside street parking;
- narrow carriageway;
- narrow lot sizes; and
- large windows to shop fronts.

Contributory Buildings and Places

The Town of East Fremantle MHI Review 2015 determined the level of contribution of each building to the overall significance of the George Street Heritage Area.

For the purposes of this local planning policy, all buildings and places listed on the MHI¹ are considered contributory to the George Street Heritage Area. Individually, they may not necessarily be of particular heritage significance, but they possess significance as a collective. Alteration to a contributory building or place that results in the loss of significance would also result in the loss of the significance for the George Street Heritage Area as a whole.

The balance of the buildings within the George Street Heritage Area that are not listed on the MHI are considered as non-contributory buildings. Any alterations, additions and/or replacement of these buildings are not to negatively impact on the significance of the Heritage Area.

¹The existing Town of East Fremantle Municipal Heritage Inventory (MHI) is now also otherwise referred to as the Town of East Fremantle Local Heritage Survey, following the recent proclamation of the *Heritage Act 2018*.

OBJECTIVES

The objectives of this Local Planning Policy are to:

- Establish a planning and design framework to protect the heritage values of the George Street Heritage Area;
- Distinguish between buildings that contribute to the integrity of the streetscape and those that do not;
- Conserve and protect individual places considered to have significant heritage value;
- Maintain and improve existing street trees;
- Retain front gardens and mature trees on private property wherever possible;
- Provide development and design guidance for the extension or refurbishment of existing places of heritage significance;
- Ensure that additions to existing heritage places do not adversely affect the significance of the building, or of neighbouring heritage places;
- Ensure that new development and additions/alterations to existing heritage places are compatible with the character, form and scale of existing development in the locality, and harmonise with the unique character of the streetscape; and
- Encourage creative design solutions of quality that meet the standards of this local planning policy and enhance the character of the heritage area.

DEVELOPMENT GUIDELINES

The following development guidelines apply to new development, including additions and alterations within the George Street Heritage Area:

1. 'Line of Sight' and Contextual Elevation Diagrams

- i. Applications for Development Approval for additions and alterations to contributory buildings are to clearly document the proposal in relation to the existing building, including provision of a 'line of sight' diagram (refer Figures 2, 3, 4 and 5 in Appendix 2), where the line of sight is measured from a point 1.6 metres above the level of the footpath.
- ii. Applications for Development Approval for contributory, non-contributory and new buildings are to include contextual elevations showing the elevation of the proposed development in relation to the existing development on the adjoining properties on either side (and beyond where required).
- iii. Where a proposed addition to a contributory building is visible from the 'line of sight' views, or if any development proposal is otherwise deemed by the Town to adversely impact on the public views or streetscape within the Heritage Area, the Town may require a Heritage Impact Statement to be prepared by the applicant.

2. Contributory Buildings - Alterations and Additions

Maintenance

- i. Maintenance is encouraged where issues relating to existing or potential deterioration of significant fabric are identified.
- ii. Maintenance and repairs to contributory buildings are to have minimal impact on significant fabric.
- iii. Conservation works are to match traditional techniques, material and finishes.
- iv. Maintenance of Original and intact unpainted surfaces are not to be rendered.
- v. Tuck pointing to be reinstated where appropriate.

General Principles

- i. Maintenance, repairs, additions and alterations to significant fabric is to be in accordance with

conservation principles of the National Heritage Convention 2008 (HERCON) Criteria (refer to Appendix 3).

- ii. Additions and alterations to contributory buildings are to duly consider the significance and character of the existing building, adjoining buildings and its contribution to the character of the Heritage Area.
- iii. The Place Record Form for each contributory building will be a primary source of information relevant to the place in the assessment of development applications.
- iv. Additions and alterations to contributory buildings are to be of high quality design with minimal interference to the existing building.
- v. Alterations should not generally remove, change or obscure significant materials or detailing other than as part of required conservation works.
- vi. Alterations should not introduce new heritage detailing that is inconsistent with the style of building and/or the physical or documentary evidence.
- vii. Where the opportunity arises, any features or elements that are intrusive to the heritage values of the Heritage Area should be removed, replaced or altered to more sympathetic detailing.
- viii. Restoration/reconstruction of original fabric is encouraged where such fabric has significantly deteriorated, previously been removed or unsympathetically altered. Where deteriorated fabric requires replacement, a like for like approach based on physical or documentary evidence is encouraged.
- ix. Additions are not to be dominant from the primary street.
- x. Additions and alterations should visually contrast to a contributory place. Differentiation may be major or subtle.
- xi. Additions and alterations are to respect and complement the scale, setbacks, bulk and proportions of the existing place and streetscape.
- xii. Conservation of significant and contributory places is preferred and encouraged. Other than the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place, demolition of contributory buildings is not generally supported without significant justification.
- xiii. Where a contributory building that was not originally designed for retail purposes is proposed be converted to include a shopfront, the Town may require a Heritage Impact Statement to be prepared by the applicant.

Shopfronts

- i. Existing original shopfront details are to be conserved. Major alterations or removal will not generally be supported where a shopfront is original to the building, or where a later shopfront has significant design value. Where modification is required to meet current building standards the works should minimise alteration to the original fabric.
- ii. Where the shopfront is not of significant heritage value the following replacement shopfronts may be supported:
 - a) Reinstatement of the original construction based on documentary evidence;
 - b) Reconstruction based on informed analysis of other places of the same age, style, scale and level of detail if documentary evidence is not available or insufficient for the original construction; and
 - c) A sympathetic modern interpretation of shopfront proportions and scale to the satisfaction of the Town.

Verandahs and Awnings

- i. Reconstruction of verandahs and awnings based on documentary evidence is encouraged.
- ii. Where there is evidence of a previous verandah, but there is insufficient documentary

evidence, the following options may be supported:

- a) Reconstruction based on informed analysis of other places of the same age, style, scale and level of detail; and
 - b) A sympathetic modern interpretation of a verandah or awning.
- iii. Verandahs and awnings should not be attached to the street facade of contributory buildings that did not originally have this feature unless:
- a) it will achieve other functional requirements; and/or
 - b) It can be demonstrated by the applicant that the new work will not unduly impact on the cultural heritage values of the place.
- iv. Where a verandah is constructed in this scenario it is to be of a sympathetic modern design that is compatible with the Heritage Area. The design is not to confuse the understanding and appreciation of the original design.

Upper Floors

- i. The original detailing of the upper floor to contributory buildings should be conserved.
- ii. New works are not to remove or conceal original detailing or distort an understanding of the original design.
- iii. Restoration/reconstruction of original fabric is encouraged where such fabric has significantly deteriorated, previously been removed or unsympathetically altered. Where deteriorated original fabric requires replacement a like for like approach is encouraged.
- iv. Loft additions may be supported where the development is contained wholly within the roof space and where no visible change is made to the appearance of the dwelling from the street.
- v. Upper storey additions or modifications should be designed to minimise the impact on the original roofline, and to retain an appreciation for the original form of the building.
- vi. New openings in the principal elevation (addressing the primary street) that will be visible from the street should be avoided. If openings are proposed they should be proportional in size relative to original openings of the heritage place and consistent in terms of materials, finishes, textures and colours (appropriate to its architectural style).

Demolition

- i. The full demolition of the façade of contributory buildings will not generally be supported without significant justification.
- ii. The removal of original character features from a contributory building which, are visible from the street will not be supported. Where original character features have been removed from dwellings, they are to be sympathetically reinstated where possible.
- iii. 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.
- iv. Part demolition or removal of contributory elements of individually significant and contributory buildings may only be supported where:
 - a) It is demonstrated to the Town's satisfaction that the cultural heritage significance of the existing building and the proposed demolition area(s) are not adversely affected by the demolition of all or part of an existing contributory building;
 - b) A Structural Condition Assessment (in the case of partial or full demolition of a place listed on the Local Planning Scheme No. 3 Heritage List) by a registered structural engineer with experience in dealing with heritage places gives evidence to the Town's satisfaction 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;
 - c) That subject part of the heritage place is demonstrated that it has been changed beyond recognition of its original or subsequent contributory character(s) as a result of Council

- approvals to make the alterations and changes;
- d) That subject part is not visible from a street frontage, park or public open space and the main building form including roof form is maintained;
- e) The removal of the subject part would not adversely affect the contribution of the building to the heritage place; and
- f) For individually significant building or works, it can be demonstrated that the removal of that subject part of the building does not negatively affect the significance of the place.
- v. Notwithstanding any of the abovementioned requirements, demolition of a contributory building is not likely to be supported in the absence of an approval for a new replacement building that meets the 'General Principles' and complies with the Policy in respect to non-contributory and new buildings.

3. Non- contributory Buildings – Additions and Alterations

General Principles

- i. Additions and alterations to non-contributory buildings are to respect and complement the significance and character of the existing contributory buildings and their contribution to the character of the Heritage Area.
- ii. Additions and alterations to non-contributory buildings are to respect and complement the scale, setbacks, bulk and proportions of the streetscape.
- iii. Applications for full demolition of dwellings may be supported for non-contributing buildings, subject to a satisfactory proposal being submitted to the Town for Council's consideration.

4. Corner Sites

General Principles

- i. The significance of the Policy Area, and of the individual contributory places, relies primarily on the traditional pattern of development along George Street. Consistent front boundary building alignments are a key feature of the Policy Area. Block widths vary, but the facades are generally articulated in a manner that reflects the development of a continuous strip of dwellings, small shops and businesses, flanked by key corner buildings - traditionally with awnings or verandahs projecting over the footpath.
- ii. The existing corner shops and corner statement buildings fronting both streets should be retained and restored and the pattern should be reflected in any new corner developments.
- iii. On corner sites the visibility and impact of additions and alterations will be assessed from both streets.
- iv. Any development should incorporate a nil setback to the street front boundary and may incorporate a continuous verandah or awning over the footpath.
- v. Side setbacks should generally be nil, as viewed from the street frontage.
- vi. New, open pedestrian access ways or driveways between the street and rear areas will only be permitted if this is essential for an otherwise compatible development and there are no other alternatives. In this case the access way should be carefully designed as a secondary streetscape element and not disrupt the overall sense of continuity of the street facades.
- vii. New vehicular access off the main street frontages will not generally be supported.
- viii. Further subdivision or amalgamation will not generally be supported unless it is considered that the proposal will not adversely impact on the heritage significance of the Policy Area or the traditional character of the streetscape.
- ix. Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Local Planning Policy.
- x. The development proposal for the subdivided/amalgamated site reflects the patterns and

proportions of the traditional development in the Policy Area and is consistent with the guidelines for new development in this Planning Policy.

- xi The proposal will not adversely impact on the significant fabric or setting of any contributory places.

5. New Buildings

General Principles

- i. New buildings, as viewed from the street frontage, are to be designed in a contemporary style that is sympathetic in terms of form, bulk, scale, materials and proportions to the Heritage Area.
- ii. New developments are not to replicate traditional building form and should be of a contemporary style without traditional influences, as faux styles devalue authenticity of places. Contemporary requirements associated with new development result in faux heritage not having the same qualities as authentic places (refer to Figure 6 in Appendix 4).
- iii. The design of the streetscape elements are to:
 - a) Be consistent with front boundary building alignments;
 - b) Engage with the street;
 - c) Reflect/interpret the existing vertical rhythms of elements such as party walls, parapet panels and openings;
 - d) Reflect/interpret the existing horizontal rhythms of elements such as parapets, verandahs and awnings; and
 - e) Conceal roof forms behind parapet walls. Parapets to the main street frontage are to be restrained in terms of decorative forms and detailing.
- iv. New developments are to reflect and complement the scale, setbacks, bulk and proportions of existing contributory buildings and streetscape (refer to Figures 7 and 8 in Appendix 4).
- v. New developments are to respect and reflect the established development pattern.
- vi. New developments are not to negatively impact on the streetscape character of the Heritage Area.
- vii. New developments, structures or hardstand (including car parking) should not detract from the setting of the heritage place.
- viii. Where possible existing views of a heritage building(s) from the street should be preserved to acknowledge the contribution heritage places make to the streetscape.
- ix. New buildings or structures should be designed and located in a way that does not overwhelm or dominate the heritage building(s) which should remain the dominant building(s) on the site, and they should be understated relative to the existing heritage building(s).
- x. Wherever possible, new buildings, structures or hardstand areas (including car parking) should be designed and sited to avoid having a negative impact on original mature landscaping, garden areas, driveways and other landscaping features where they are considered to form part of the setting of the heritage place, and/or contribute to the heritage significance.
- xi. Where there is a Conservation Plan for a heritage place any proposals for new buildings, structures or hardstand areas (including car parking) should address the policies contained within the Conservation Plan.

6. Services and New Technologies

General Principles

- i. Changes to cater for air conditioning, electrical wiring, cabling, plumbing or other services should be limited to what is essential to permit an approved use to proceed. Care should be taken when new wiring or cabling is installed to ensure that this is fixed as discreetly as possible without damaging the existing significant fabric.

- ii. When installing or upgrading the services provided to a heritage building or any building in a Heritage Area, care should be taken to minimise the extent to which equipment is visible from the main street front.
- iii. Chasing of wiring or cabling into existing walls is not generally appropriate. Where possible, cavities should be used for service lines and ductwork.
- iv. Exhaust vents, skylights, air conditioning ducts and units, solar panels, TV antennae and satellite dishes and the like should not be located on the primary elevation of the building, nor attached to chimneys or other roof features where they will be visually obvious from the public domain.
- v. Services on secondary elevations should be located or screened appropriately to reduce their visual impact.
- vi. Where penetrations through significant fabric cannot be avoided, they should be minimised in terms of both dimensions and number of openings and finished as neatly as possible.
- vii. Penetrations should never be made through decorative elements such as friezes, cornices or vents.

7. Royal George Hotel Site – Vacant Land – New Development

The Royal George Hotel site is located among a significant collection of other heritage buildings, comprising mostly turn of the century dwellings and commercial premises, within the George Street Heritage Area and the Plympton Precinct in general. The Royal George Hotel is an important feature of this collective and the Town has endeavoured to preserve this for the heritage of Perth and the State for the past 100 years. This heritage legacy is the essence of the George Street Heritage Area's charm, character and appeal which is so highly valued by the community and the Council and should not to be jeopardised in any respect.

Any further development of the site should result in a redevelopment which complements and respects the Royal George Hotel and does not detract from the building, its unique features or the surrounding area. Development on the site must integrate as seamlessly as possible (in all aspects of operation, parking and land use) with the surrounding established low scale residential area and be able to adequately address the considerable challenges pertaining to this relatively small and irregular-shaped site.

Development is to meet the high standards of planning and design required by the Town for a development outcome worthy of the site, the heritage building, the George Street Heritage Area and the historic Plympton Precinct and which respects the character and appeal of the area that has been preserved by the Town.

Notwithstanding any other requirement of this local planning policy and further to the objectives and other provisions of Local Planning Scheme No. 3, the following applies to the Royal George Hotel site:

General Principles

Any new development proposed for this site should:

- i. Be of appropriate height and scale in relation to the unique character and suburban setting of George Street, Duke Street and the wider Plympton Precinct.
- ii. Not dominate the surrounding suburban area or views from public vantage points.
- iii. Complement and not overwhelm the physical and visual built form context and streetscape of the George Street Heritage Area.
- iv. Suitably address the interface with Stirling Highway, the Royal George Hotel, Duke Street and the Brush Factory building.
- v. Mitigate potential overshadowing, wind tunnel, traffic, access, parking or noise impacts on existing residential dwellings in the vicinity.
- vi. Integrate all roof top plant and equipment associated with development at the rear of the Royal

George Hotel within the architecture of the building so it is screened from public view and does not interfere with or obstruct views of the Royal George Hotel and /or the Hotel cupola.

Building Mass and Form

- i. The building envelope (height and setbacks) and overall design for any form of development on the rear of the Royal George Hotel site is to ensure that the new development is not to adversely affect the visual presence and the prominence of the Royal George Hotel building and its significant architectural features.
- ii. For any portion of new development that extends above the height of the eaves of the existing Royal George Hotel building, it is preferred that the building setback should increase/step back from Duke Street and the Royal George Hotel in order to maintain views of the Hotel's cupola. This includes balconies and other projections.
- iii. Roof top plant and equipment associated with development at the rear of the Royal George Hotel should not exceed the maximum building height for the site as prescribed in Local Planning Scheme No. 3 (i.e. 43.0m AHD) by more than 1.5m. If building height is less than 43.0m ADH roof top plant and equipment structures should not exceed the roof height of the building by more than 1.5m.
- iv. The preferred built form fronting Duke Street is residential and/or commercial tenancies, not car parking, a car park façade, storage or similar.
- v. It is considered highly desirable that any external services, solar collectors, air conditioning units, mechanical plant rooms, lift overruns, antennae and communication masts or the like-do not exceed the building envelope (height and setbacks) so the visual presence and prominence of the Royal George Hotel building and its significant architectural features are not diminished, visually obstructed or screened from view. These fixtures must be screened from public view.

Access

- i. Only one vehicular access point to or from Duke Street to any new development is considered supportable.

Vehicle Parking

- i. Vehicle parking contained in semi-basement or undercroft parking is to be located either behind street front tenancies or otherwise suitably screened from the street or 'sleeved' behind commercial or residential uses fronting Duke Street.

Services and New Technologies

- i. Policy provisions for the Royal George Hotel site are as per the provisions under the general '*Development Guidelines – Services and New Technologies*' for the Heritage Area (see above).

8. All properties (unless otherwise stated elsewhere in this policy)

Site Works

- i. New developments are to be sited to reflect the immediate locality and retain a high level of visual coherence in the streetscape.
- ii. New developments, additions and alterations are to be designed so that visual privacy is well considered.
- iii. The ground floor level shall be located to minimise the impact on the need for cutting and filling the site so not to adversely impact the streetscape.
- iv. Retention of significant trees and vegetation is considered a high priority and this should be an important consideration in the design of new developments and additions and alterations.

Building Setbacks

- i. No additions or alterations to existing buildings shall be constructed forward of the existing

- building line.
- ii. The primary street setback of new developments or additions to non-contributory buildings is to match the traditional setback of the immediate locality (refer to Figure 8 in Appendix 4).
 - iii. Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.
 - iv. Side setbacks are to be complementary with the predominant streetscape.

Roof Form and Pitch

- i. The roof of a building is to be designed to be consistent with the existing streetscape pattern and character.
- ii. Roof forms of additions and alterations are to not dominate the primary street.
- iii. New roofing additions are to be sympathetic to the form of the existing roof.
- iv. New developments with contemporary roof forms are acceptable where it can be demonstrated that the roof does not negatively impact on the immediate locality.
- v. The eaves of alterations and additions are to complement the eaves of the existing contributory building.
- vi. The eaves of new developments are sympathetic with immediate locality in regard to size of overhang.

Height

- i. New buildings are to address the street and be consistent with the bulk and scale of adjacent buildings.
- ii. Height of development is not to exceed a maximum of three storeys above natural ground level (exclusive of the Royal George Hotel site which has greater height allowances) unless the Town is satisfied that the development:
 - a) Is supported by a heritage assessment that confirms that development will be in keeping with the heritage values of the Heritage Area; and
 - b) Does not adversely affect the amenity of the area and adjacent properties.
- iii. For new buildings or non-contributory buildings, any additional storeys are to be setback sufficiently to be in keeping with the rhythm of the streetscape

Materials and Colours

- i. Where possible the original materials to contributory buildings should be retained. Where replacement is required, original materials should be replaced on a 'like for like' basis.
- ii. Replacement of existing materials with new materials may be approved where it can be adequately demonstrated to be compatible with and not adversely affect the immediate locality.
- iii. Reinstatement of original colours and/or materials is encouraged for contributory buildings. Where possible this should be informed by historical evidence including photos and paint scrapes.
- iv. 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.
- v. Materials incorporated in new developments are to be compatible with the colour and finishes of existing materials in the immediate locality.

Landscape Guidelines

- i. Established vegetation, particularly mature trees, shrubs and hedges are to be retained.
- ii. Landscaping is to be compatible with the character of the immediate locality.

Street surveillance

- i. Buildings to be designed to encourage active use and front yard surveillance by including verandahs, porches or outdoor living areas the front of the dwelling.
- ii. Incorporate habitable rooms to the front of the development with generous openings to encourage street engagement and passive surveillance to the street.

Front Fences

- i. Fences on the street boundary are to be low, complement the individual building and the immediate locality and demonstrate the following:
 - a) Appropriate material and colour;
 - b) Unobstructed sight lines by not exceeding a height of 0.75m within 1.5m of vehicle access points (including access ways, streets, crossovers and footpaths) to ensure safety and visibility; and
 - c) Front fences within the primary street setback area visually permeable above 1.2m natural ground level and being a maximum height of 1.8m.
- ii. Contributory existing fences should be retained and restored where required.

Access and Parking

- i. Unless otherwise agreed to by the Town, access and parking is to be adequately provided for within the boundaries of the lot/development site.
- ii. Access and parking arrangements are to have no negative impact on:
 - a) The streetscape character and amenity; and
 - b) The availability of on-street parking in the locality.
- iii. Off-street parking for commercial purposes is to be located at the rear of the site or otherwise screened from view from the main street frontage.
- iv. Where the Town is satisfied that a requirement for off-street car parking for a new development cannot be achieved without adversely impacting on the cultural heritage significance and streetscape character of the Heritage Area, the Town may consider on- street parking subject to an approved parking and traffic plan and being pursuant to Clause 5.8.7 and Clause 5.8.8 of Local Planning Scheme No. 3.
- v. Bicycle parking and associated facilities are required to be provided in accordance with Local Planning Scheme No. 3 and SPP 7.3 – Residential Design Codes – Volume 1 where applicable.

Garages and Carports

- i. Maintain the absence of visually intrusive car storage facilities within the streetscape.
- ii. Where garages and/or carports are part of a development they must be incorporated into, and be compatible with the design of the building or setback behind the building setback line.
- iii. Garages and carports are not to dominate the building as viewed from the street and are not to adversely impact on the streetscape.
- iv. Garages and carports are not to be located forward of the building line. Hardstand car parking bays may be supported where it can be demonstrated that there are no visual impacts on the streetscape.
- v. Carports and garages may be supported where they are located to the side or rear of a dwelling and are set back a minimum of 500mm behind the main building line. The structure must be open or a minimum of 50% visually permeable.
- vi. Materials are to complement the existing character of the streetscape.

Footpaths and Crossovers

Refer also to the Urban Streetscape and Public Realm Style Guide

- i. Pedestrian walk ways will take priority over vehicular access. Re-kerbing is to occur wherever footpaths are replaced.
- ii. Footpaths and crossovers to match the existing streetscape.
- iii. There is to be a maximum of one crossover per lot unless otherwise approved by the Town.
- iv. All crossovers, ramps and footpaths to be constructed in accordance with the relevant Australian Standards.
- v. No street trees will be removed for a crossover unless approved by the Town and an approved replacement tree is planted.
- vi. 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 applicant's cost, prior to the issue of a building permit for the relevant property.

Advertising Signs

- i. The design of new signage should be complementary to the traditional streetscape in terms of size, location, material, colour and proportions.
- ii. Unless based on documentary evidence, signs that replicate traditional styles and typefaces shall not be permitted.
- iii. New signs are not to obscure or detract from the significance of a contributory place or the streetscape character.
- iv. New signage should suit the proportions and elements on which it is to be mounted.
- v. New signage to windows are to be designed to retain views from the shop to the street.
- vi. The mounting of new signs on a contributory place is to avoid unduly damage to, or the removal of, significant fabric. Mounting fixtures are to be easily removed and repaired should the sign be removed at a later date.
- vii. Face brick walls are not to be painted over with new signage.
- viii. Externally mounted signs or signs that project forward of the building envelope are not permitted.
- ix. Existing signage that is contributory to the Heritage Area should be conserved.
- x. The number of advertising signs on a building shall be restricted as follows:
 - a) A maximum of one (1) advertising sign facing the street per façade of a building. In the case of a building on a corner site with more than one street façade, this shall apply to each individual façade.
 - b) A maximum of one (1) advertising signs located under a verandah or awning.

(Note: - each side of a double-sided advertising sign is considered to be a separate advertising sign).

(Refer to Figure 9 in Appendix 5)

Incidental Development

- i. Incidental development including (but not limited to) solar collectors, water tanks, satellite dishes, microwave and radio masts, air conditioners and TV antennae are to be located to minimise impact on the character of the contributory building and the immediate locality.
- ii. Every opportunity is to be taken for concealment of incidental developments such as 'hiding' them in roof valleys, on rear roof planes or behind parapets.
- iii. All solar panels shall be positioned to avoid existing shadows cast from nearby buildings, structures and trees.
- iv. Incidental developments are to be constructed behind the front setback.
- v. Incidental developments are not to project above the ridge line of the building except for TV antennae.
- vi. 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.

- vii. Incidental developments should not display any form of advertising if visible from street level.

(Refer to Figure 10 in Appendix 5)

9. Fremantle Ports Buffer

Fremantle Ports initiated the Fremantle Inner Harbour Buffer Definition Study, which was endorsed by the Western Australian Planning Commission and the then Department of Environment Protection in 2004. Buffer Guidelines established by Fremantle Ports provide guidance for land use planning around the Inner Harbour recognising the strategic importance of the port operations and growth, whilst promoting compatible land uses and protection of the amenity of residents living within the buffer.

The buffer comprises of three areas based on varying levels of technical criteria of risk, noise and odour. The George Street Heritage area is affected by Buffer Area 2 which allows the establishment of sensitive land uses with a medium level of protective conditions. The guidelines for Buffer Area 2 are applied to the George Street Heritage Area as part of this local planning policy as follows:

Potential Risk and Amenity Considerations

- i. Consideration is to be given to the following potential impacts:
- ii. Ingress of toxic gases in the event of an incident within the Port;
- iii. Shattering or flying glass as a consequence of explosion within the Port;
- iv. Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required; and
- v. Odour.

Built Form Requirements

The following built form requirements shall apply to all residential development other than alterations and additions to existing dwellings; and all non-residential development other than refurbishment/renovations (not involving a nett increase in floor area) to existing buildings and non-residential change of use proposals:

Windows and Openings

- i. 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
- ii. All safety glass shall be manufactured and installed to an appropriate Australian Standard.

Air conditioning Systems

- i. All multiple air conditioning systems shall incorporate internal centrally located shut down point and associated procedures for emergency use.
- ii. Split refrigeration air conditioning systems are preferred.

Construction

- i. Adopt the general principles of quiet house design for residential developments.
- ii. All developments shall incorporate roof insulation.

Notification and Memorials on Title

- i. All residential development approvals shall be conditioned in order to require a notification to be placed on the title advising of the potential amenity impacts associated with living / working

in proximity of the Port.

- ii. In the case of all residential subdivision, the Town of East Fremantle 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.
- iii. Notification and memorial statements shall be as per the standard wording contained in Appendix 6.

Alternative Treatments

- i. The Town recognises that these requirements may not be possible to achieve in the case of the proposals involving some buildings of conservation and heritage significance. Alternative built form treatments may be acceptable subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified through submission of a professionally prepared and certified report.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	18/02/20
Policy Amended/Reviewed:	

APPENDIX 1: RECORD OF PLACES OF HERITAGE SIGNIFICANCE

Note:

The Municipal Heritage Inventory is now referred to as the Local Heritage Survey following proclamation of the State's new Heritage Act in 2018. Reference to both terms may occur in other Council documents.

Property Address	Lot No	Architectural Style	Constructed (circa)	Heritage Listing
28 East Street	36	Federation Bungalow	circa 1898	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
30 East Street	35			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
14 George Street	2	Federation Bungalow	circa 1896	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
31 Glyde Street	303			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
36 Glyde Street	73	Federation Bungalow	circa 1896	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
38 Glyde Street	72 (Lot 1)	Federation Bungalow	circa 1896	Municipal Heritage Inventory Cat A LPS 3 Heritage List
36 George Street	72 (Lot 2)			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
38 George Street	412 & 414	Federation Free Classical	circa 1896	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
48 George Street	300	Federation Free Classical	circa 1896	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
35 – 37 Hubble Street	69	Federation Bungalow – Duplex	circa 1890	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
38 Hubble Street	199	Adapted Federation Bungalow	circa 1895 and modified Post-World War II	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
39 Hubble Street	415			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
40 Hubble Street	7	Federation Bungalow	circa 1910	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
50 George Street	8	Federation Free Classical	circa 1896	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
64 George Street	9 & 10			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
66 George Street	601 (Lot 1)	Federation Free Classical	circa 1883	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.

Property Address	Lot No	Architectural Style	Constructed (circa)	Heritage Listing
68 George Street	601 (Lot 2)			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
76 & 76B George Street	602	Federation Free Classical	circa 1896	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
36 Sewell Street	532	Federation Bungalow	circa 1908	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
38 Sewell Street	531	Federation Free Classical	circa 1896	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
88 George (Units 1-4)	800 (Lots 1-4)	Federation Free Classical	circa 1894	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
96 George Street	535 & 536	-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
92-96 George Street	537 & 538	-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
41 King Street (Units 1-3)	127 (Lots 1-3)	Post World War II Industrial	circa 1960	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
46-52 King Street	Lot 23 (Lots 1-4)	Federation Italianate	circa 1910	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct. Classified by National Trust
128 George Street	5	-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
128A George Street	10	-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
130A George Street	3	-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
130B George Street	2			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
132 George Street	1	Simple Free Classical	circa 1894	Municipal Heritage Inventory Cat B LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
40 Glyde Street	143	Glasson Park (Part of)	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
42 Glyde Street	Lots 147 & 410	Federation Bungalow Glyde In	circa 1910	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
61 George Street	50, 144, 6228, R24701	Glasson Park	c	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.

Property Address		Lot No	Architectural Style	Constructed (circa)	Heritage Listing
44 Hubble Street (previously known as 65 George Street)	Strata Plan 16096 264		Federation Free Classical	circa 1900	NOTE: (was listed in Municipal Heritage Inventory Cat B in 2006 – omitted from LPS 3 Heritage List in 2015 due to an administrative error – subject of separate report to Council for reinstatement on Heritage List.
46 Hubble Street	265		-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
49 Hubble	411		-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
50 Hubble Street	266		Federation Bungalow	circa 1894	Municipal Heritage Inventory Cat B LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
54 Hubble Street	Strata Plan 53551 20		-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
65a George Street	Strata Plan 16096 264		-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
65-67 George Street	Strata Plan 16096 264		-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
37 Sewell Street (includes 69-75 George Street)	237		-	-	No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
39 Sewell Street	238				No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
77-85 George Street	700		Federation Free Classical	circa 1894	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
87 George Street	316 & 317				No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
89-93 George Street	318 (Lots 1-3)				No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
49 King Street	319		Inter-War Bungalow	circa 1920	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
107-121 George Street	502 (Lots 1-8)		Federation Cottage Orne	circa 1905	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct. Classified by National Trust. Register of the National Trust.
129 George Street	372 (Strata Lot 3)		Federation Bungalow	circa 1896	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct

Property Address	Lot No	Architectural Style	Constructed (circa)	Heritage Listing
133 George Street	372 (Lot 2)	Federation Free Classical	circa 1897	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
25 Duke Street	14	Federation Bungalow	circa 1915	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct
27 Duke Street	Strata Plan 20848 (Lot 1)	Inter-War Bungalow	circa 1920's	Municipal Heritage Inventory Cat C. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
27A Duke Street	Strata Plan 20848 (Lot 2)			No individual listing, however, included within LPS 3 Heritage List as part of George Street Precinct.
31 Duke Street	Lots 1 & 2 Strata Plan 67536	Federation Bungalow Duplex	circa 1890's	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
33 Duke Street	Lots 1 & 2 Strata Plan 67536	Federation Bungalow Duplex	circa 1890's	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
34 Duke Street	Lot 303	Hotel	circa 1900	Municipal Heritage Inventory Cat A. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct. State Heritage Register – Permanent 30 October 1998 (P 0794) Heritage Agreement Classified by the National Trust
35 Duke Street	372 (Lot 1)	Federation Free Classical	circa 1897	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
37 Duke Street	373	Federation Bungalow	circa 1898	Municipal Heritage Inventory Cat B. LPS 3 Heritage List (individual). Included within LPS 3 Heritage List as part of George Street Precinct.
39 Duke Street	374	Federation Bungalow	circa 1915	Municipal Heritage Inventory Cat C. Included within LPS 3 Heritage List as part of George Street Precinct.
36 Duke Street	801 & 802	Federation Free Classical	circa 1900	Municipal Heritage Inventory Cat A LPS 3 Heritage List
40 – 42 Duke Street	Lot 801 Strata Plan 69657 (Lots 1-12)	-	-	Previously Municipal Heritage Inventory Cat A. (individual) listing - part of Brush Factory site (36 – 42 Duke Street)

**APPENDIX 2: LINE OF SIGHT DIAGRAMMS
(ADDITIONS AND ALTERATIONS TO CONTRIBUTORY BUILDINGS)**

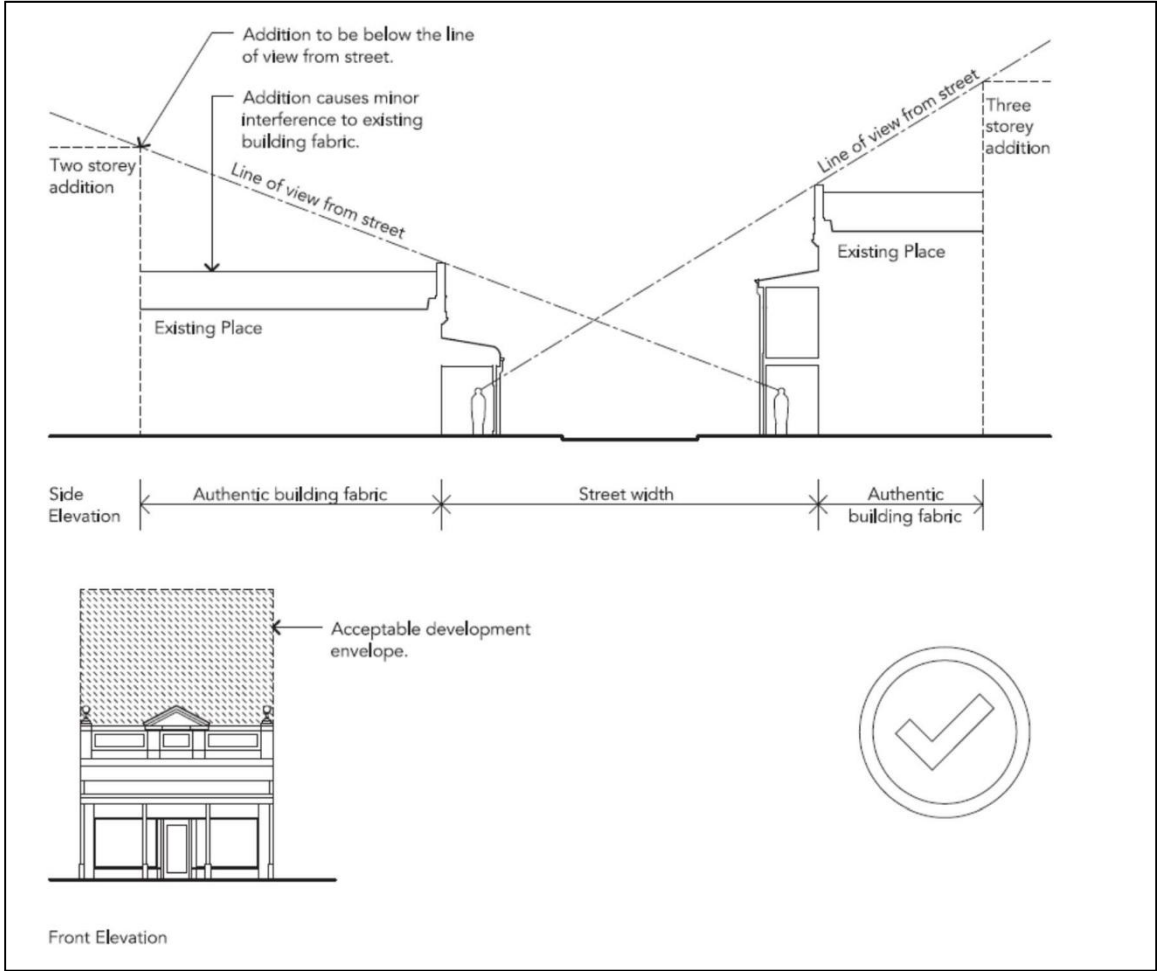


Figure 2 – Elevations illustrating compatible alterations and additions. Griffiths Architects 2015

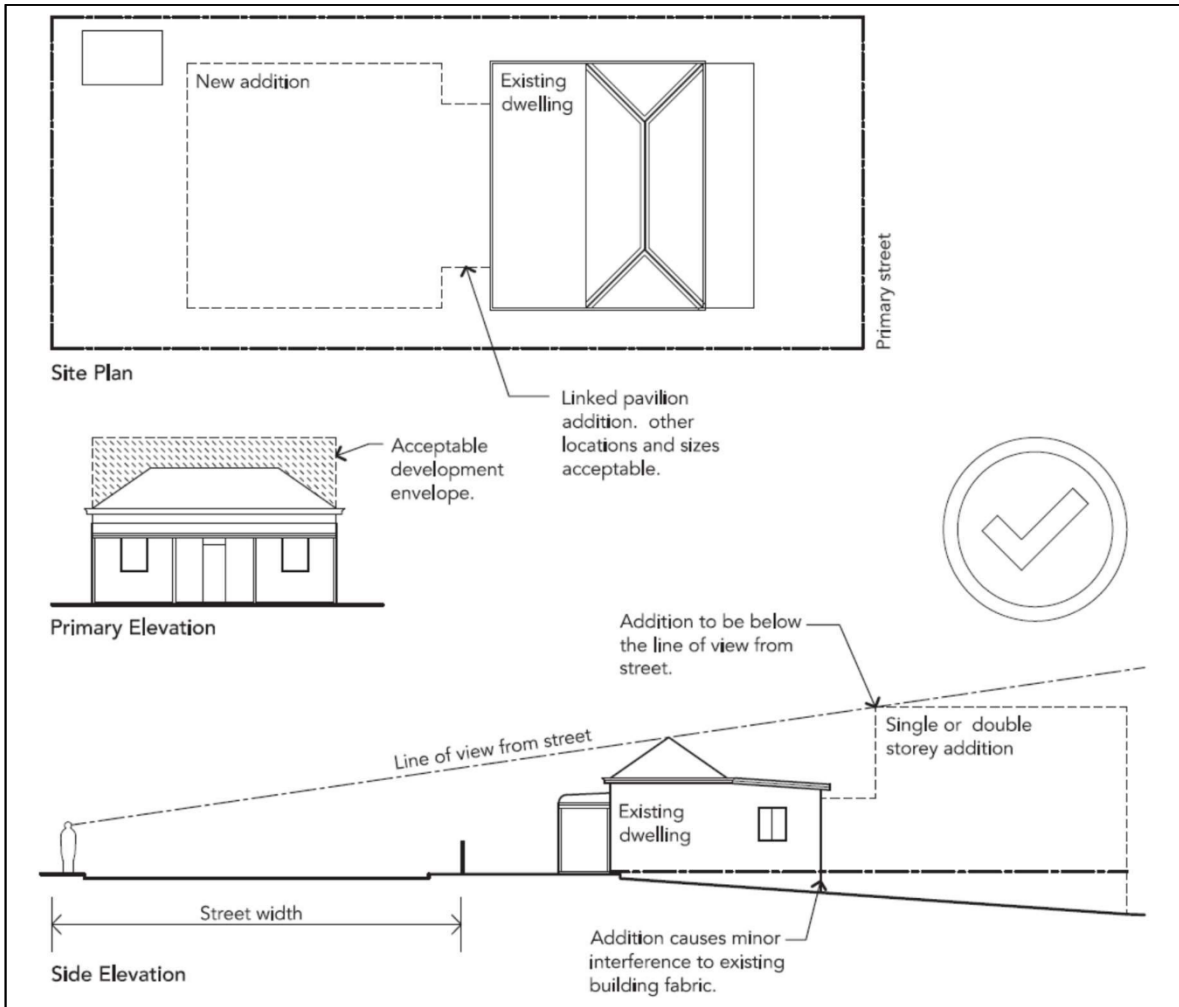


Figure 3 – Elevations illustrating compatible alterations and additions. Griffiths Architect 2015

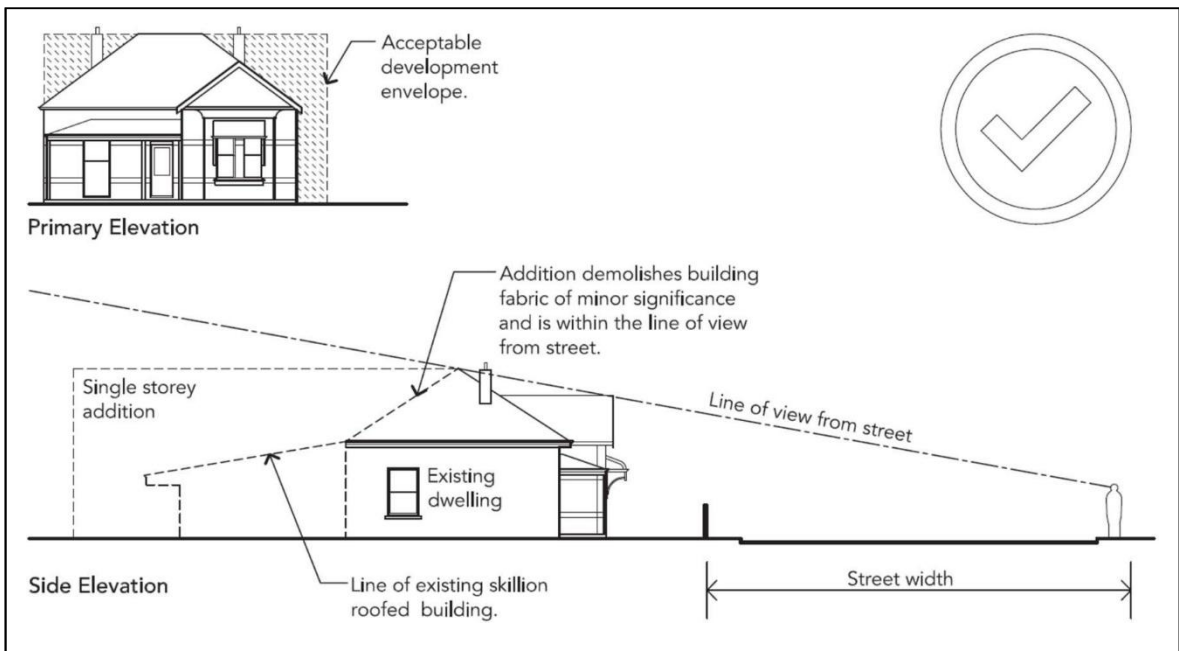


Figure 4 - Elevations illustrating compatible alterations and additions. Griffiths Architects 2015

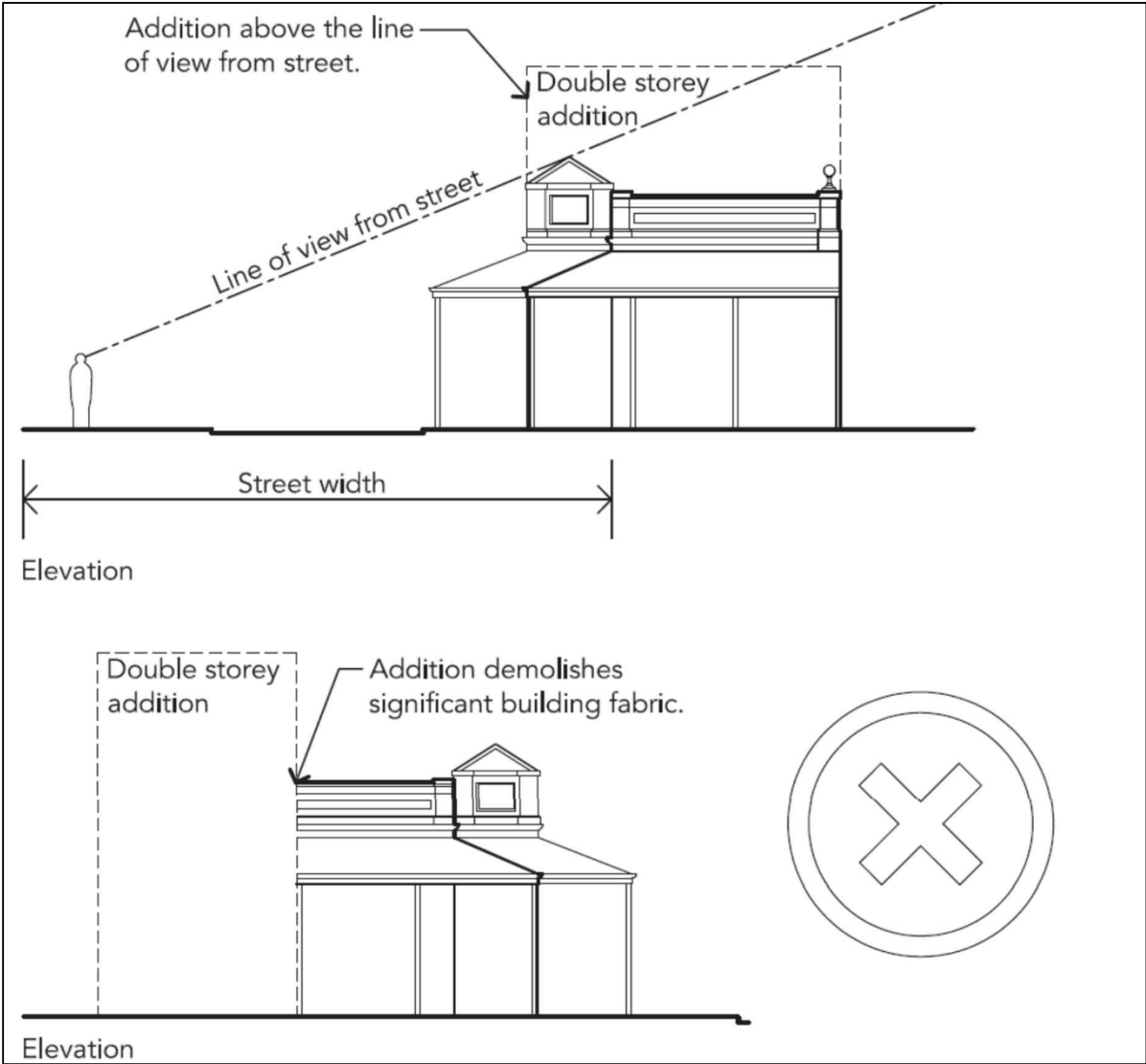


Figure 5 - Elevations illustrating incompatible alterations and additions. Griffiths Architects 2015

APPENDIX 3: HERCON CRITERIA

The following list is the Common Criteria adopted by the Environment Protection and Heritage Council of the Australian and State/Territory Governments in April 2008 (comprising the model criteria developed at the National Heritage Convention (HERCON) in Canberra, 1998):

- A. Importance to the course, or pattern of our cultural or natural history.
- B. Possession of uncommon, rare or endangered aspects of our cultural or natural history.
- C. Potential to yield information that will contribute to an understanding of our cultural or natural history.
- D. Important in demonstrating the principal characteristics of a class of cultural or natural places or environments.
- E. Importance in exhibiting particular aesthetic characteristics.
- F. Importance in demonstrating a high degree of creative or technical achievement at a particular period.
- G. Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
- H. Special association with the life or works of a person, or group of persons, of importance in our history.

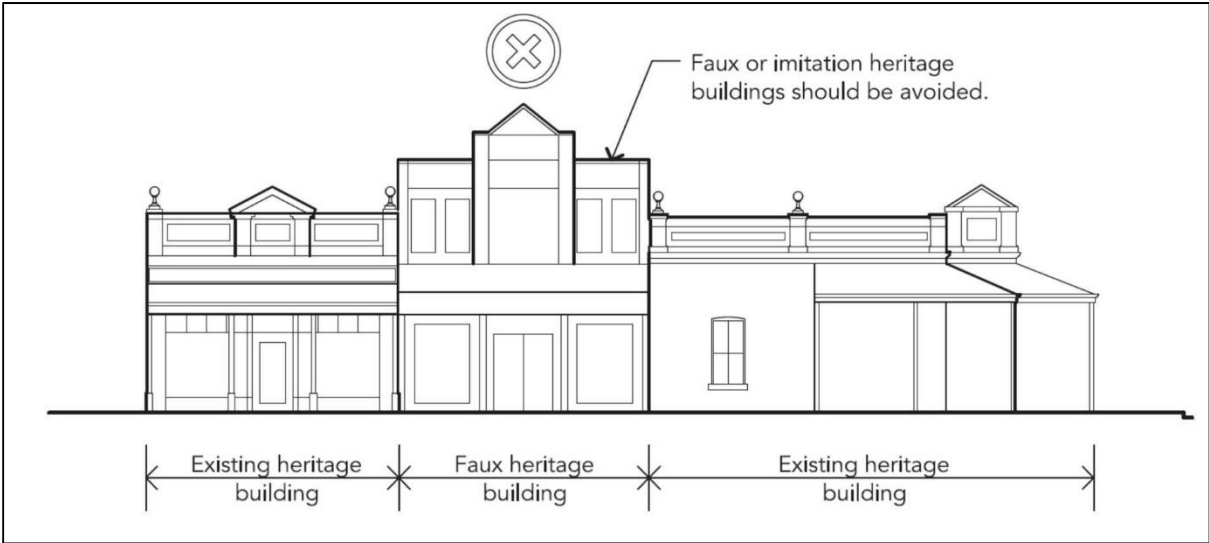


Figure 6 – Street elevation illustrating incompatible faux heritage development.

Griffiths Architects 2015



Figure 7 - Street elevation illustrating compatible building envelope. Griffiths Architects 2015

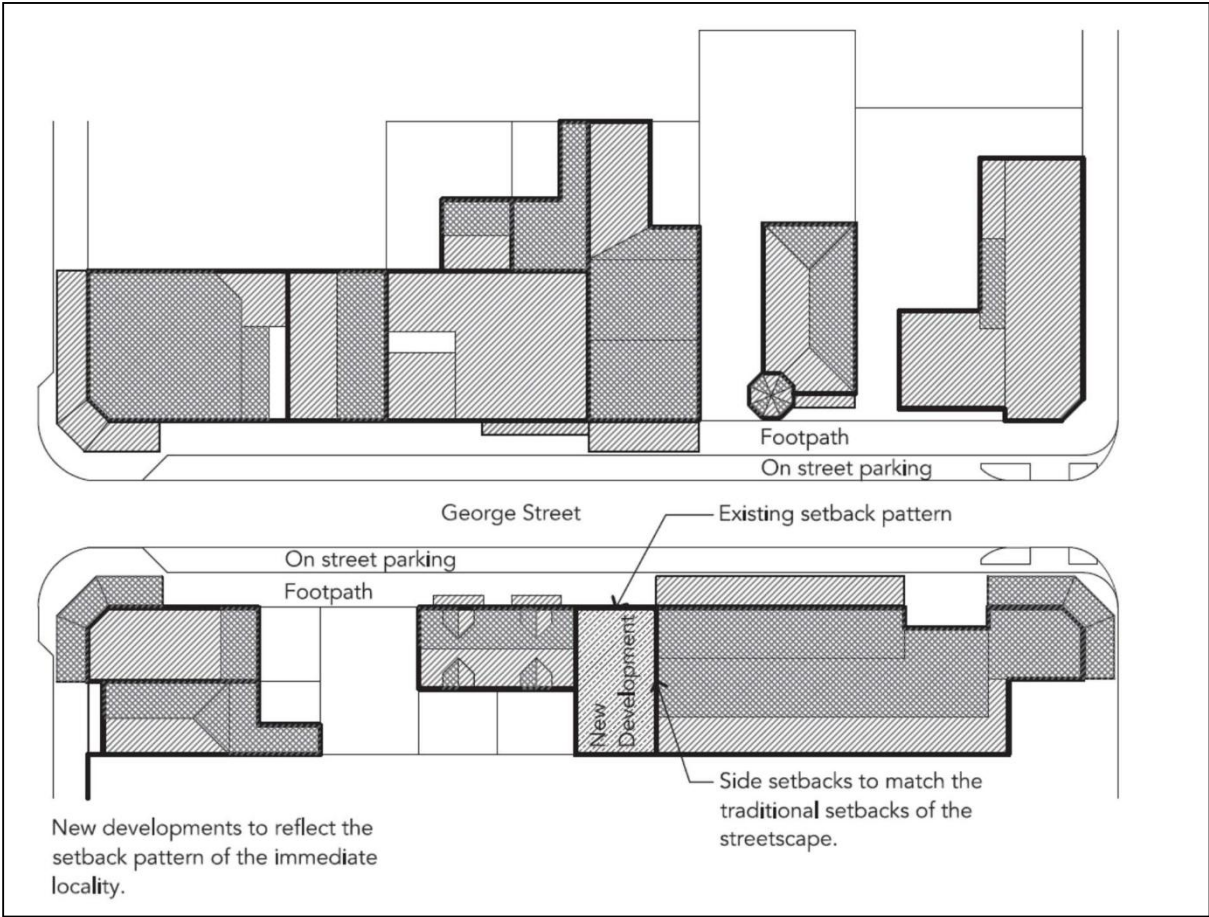


Figure 8 – Site plan illustrating existing setback patterns and compatible new development.

Griffiths Architects 2015

APPENDIX 5: ADVERTISING SIGNS AND INCIDENTAL DEVELOPMENT



Figure 9 - Examples of appropriate and inappropriate signage. Griffiths Architects 2015

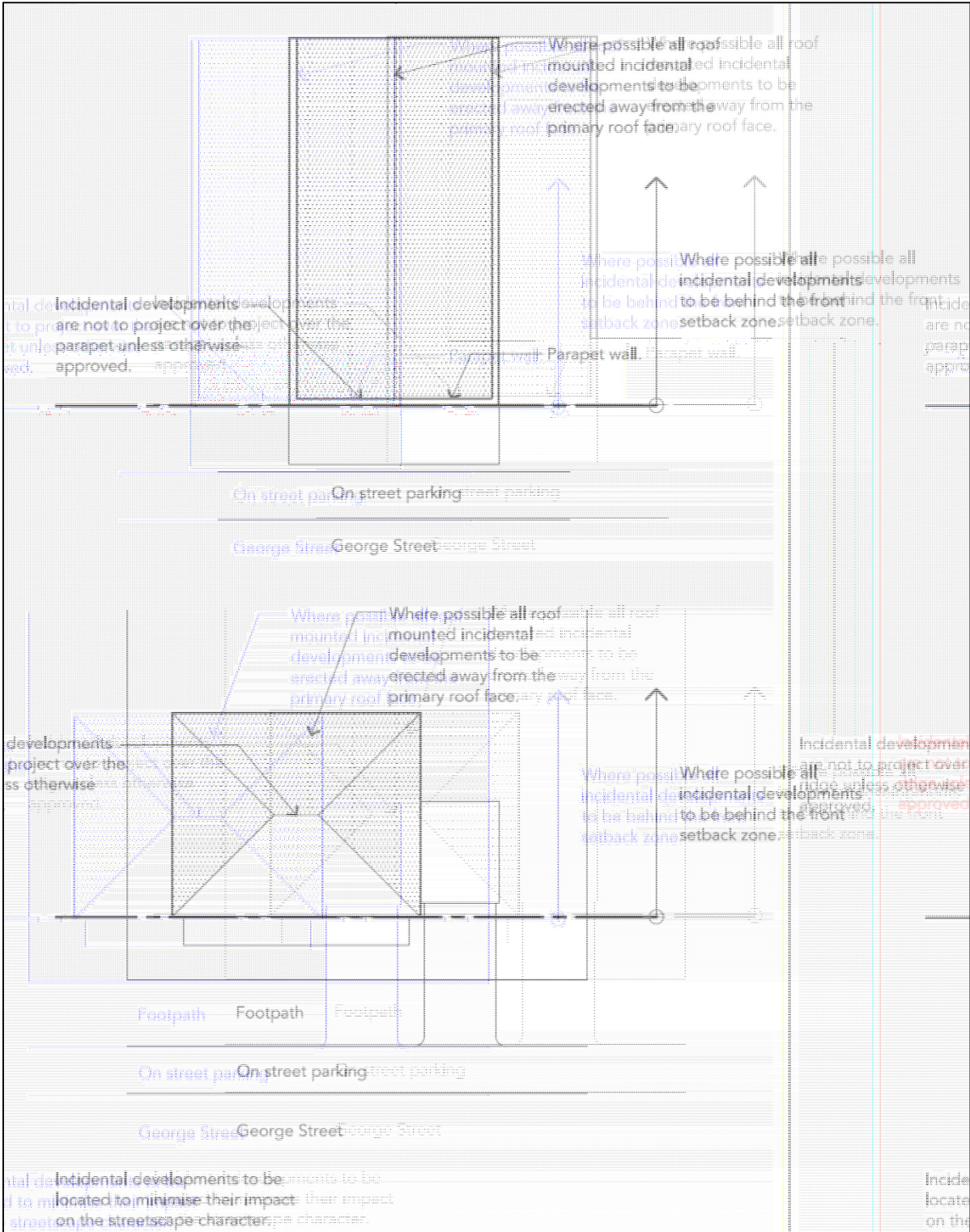


Figure 10 - Location of Incidental developments. Griffiths Architects 2015.

**APPENDIX 6 STANDARD NOTIFICATION AND MEMORIAL WORDING
(FREMANTLE PORTS BUFFER AREA 2)**

“The subject lot is located within (x) kilometres of Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working port.”

APPENDIX 7 DEVELOPMENT APPLICATIONS -PLANS AND DRAWINGS

Development Approval

Development approval is required for most works to a heritage place or to a property within a Heritage Area. This may include works that affect only the interior of the building and those that do not materially affect the appearance of the exterior.

Note: 1. Clause 61 exempts some development under the Deemed Provisions including internal works in accordance with Clause 61(1) (b).

Accompanying Material

All applications for works to a heritage place or within a Heritage Area should demonstrate that the impact on the cultural heritage significance of the building and the locality has been addressed. It is strongly recommended that the input of a heritage professional is sought to ensure that the application is suitably informed, particularly for major works. If there is a question as to whether a heritage professional is required the Town's officers may be able to offer advice in this regard and should be consulted, prior to a development approval application being submitted.

The extent of accompanying material will be determined by the scale and impact of the proposed works. Minor works will need to demonstrate that they will not have an adverse effect on the cultural heritage significance of the place, but will not generally require additional supporting material. For a development application concerning conservation works or works to adapt the external or internal fabric of a heritage building, "as existing" plans and elevations must be provided with the application.

For a development application concerning a new infill building in a Heritage Area, streetscape drawings that illustrate the impact of the proposed development on the adjacent buildings and the street as a whole must be provided with the application.

The local government may require an applicant to provide one or more of the following to assist in the determination of a development approval application:

- A Heritage Assessment, to be prepared by a recognised heritage expert at the applicant's expense. Where a Heritage Plan is available, this, or relevant sections of the Plan, should be provided with the development application. Conservation Plans should be prepared by a recognised heritage expert to appropriate standards.
 - If structural failure is cited as a justification for the demolition of a building or place (either whole or part), evidence must be provided from a registered structural engineer 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 the incurring of prohibitive costs.
 - Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a place entered on the Heritage List.
 - Three (3) copies of a street elevation, to scale (not smaller than 1:100), of the existing building/s onsite and the buildings on each adjoining property which fronts the street frontage.
 - If the site is on a street corner then a separate elevation of each streetscape is required. The elevation (on each street) to be presented as one continuous elevation and including:
 - the architectural detail of the buildings (e.g. style of windows, doors, style of verandah/balcony columns, style and pitch of roof, chimneys etc.);
 - the colour and type of building materials used (on roof, walls, paved areas, fencing etc.); and
 - the height of the buildings.
-

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
- 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 (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 uses¹ 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 developments, and

¹ 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.

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 road², a design sound level tolerance of 5 dB in excess of the above levels is acceptable.

² 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;³
- (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

³ 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

3.2.3 Waterwise Pool & Spa Cover Policy

Type:	Planning – Environmental Health
Legislation:	National Construction Code 2016 (NCC) Western Australian additions (WA Part 2.3.2 Acceptable Construction Practice)
Delegation:	
Other Related Document:	Swimming Pool/Spa Inspection Report 2020

Objective

To emphasize the Town of East Fremantle’s commitment to environmental sustainability over each aspect of the Town’s service areas.

The aim of this policy is to reduce future water consumption and evaporation in the Town of East Fremantle by enforcing the use of pool and spa covers/blankets in residential properties. In accordance with the National Construction Code, the Town of East Fremantle will require that all future outdoor swimming pools associated with a Class 1 and Class 2 building to be fitted with an appropriate pool/spa cover. This policy will infer a new condition to the Town’s building permit application noting the requirement of a cover/blanket on all Class 1 and Class 2 Swimming pools.

Policy Scope

This Policy applies to all future Class 1 and Class 2 residential properties in the Town. This policy does not apply to preexisting pools, indoor pools or public pools prior to the time this report was accepted by council.

Policy

This policy will be enforced through the addition of a condition to the Town of East Fremantle’s Building Permit’s relating to swimming pool/Spa applications. This policy applies to all:

- in-ground pools and spas;
- above-ground pools and spas (excluding inflatable and portable pools and spas)

The use of Pool and Spa covers aligns with the Town of East Fremantle’s agreement to the Water Corporation and aligns with the National Construction Code WA Part 2.3.2. Swimming pool blankets or covers must be designed to reduce water evaporation and must be accredited water efficient under the Smart Approved Watermark Scheme www.smartwatermark.org

Pool Inspections

The Town will undertake follow up inspections both after the finalisation of the pool construction and 4 years later. At the point of the inspection it will be noted if the pool is compliant to the conditions under the Building Permit application.

Definitions

Swimming Pool

(Building Class 10b): Swimming pool means any excavation or structure containing water and principally used, or that is designed, manufactured or adapted to be principally used for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa.

Class 1 Building

- **Class 1a** - a single dwelling being
 - (i) a detached house
 - (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit or

- **Class 1b** - a boarding house, guest house, hostel or the like
 - (i) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b and
 - (ii) in which not more than 12 persons would ordinarily be resident
 - which is not located above or below another dwelling or another Class of building other than a private garage

Class 2 Building

A building containing 2 or more sole-occupancy units each being a separate dwelling.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	21/2/21
Policy Amended/Reviewed:	

3.2.4 Verge Treatment Policy

Type:	Regulatory Services, Environmental Health
Legislation:	Public Places and Local Government Property Local Law 2016
Delegation:	
Other Related Document:	Town of East Fremantle Greening Guidelines Maintenance and Removal of Public and Verge Trees Policy Climate Emergency Strategy 2022-2032 Climate Emergency Action Plan 2023 - 2033

Objective

To promote the installation of soft landscaping in the local road verge area, utilising vegetation that optimises permeable surfaces to attain the following objectives:

1. Establish livable, waterwise, and green public corridors and verge areas supporting local wildlife and biodiversity.
2. Establish resilient shaded spaces that not only mitigate urban heat but also contribute to fostering healthy and livable communities within the Town, in response to the challenges posed by climate change.
3. Limit the discharge of stormwater containing hazardous chemicals and materials such as microplastics into sensitive environments, including the Swan River.
4. Enhance the visual appeal of the streetscape and promote public health by contributing to the aesthetic improvement of public spaces.

Policy Scope

This policy is applicable to all land within the road and street verge areas controlled by the Town, where the Town has authority over the road reserve. Although verges are Crown Land, adjacent landowners are responsible for maintaining and enhancing them.

Legislative Requirements

In compliance with the Town of East Fremantle [Public Places and Local Government Property Local Law 2016](#), landowners and occupiers abutting a verge can install a 'permissible verge treatment.' Further details can be found in the Verge Treatment Policy (this policy) and the Town of East Fremantle Public Places and Local Government Property Local Law 2016.

Policy

This policy has been developed in accordance with the Water Corporation's [Waterwise Verge Best Practice Guidelines](#) and provides further guidance for permissible verge treatments as stated in the Town of East Fremantle Public Places and Local Government Property Local Law 2016.

Design Guide

Residents are encouraged to install permeable soft landscaping with the following requirements:

- Features must be set back to provide clear access to infrastructure (underground services, power poles) and not obstruct lines of sight for pedestrians, cyclists, or motorists.
- For verges without footpaths, plants should be set back at least one metre from the road kerb to allow for pedestrian movement and waste collection.
- Footpaths and kerbing are not to be removed or replaced for landscaping.
- Verge installations must not include unsafe materials or structures.

Verge Garden Materials

The following table outlines acceptable and unacceptable verge treatments. All treatment placed in the verge area should be permeable for water and set back to provide clear sightlines and safety areas for the public and access to any services.

	Material Description
Verge Treatments Approved no approval required	<ul style="list-style-type: none"> • Mulch (contained within the boundary of the verge). • Maintained gardens native and waterwise preferred (below 750mm) • Drought-tolerant lawn varieties such as couch, kikuyu, and warm-season buffalo (however, lawn verges not preferred).
Verge Treatments Approved <u>subject to approval</u>	<ul style="list-style-type: none"> • Irrigation installed in the verge. • Edible plants, ensuring regular harvesting and preventing any produce from being left on the ground to decompose (less than 750mm).
Unapproved Verge Treatments When the Town deems a material, structure, or verge treatment to be hazardous or posing a significant risk to the public the material will be deemed unacceptable	<ul style="list-style-type: none"> • Toxic, spikey, or poisonous plants or plantings. • Paving, concrete, or other similar hardstand materials. • Limestone rubble, gravel, or any similar loose aggregates. • Artificial/synthetic lawn. • Verge trees other than those planted by the Town. • Materials or structures which are unsafe, block sightlines, are loose or slippery, present hazard or are impermeable.

When to apply for a Verge Treatment requiring approval?

A verge treatment application is not required when installing Verge Treatments which are accepted and do not require approval.

To apply for an Accepted Material Type that requires approval, follow these steps:

1. Fill out the Alteration to Verge Form available at [Verge Treatments and Street Trees](#).
2. The Application Form must include a diagrammatic sketch, identifying any proposed Irrigation or Edible Plants proposed for the area. For all irrigation conditions refer to [Verge Treatments and Street Trees – Conditions for installing irrigation](#).

If the application is adjacent to a strata-titled property, obtain written approval for the works from all strata owners/managers.

Underground Services

Before starting any works on the verge, including irrigation and planting, applicants must contact [Dial Before You Dig](#) to identify the location of underground services. For more information, visit <https://www.1100.com.au/> or call 1100 during business hours.

Any works conducted by the applicant on the verge that result in damage or disruption to services must be reinstated at the applicant's expense. The Town, along with service providers, retains the right to undertake necessary works on the verge or authorise others to do so. Periodically, works will be undertaken on the verge, such as tree pruning or service maintenance/upgrades, which may damage or disturb verge gardens. The resident/landowner is responsible for the reinstatement of the verge garden following any works by utility providers or other authorised parties.

Plant Selection

The Town encourages waterwise plant use, offering native plants at the annual Apace Nursery plant sale every May. Refer to the Water Corporation's [Waterwise Plant Selection Tool](#) or the Town's Greening Guidelines for suitable species.

Street Trees

Residents can apply for a street tree by completing the [Verge Tree Request Form](#). The Town is responsible for planting, maintaining, and removing all street and reserve trees according to its 'Maintenance and Removal of Public and Verge Trees Policy.'

The Town is committed to preserving healthy verge trees that pose no safety concerns. Removal requests lacking suitable justification will not be supported. Pruning of verge trees will only occur if a tree causes adverse impacts, as determined by the Town or its contractor. When installing verge gardens, care must be taken to protect the trunk, canopy, and preserve the root zone of street trees.

Maintenance and Upkeep

The maintenance of the verge is the responsibility of the adjacent owner or occupier, with the Town assuming no responsibility for the health and well-being of approved verge gardens. Once installed, a verge garden is expected to adhere to the following guidelines:

Plant growth must be confined within the verge area, avoiding spillage into footpaths or road areas, and should not exceed a height of 750mm.

Plants must be consistently maintained in a weed-free state and watered as needed for establishment and upkeep.

The removal of all excess soils and litter resulting from plantings is the responsibility of the applicant and must be conducted at their expense.

In cases where a verge landscaping feature is deemed by the Town to pose a safety concern or fails to meet established guidelines, the Town may instruct the applicant to revise specific aspects or the entirety of the feature to align with this policy and Town requirements. Alternatively, the Town retains the right to remove or mandate the removal of any non-compliant feature at cost to the owner of the adjacent property.

Responsible Directorate:	Operations
Reviewing Officer:	WASO
Decision making Authority:	Council
Date of Adoption:	20/7/21
Policy Amended/Reviewed:	19/11/24

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.goodbyegrffiti.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 nine 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 his representative)
 - Six 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:	Office of CEO
Reviewing Officer:	Manager Community Engagement and Communications
Decision making Authority:	Council
Policy Adopted:	21/10/17
Policy Amended/Reviewed:	17/4/18, 17/9/19, 15/10/19, 19/8/25
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):

- *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:	17/9/19
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

4.1.5 Memorials in Public Places

Type:	Operations – Public Infrastructure
Legislation:	Local Government (Uniform Local Provisions) Regulations 1996
Delegation:	
Other Related Document:	Nil

Objective

The policy seeks to establish the processes and procedures by which Council govern and assess members of the community and residents' requests to memorialise family, friends and members of the Town of East Fremantle community within public places.

Context

The Town recognises that memorials support people grieving the loss of a loved one or close friend and commemorate the contributions made by persons to the local community.

The Town also recognises that there is a practical need to manage the installation of private memorials in public places for various reasons, including cluttering of public spaces, maintenance, installation costs, damage and controlling the style of memorial.

For the purposes of this policy, 'Memorials in Public Places' refers to memorials installed in Crown Land vested in the management of the Town or land owned freehold by the Town which is reserved for the purposes of recreation, public open space or a road reserve.

Policy Scope

This policy relates to the governance of all private memorials in public places within the Town of East Fremantle.

Statement

Subject to the provisions within this policy, **the Town will not support the community to memorialise family, friends and community members** unless at the discretion and approval of Council and if Council so determines the memorial is appropriate, practical and that the individual being memorialised has been a long standing resident (40 + continuous years) of the Town or has worked in the Town (40 + continuous years) and has contributed in a positive way to the Town.

The Council will consider and may approve all eligible applications for memorials in accordance with this Policy.

Memorials in Public Places Requirements:

1. Community members may apply to the Town to memorialise a family member, close friend or community member who has been a long standing resident of the Town or a worker within the Town (both 40+ continuous years) and has made a positive contribution to the Town or has a long standing relationship within the Town through a request to Council for the installation of a memorial plaque in a location deemed suitable and appropriate by Council.
 2. Memorials shall only be installed at locations deemed appropriate by Council and under the requirements detailed below.
-

3. A formal written application shall be submitted to the Chief Executive Officer requesting the installation of the memorial plaque.
4. Council will consider any eligible formal request and determine the request considering the merits of the request.
5. All applications for permanent memorials will only be considered where the person to be commemorated has been deceased for a minimum of 12 months.
6. All applications for permanent memorials made by community members must be supported by a family member of the deceased person and shall include the signature of the spouse or children of the deceased.
7. Only one memorial per person shall be approved.
8. Statues, street furniture, artwork, plaques and other artefacts may be considered or accepted by Council as a suitable interpretation as a memorial plaque for installation, subject to approval by Council.
9. Should for any reason, the applicant or family of the deceased seek the removal of an installed memorial, an application from the family must be submitted to the Town for officers to remove the memorial and return it to the family.
10. Decisions around the location, type, size and the construction of the memorial and the subsequent positioning of the memorial plaques will be at the sole discretion of Council and in accordance with items 11 - 13 below.
11. The inscription on the plaque is to be approved by the Council and shall include as a minimum the person's name including first name and surname. The wording of the memorial plaque shall be included in the application to be approved by the Council.
12. The costs associated with the plaque with the approved inscription, installation costs and any costs associated with the purchase of street furniture/ artwork/ or similar will be borne by the applicant. An additional cost of five Hundred (\$500) dollars will also be paid by the applicant once the memorial has been approved by Council. This additional payment will be utilised for the purposes of purchasing trees for the Town's use in public spaces.
13. The plaque is to meet the following specifications;
 - a. Maximum size 150mm x 150mm.
 - b. Minimum size 100mm x 100mm.
 - c. Constructed from corrosion resistant metal.
 - d. A minimum of 2 holes at the extremities of the plaque for attaching to the memorial.
14. If it is necessary for the Town to remove the plaques because of vandalism, deterioration or for other operational reasons then the Town gives no undertaking that it will be replaced.

Responsible Directorate:	Operations
Reviewing Officer:	Operations Manager
Decision making Authority:	Council
Policy Adopted:	17/11/20
Policy Amended/Reviewed:	

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:	

4.2.2 Foreshore Dinghy Management

Type:	Operations – Parks & Reserves
Legislation:	Swan and Canning Rivers Management Act 2006 Swan and Canning Rivers Management Regulations 2007 Corporate Policy Statement No. 45 - Planning for miscellaneous structures and facilities in the Swan Canning Development Control Area (June 2016)
Delegation:	DA66 Authorisation to Approve the Storage of and Remove Dinghies from Foreshore
Other Related Document:	Town of East Fremantle Fees and Charges

Introduction

The administration of dinghy storage in the Swan Canning Riverpark is the responsibility of the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Service or other agencies as identified.

While the informal storage of private dinghies on foreshore areas is a common practice it should be noted that there are no general rights to store dinghies on public lands.

Regulation 22A of the Swan and Canning Rivers Management Regulations 2007 states that a person must not leave a vessel unattended for 8 hours or more above the high water mark, unless the vessel is stored in a facility approved for that purpose. This Policy is developed in response to the Department of Biodiversity, Conservation and Attractions Corporate Policy Statement No. 45 - Planning for miscellaneous structures and facilities in the Swan Canning Development Control Area (June 2016) which supports the development of dinghy storage facilities where:

- there are limited opportunities to provide launching facilities;
- they are not the predominant use on the foreshore; and
- they do not unacceptably restrict public access, have unmanageable ecological impacts or unreasonably affect the amenity of an area.

Objective

- To provide for the management and storage of dinghies along the foreshore within the Town of East Fremantle.
- To maintain and improve public safety, access and amenity at the river foreshore with regard to the management of dinghy storage by proposing locations with minimal impact on other users.
- To further protect and enhance the amenity and ecological value of the foreshore by installing adequate infrastructure and requiring registered dinghy owners to tend to their vessel's upkeep.

Policy Scope

This policy applies to all persons, organisations or others seeking to store or tether a dinghy, canoe, ski, board, tender type vessel, coracle or any waterborne craft on the river foreshore areas that fall within the jurisdiction of the Town of East Fremantle.

Storage bays for dinghies are available by application to the Town of East Fremantle and the payment of an annual fee to balance the costs of implementing, administering and maintaining the system and infrastructure. Preference will be given to licensed mooring holders in the East Fremantle area, followed by East Fremantle residents, and then other members of the community/surrounding suburbs. A waitlist will be maintained where the Town is oversubscribed for storage facilities.

The Town will undertake ongoing monitoring and maintenance of the facility area to ensure that the potential increase in pedestrian traffic and activity at the location does not adversely impact the foreshore area.

Definitions

DBCA:	Department of Biodiversity, Conservation and Attractions.
Dinghy:	A single hull watercraft no longer than 3.5m in length.
Dinghy storage area:	Defined area where water craft are permitted to be stored. Dinghy storage areas may, or may not, be provided with a constructed storage facility.
Management system:	A management system is a system for the provision of dinghies for access to vessels moored offshore, or for other purposes, that minimises the impact of dinghy usage on the shoreline. Management systems are likely to be particular to each location and may encompass storage facilities or shared usage. Management systems require approval by the Swan River Trust and are administered by the Town.
Riverpark:	The Swan Canning Riverpark is defined by the Swan and Canning Rivers Management Act 2006. The Riverpark includes the waters of the Swan and Canning rivers and all public land adjoining these rivers.
Riverpark shoreline:	The area of Crown land in the Riverpark extending from two metres below the high water mark to two metres above the high water mark, measured horizontally above the surface of the land and including the surface of any structure built to retain the land.

Policy

Support the implementation of a dinghy management policy by implementing storage management policies and procedures:

- The adhoc storage of dinghies is not permitted in any area of the foreshore except where there is a formal storage area (see attached location plan) and an authorised permit for the storage of a dinghy has been issued by the Town.
 - Storage will be limited by the available space, not by demand, however it is proposed that the current 'historical' number (12) and location of dinghy storage bays be formalised so the dinghies can be managed effectively with minimal disruption.
 - Any dinghy found outside a designated dinghy storage area or any unregistered dinghies within a dinghy storage area may be subject to confiscation or impoundment by the Department of Biodiversity Conservation and Attractions or the Town of East Fremantle (under Delegation DA66 Authorisation to Remove Dinghies from Foreshore).
 - While the Swan River is a State asset, the use of infrastructure to access and store dinghies is funded through municipal rates, and as such, a preference is given to Town of East Fremantle ratepayers.
 - Allocation of dinghy storage positions is controlled by the Town and managed via dedicated dinghy storage locations. The order of priority for dinghy storage is as follows:
-

- (1) Long Term Mooring Holders who are Town of East Fremantle residents
 - (2) Long Term Mooring Holders who are not Town of East Fremantle residents
 - (3) Small water craft owners who are Town of East Fremantle residents
 - (4) Small water craft owners who are not Town of East Fremantle residents
- Private dinghies, and other small approved watercraft, can be stored for a 12 monthly period once registered with the Town and expires June 30 each year.
 - The Town will retain a 'Dinghy Registration Waiting List' for an available bay should demand exceed permitted storage areas.
 - Previous registration holders can apply to renew their storage registration each year and will be given preference over new applicants.
 - The 'on-selling' or gifting of storage bays to third parties or family members is not permitted and will result in the immediate forfeit of the storage bay and remaining fees.
 - An annual registration fee applies to all registered storage allocations. This fee will be reviewed on an annual basis.
 - The CEO and Executive Manager Corporate Services has delegation to approve and issue Dinghy Storage registrations in line with this policy.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Community Service
Decision making Authority:	Council
Policy Adopted:	18/2/20
Policy Amended:	20/4/21
Next Review Date:	



**LOCATION OF
DINGHY MOORINGS**

4.2.3 Tree Management and Protection in Public Places Plan

Type:	Operations – Parks & Reserves
Legislation:	Public Places and Local Government Property Local Law 2016 Penalty Units Local Law 2016
Other Related Document:	AS 4373 'Pruning of Amenity Trees' 2007 Council Policy 3.2.4 – Verge Treatment Policy Council Policy 4.2.1 – Maintenance & Removal of Public and Verge Trees Town of East Fremantle Climate Emergency Strategy 2022-32. Urban Streetscape and Public Realm Style Guide

Definitions

For the purposes of this policy:

“Naturally occurring tree” means a remnant of a natural area (for example bushland and river escarpment) that was originally intact but subsequently cleared for development as recreational parkland, residential lot, road reserve and the like.

“Public places” means any land under the care, maintenance and/ or control of the Town of East Fremantle

Objective

This tree management and protection plan policy has been developed to:

- ensure community amenity and environmental sustainability of (new) trees by protecting and preserving trees in public places throughout the Town of East Fremantle (the Town), with specific reference to the Preston Point Road North Recreation Precinct.
- determine circumstances under which existing trees may be considered for removal and/or pruning.
- mitigate against risk of vandalism and tree deaths in the Town.
- provide specifications for the replacement of trees that die from natural environmental conditions.
- provide specifications for the management and maintenance of trees.
- provide strategies to protect sensitive view corridors.

Policy Scope

Trees form an important element of the public domain and a valued feature of the Town and need to be protected, retained and conserved. This policy applies to all trees and planting within the road verges and all public places under the management and control of the Town.

This Policy also specifically references tree management on the Preston Point Road North Recreation Precinct Area A between Preston Point Road and Jerrat Drive (including the verge/ top of escarpment

to the north of Jerrat Drive) and the playground and Petra Street. Protection of view corridors will only be considered in Area A of the identified plan.

The management of the trees for the purposes of protecting view corridors will only be to those view corridors considered by Council to be sensitive, specifically:

- Blackwall Reach
- Bicton Baths
- Associated mooring areas located between Bicton Baths and Blackwall Reach
- Perth City skyline

Council may also consider other reasonable requests.

Swan Canning River Development Control Area and Riverpark

Part of the Town is located within the Swan Canning River Development Control Area (DCA) and associated Swan Canning Riverpark. All development in the DCA is subject to approval and control under the Swan and Canning Rivers Management Act 2006 (SCRM Act) and is subject to the Swan and Canning Rivers Management Regulations 2007 (SCRM Regulations). The Department of Biodiversity, Conservation and Attractions (DBCA) has overall planning, protection and management responsibility for the Swan Canning River system.

All land adjoining the Swan River, including the Preston Point Road North Recreation Precinct is located within the DCA. If/Where this policy is inconsistent with the SCRM Regulations and/or DBCA policy and requirements, the latter will prevail

Policy

Background

The Town has the responsibility of planning, establishing and maintaining all trees in public places however, there are some areas within the Town where the DBCA also has a role in tree planting approval.

The Town recognises that trees are a socially, environmentally and economically valuable asset, and this policy has been developed to retain and protect the urban tree canopy throughout all public areas under the management and control of the Town as a priority.

Trees, naturally occurring and planted, provide a number of significant benefits within the urban setting, including:

- physical health benefits such as reduces pollution, provide shade and sun protection as well as providing a more comfortable environment to encourage walking, cycling and other exercise.
- mental Health benefits by providing a pleasant environment for social activity (meeting people. In addition, exposure to nature can be restorative and calming.
- provide habitat for local wildlife and biodiversity.
- act as a carbon sink, provide oxygen and reduce level of urban heat.
- contribute to the aesthetic presentation of the streetscape, parkland and public buildings.

The Town has committed to increasing its total vegetation canopy cover to 30% by 2030; to support greening initiatives on both public and private land; and to collaborate with multi-disciplinary organisations to increase and protect green spaces ('Strategic Objective 2 Green Spaces' of the Town's Climate Change Emergency Strategy 2022-32).

The Town's tree capacity was recently boosted as a result of the 2021/22 Western Australian Local Government Association (WALGA) Local Government Urban Canopy Grant program. The Town's successful application has enabled the planting of an additional 476 trees, with approximately 40% of these being planted in the Preston Point Road North Recreation Precinct vicinity.

Site Specific – Preston Point Road North Recreation Precinct

Notwithstanding DBCA Development Control Area and associated Riverpark requirements to the contrary, the following applies for land within the Preston Point Road North Recreation Precinct as depicted in Figure 1:



Figure 1 – Preston Point Road North Recreation Precinct – Area A Tree Management Zone

Area A:

The management, planting, and maintenance of trees in Area A will occur as required, and:

- will take into consideration an assessment of view corridors from residential properties considered by Council to be sensitive, specifically: Blackwall Reach; Bicton Baths; Associated mooring areas located between Bicton Baths and Blackwall Reach; Perth City skyline; and other requests deemed to be reasonable by the Council.
 - the Town may crown, thin, under prune, property line prune and remedial prune selected trees that impede view corridors, however it will not prune any tree for a period of 5 years after planting unless required to do so to ensure best practice in tree care.
 - the height of the trees located to the south of the tennis courts adjoining Preston Point Road will be kept in line with the height of the top of the boundary fence of the tennis club along Preston Point Road, to maintain view corridors. The height of the fence is a minimum of 1400mm from natural ground level at the verge adjoining the footpath on Preston Point Road.
 - where a tree exceeds a growth height of 4-6 metres for a 'small tree' and 6-8 metres for a 'medium tree' as advised during tree planting consultation for Preston Point Road North
-

Recreation Precinct, the Town may consider the additional tree height as a reason to prune or crown the tree.

Maintenance and Management of Trees (General)

Ownership and maintenance of trees in public places is the responsibility of the Town. Residents and/or other persons not authorised by the Town are not permitted to prune, remove, or modify any tree in a public place. Where Council considers it to be appropriate, all naturally occurring trees in a public place are to be retained.

The Town will generally not support the removal of any public or street tree unless it is dead, dying or stunted.

Post planting

Unless otherwise required/ directed by the Town, the Town is responsible for the post planting care and maintenance of all of the trees in public areas, specifically:

- adopting appropriate practices of post planting care to ensure the survival of all trees planted.
- undertaking the watering and maintenance of all new trees, as and when required, until the trees are established or for a period of not less than two (2) years.
- tree watering will include all of the Town's programmed plantings.

Tree pruning

Selective pruning of tree canopies can help improve structural form and site safety. Correct tree pruning practices can reduce the likelihood of branch failures, limit pest and disease infestations, improve site safety and tree amenity, encourage sound structural development and extend tree longevity. Pruning may be also required in some circumstances for crown lifting for construction, vehicular or machinery access. Incorrect pruning is often irreversible, may negatively impact tree health and structure and create unnecessary hazards within and surrounding the tree.

Trees planted in the Town may be considered for pruning by an authorised person for the following reasons:

- A tree and or its limbs are deemed a safety risk to property and/or the community.
- Allow unobstructed pedestrian and vehicle movement on public thoroughfares.
- Ensure clear traffic sightlines.
- Improve tree form, structure and health.
- Remove dead or dying limbs
- Remove diseased or pest infested limbs.
- A tree is considered unsuitable by the Town.
- Retention of view corridors strictly relating to those trees in Area A only. Any tree that is replaced because of malicious damage, poisoning and wilful actions does not fall with the requirements of this criteria and therefore is not required to be considered under the provisions of managing sensitive view corridors. Replacement trees are as per the requirements of this Policy.

Trees will not be considered for pruning to:

- reduce leaf or fruit litter, bark drop, bird droppings or similar.
- reduce height without a justifiable arboriculture cause (unless to protect views in Area A and complies with the requirements of the area specific criteria and/ or is not a replacement tree).
- reduce shade.
- facilitate the construction of a new crossover.

Tree pruning specifications

Where a tree has been assessed by the Town and found to need pruning, the specified required works are to comply with the Australian Standards 4373 'Pruning of Amenity Trees' 2007 and are to be undertaken by a suitably trained and qualified arborist with a (minimum) Australian Qualification Framework (AFQ) Level 5 Arborist (Certificate 3 in Arboriculture/ Diploma in Arboriculture).

Procedure for request for pruning

Residents/ owners may request the Town to consider pruning a tree by writing to the Town specifying the reason for the pruning and provide any other information to support the request based on this policy.

Upon receipt of such a request for consideration:

- the Town will assess the request on the basis of those reasons previously stated in this policy for which pruning may be considered.
- the Town will cause the tree to be physically inspected by an officer(s) of the Town or an officer appointed by the Town and an inspection report be completed, containing relevant statistical details (for example height, visual health etc). Where further technical information is required, the Town may seek the advice of a qualified arborist, the cost of the arborist and any technical information is to be borne by the applicant.
- in the case of Area A, an officer of the Town will assess any claimed impact on view corridors and a report will be completed.
- the results and recommendations from these inspections and reports will be presented to the Town's Chief Executive Officer for a decision on action to be taken.
- a report may be presented to Council for consideration and determination where a specific issue relating to pruning of significant trees has not been agreed to the satisfaction of both the Town and the applicant, or in the instance where the request has been refused.

Tree replacement

Loss of tree/removal of dead tree due to natural environmental conditions

- Where any tree dies or is required to be removed because of natural environmental conditions or by disease, the tree will be replaced with a like-for-like species and at a ratio of 1 to 1.
- Removal of whole or part of a tree by an authorised person due to the death of a tree will result in the tree being replaced with a tree variety and size selected by the Town and where relevant, as per the requirements of the DBCA.

Loss of tree due to intentional damage, poisoning, or wilful actions

- Any tree within the Town that is wilfully damaged, removed, poisoned, ring barked or otherwise damaged/killed, will be replaced by a species as recommended by DBCA (where relevant) and chosen by the Town at a ratio of 3 trees planted for any 1 tree removed. • Where it is
-

considered that further damage may occur to replacement or other nearby trees, the Town may erect signage or structures to identify a tree(s) was wilfully damaged, prior to planting the 3 replacement trees. The time such signage or structures remains in situ is at the discretion of the Town.

- No height provision/restrictions will be considered for the replacement tree/s maliciously damaged/killed/removed, including replacement trees provided in Area A (Figure 1). Trees replaced because of intentional actions will not be pruned by the Town for the purposes of maintaining view corridors.
- The Town will not seek comment on the replacement trees maliciously damaged/killed/removed.
- The pruning of any tree without the Town's authorisation affecting tree growth and associated survival will be treated in the same manner with regard to replacement.

(Note: In addition to the action above, the Town's local laws allow for a penalty per unauthorised tree removal where it can be identified who removed the tree).

Other relevant requirements:

Town of East Fremantle - Delegations

- DA59 Wilful Damage of Trees and Other Council Property
- DA64 Authorisation to Remove Dead or Dying Street Trees
- DA65 Authorisation to Approve the Remove of Trees of Public Land

If/Where this policy is inconsistent with any other Council Policy or Delegation requirements, this Policy will prevail

Responsible Directorate:	Operations
Reviewing Officer:	Executive Manager Technical Services
Decision making Authority:	Council
Policy Adopted:	15/11/22
Policy Amended/Reviewed:	

5. RANGER SERVICES

5.1 ANIMAL CONTROL

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:

- a) 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.
- b) 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.
- c) provide, and regularly review, those areas where dogs are permitted, both on-lead and off-lead, and areas where dogs are prohibited or restricted.
- d) maintain an open dialogue with residents and concerned groups regarding present and future dog management issues.
- e) 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.

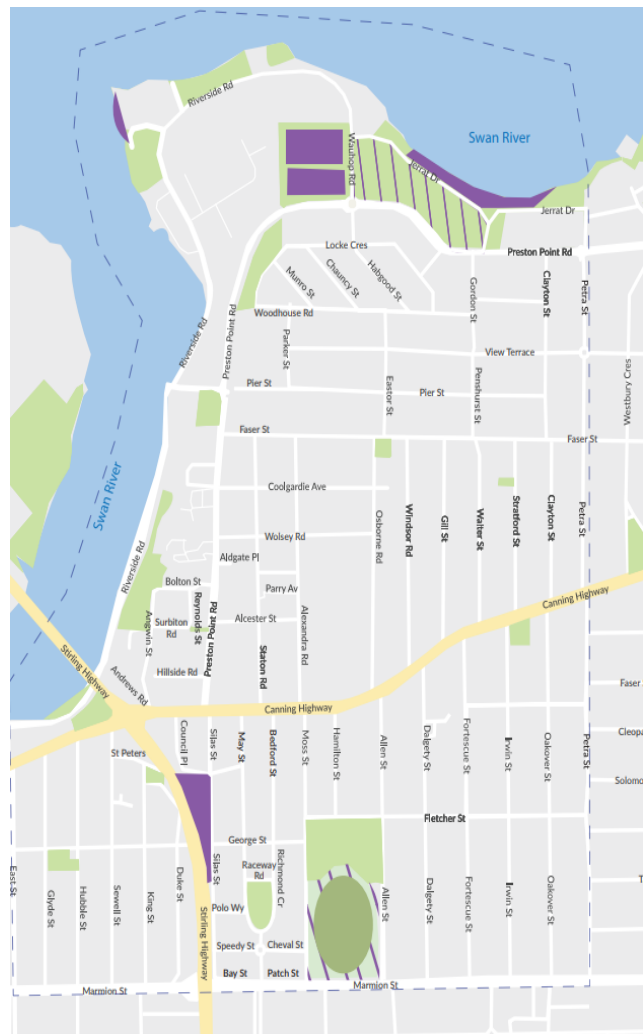
DOG OFFLEAD EXERCISE AREAS

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

6. COMMUNITY

6.1 ACTIVITIES

6.1.1 Community Gardens

Type:	Community – Activities
Legislation:	
Delegation:	
Other Related Document:	<ul style="list-style-type: none"> • Town of East Fremantle Community Garden Agreement Template (proposed) • Town of East Fremantle Community Garden Toolkit (proposed)

Objective

To facilitate and promote community gardens, on Town of East Fremantle owned or managed land, that are sustainably managed and led by the community in such a way that the needs of all stakeholders are taken into account.

Purpose

This Policy seeks to enable gardeners within the Town of East Fremantle to activate public spaces, participate in community initiatives and interact within a community space, with varying types of open communal garden areas available in accordance with the needs of those stakeholders participating in the initiative.

Users of community gardens on local government owned or managed land have traditionally been, and in this instance will be, required to be an Incorporated Association. This ensures that adequate insurance coverage and access to funding support can be made available. If the Incorporated Association is not based within the Town of East Fremantle they will need to show evidence of how their proposal will benefit residents within the Town

Definitions

“Council owned or managed land” includes present and future Town freehold land (land owned by the Town of East Fremantle) and Crown land (land owned by the State, under the care and control of the Town, usually by way of a management order). It excludes privately owned or controlled land, and land owned or controlled by State Departments.

“Incorporated Association” is a registered group that is not for profit and holds a current Certificate of Incorporation under the Associations Incorporations Act 2015. It is noted that a group may also enter into a satisfactory auspice arrangement with an existing incorporated association which holds the appropriate insurance cover (including public liability cover that indemnifies the Town).

“Community Garden Agreement” refers to the licence, lease or Memorandum of Understanding applicable to the **Community Garden** space.

“Community Garden”, a piece of land operated collectively by a group of people for the primary purposes of community food production and recreational gardening. There are a number of different structures of community gardens. The most common types are:

- Community gardens with individual allotments allocated to individual members;
- Community gardens where the entire garden is run collectively as a shared enterprise; and
- Community gardens that integrate both allotment and shared gardens.

“Garden for the Community”, an area that is intended to be enjoyed and cared for by the community, but for which the ultimate maintenance responsibility lies with Council. As such, the Council would undertake planning, care and control of the area, with a relevant level of consultation, in order to make sustainable decisions on appropriate infrastructure and planting.

“Memorial Gardens” are a **“Garden for the Community”** created to commemorate someone or something lost, as an ongoing tribute which holds significance for the Town.

“Pop Up” the term pop-up refers to a temporary installation that will be in situ for a period of up to 6 months.

It should be noted that all **Community Gardens** and **Gardens for the Community** will be;

- “Smoke Free” zones;
- dog on lead friendly areas (where appropriate);
- in an easily accessible location suitable for active and passive surveillance;
- of a suitable size and topography for the proposed use;
- subject to community consultation with residents within at least a 400 metre radius; and
- formally endorsed by Council.

Community Garden Process

“Community Garden”

1. Interested residents should form a Community Garden Committee consisting of at least five (5) members to formally approach the Town of East Fremantle with the proposal to establish a **Community Garden**. This enables the Town to ensure that there is a group willing to take a leadership role in the establishment and ongoing management of the proposed **Community Garden**. The proposal should include;
 - Demonstration of the group’s capacity (commitment, knowledge, experience) to establish and manage the site
 - Evidence of support from possible partner organisations and / or residents
 - A basic design and construction plan, including identified funding sources
 2. If not already incorporated, the Community Garden Committee becomes an Incorporated Association, under the Associations Incorporations Act 2015, in order to manage their legal structure and insurance / fund management requirements.
Unincorporated groups cannot be considered by Council as an organisation suitable to manage or control a community garden due to legal and insurance requirements.
-

3. The Incorporated Association enters into an agreement with the Town, and agrees to abide by the terms therein, designating them as the manager of the **Community Garden**.
*The terms of the **Community Garden Agreement** will include reference to water access and the responsibility for the payment of costs associated with this supply.*
4. The Incorporated Association sources any necessary funding for the establishment of the Community Garden.
5. No statutory approvals are required unless the proposal includes building, structures or retaining walls greater than 500mm in height which require Development Approval. Such buildings and structures will be required to consider the Town's Wood Encouragement Policy.
6. The Incorporated Association maintains financial viability and appropriate insurance cover.
7. The Incorporated Association remains responsible for ongoing maintenance.
8. The Incorporated Association will return the site to its original (or a mutually agreed) condition should they disband or the lease not be renewed.

"Garden for the Community"

- The Town will identify and allocate suitable land under the Town's control and management for the facilitation of a community accessible garden area.
- No statutory approvals are required unless the proposal includes building, structures or retaining walls over 500mm in height which require Development Approval. Such buildings and structures will be required to consider the Town's Wood Encouragement Policy.
- The Town will as required provide suitable infrastructure and / or vegetation to provide shaded areas for public recreation.
- The Town will have a requirement, where deemed appropriate to plant native species of vegetation.
- The Town will endeavour to increase the Town's urban forest canopy where appropriate.
- The Town will project manage the establishment of the garden, with a concept design to be developed and advertised for public comment.
- The Town will endeavour to deliver Water Wise and Waste Wise outcomes, and sub funding under these programs. However, it is acknowledged that the Town will have limited access to external funding (as the space will not be recognised as an Incorporated Community Garden).
- Community members who wish to work in the garden will be registered as volunteers.
- The garden will be recognised as a public open space for visitors.

Policy for Incorporated Community Gardens

It is the responsibility of the Town of East Fremantle to;

- connect groups and community members to;
 - foster relationship building;
 - encourage knowledge and skill sharing; and
 - strengthen community cohesion and interaction, particularly for groups that are considered marginalised such as the elderly or disabled;
 - facilitate, where appropriate **Community Gardens** through the provision of advice and support for interested groups;
-

- provide a streamlined and consistent approach to the assessment and management of **Community Garden** requests on Council owned or managed land;
- prepare and maintain **Community Garden Agreement** as relevant; and
- manage established **Gardens for the Community**.

Garden Maintenance

The recognised Incorporated Association is responsible for maintaining their **Community Garden** so that the health and safety of the surrounding community is not adversely impacted. They become the manager of the space.

The Town of East Fremantle is responsible for maintaining **Gardens for the Community** so that the health and safety of the surrounding community is not adversely impacted. They are the manager of the space.

Community Garden and **Garden for the Community** managers shall:

- abide by all relevant Town and State legislation and regulations;
- ensure that the space is kept free of litter;
- ensure any water leaving the garden is not contaminated by chemicals, herbicides, pesticides, sediment, fertiliser, manure or excessive organic matter that might pollute waterways or cause injury or harm to humans or animals;
- ensure that excessive water does not enter into the Town's stormwater infrastructure;
- not use Glyphosate, use of this herbicide is not permitted on Council owned or managed land.
- ensure that food organics are not composted directly within the garden space. The Town encourages the composting of food and garden organics through the use of the FOGO system;
- ensure rainwater harvesting systems are maintained so that water is of a high quality;
- ensure compost, worm farming systems and fertilisers are maintained so as not to attract vermin, produce unpleasant odours or present a fire risk; and
- ensure any materials delivered to, or stored at the garden are maintained so as not to create an unpleasant or unsafe environment for other residents in the community.

Termination

The Town and the Incorporated Association will take all reasonable steps to resolve any issues or disputes that may arise, however, the Town reserves the right to terminate a **Community Garden Agreement** for a breach of conditions by giving 30 days' written notice of termination.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	18/02/20
Policy Amended/Reviewed:	

6.1.2 Trading in Public Places

Type:	Community - Activities
Legislation:	Food Act 2008, Local Government Act 1995. Public Places and Local Government Property Law 2016
Delegation:	DA82
Other Related Document:	Town of East Fremantle Fees and Charges

Objective

The purpose of this policy is to provide guidance to mobile food vendors and temporary stall holders about the procedures required for the approval of mobile food vendors and temporary stall holders to trade in a public place within the Town of East Fremantle.

Policy Scope

This policy applies to all mobile food vendors and temporary stall holders who would like to sell goods from Council land, including packaged foods, foods requiring limited food preparation and high risk, take-away and ready-to eat foods or other items such as flowers, plants, books or garage/craft sale type goods.

The licence referred to in the policy does not apply to mobile food vendors and temporary stall holders who operate on privately owned land.

Policy

The Town of East Fremantle will permit trading in a public place in accordance with the *Public Places and Local Government Property Local Law 2016* subject to the below requirements:

The Public Places and Local Government Property Law 2016 Part 3 states:

1. *A person must not without a licence:*
 - (f) *carry on any trading on local government property unless the trading is conducted –*
 - (i) *with the consent of a person who holds a licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or*
 - (ii) *by a person who has a licence or permit to carry on trading on local government property under any written law*
- 8.1 *Application for a licence:*
- (2) *An application for a licence under this local law must:*
 - (a) *be in the form determined by the CEO,*
 - (b) *be signed by the applicant,*
 - (c) *provide the information required by the form; and*

- (d) *be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.*

A licence is valid for one year.

Fees and Charges

Applicable fees and charges are to be paid as per the Annual Fees and Charges Schedule.

The Chief Executive Officer may waive the fees and charges applicable if the trader demonstrates that they are fundraising for a community or sporting group or another charitable or worthwhile cause.

Times of Trading

Temporary food stall holders must only trade during the times and dates stated on the approved licence.

Insurance

Mobile food vendors and temporary stall holders must provide their own public liability insurance for \$20,000,000.

Sustainability

Traders must exclude:

- Provision, sale, distribution or use of balloons and confetti as part of the event.
- Use of Polystyrene and Styrofoam in the sale, distribution of food or beverages at the event
- Provision, sale or distribution of single-use plastics at the event including straws, cutlery, cups, coffee cups, bottles (including individual single use water bottles), plates, containers, bags and cling wrap.

Locations of Trading

Mobile food vendors are permitted to trade at the following locations:

- East Fremantle's Festival on George Street.
- Norm McKenzie Reserve.
- Locke Park on the car park adjoining the Bowling Club.
- Jerrat Drive on the car park between the Junior Football Club and Cricket/Lacrosse Club.
- Raceway Park.
- Any other location considered appropriate and approved by the Chief Executive Officer.

The maximum number of mobile food vendors that are permitted at any of the above sites is at the discretion of the CEO and will be considered on the individual merits and impacts of each licence application.

Conditions of the Licence

Conditions relating to any stall or van proposing to sell food:

- Proprietors must comply with the requirements of the Food Act 2008.
 - The proprietors must supply a copy of their Approved Food Business Certificate to Council's Principal Environmental Health Officer.
 - Any stall or van selling food will be subject to health and safety risk assessments while in operation.
-

- Proprietors of any stall or van selling food must comply with any direction given by Council's Principal Environmental Health Officer.

Other matters to be considered by Council

Any activity or event proposed in a river side location will have to seek the prior approval of Department of Biodiversity, Attractions and Conservation prior to operating. This approval is to be provided to Council for consideration.

Responsible Directorate:	Executive Manager Regulatory Services
Reviewing Officer:	Principal Environmental Health Officer
Decision making Authority:	Council
Policy Adopted:	21/07/20
Policy Amended/Reviewed:	

6.1.3 Sustainable Event

Type:	Community - Activities
Legislation:	
Delegation:	
Other Related Document:	Trading in Public Places Policy, Waste Plan (in draft)

Objective

The Town of East Fremantle is committed to environmental and sustainable practices that limit negative impacts to the environment. Since the rollout of the Food Organics, Garden Organics (FOGO) waste service, the Town has strived to reduce unnecessary waste at corporate and community events by incorporating FOGO waste practice and using material that is either reusable or compostable. The Sustainable Events Policy is to provide the Town, community and third parties a guide to the requirements when trading in the Town.

Policy

This policy applies to:

- all events coordinated by the Town, or contractors who are employed by the Town to coordinate an event ('Town Events').
- all events produced by a third party but subject to formal approval by the Town including events held on land under the Town's care and control, and events supported by Town grants (Approved Events).
- all events that include any form of actions or business which apply to the Trading in Public Places Policy.

1. Town Events

- i. Events organised by the Town or contractors employed by the Town to produce an event are to:
 - a. provide clearly labelled and attended Recycling, FOGO and General Waste Bins with signage indicating correct waste disposal for each waste stream with bin monitors to reduce contamination.
 - b. exclude:
 - provision, sale, distribution or use of balloons, confetti and glitter as part of the event;
 - use of polystyrene and Styrofoam in the sale and distribution of food or beverages at the event; and
 - provision, sale or distribution of single-use plastics at the event. This includes straws, cutlery, cups, coffee cups, bottles (including individual single-use water bottles), plates, containers and bags.
- ii. provide an easily accessible alternative to bottled water which enables patrons to refill

- empty drink bottles with drinking water free of cost.
- iii. restrict promotional material, decorations and supplies to those which can be reused and/or recycled.
 - iv. minimise the use of printed promotional material for example posters, flyers, business cards and newspaper inserts by maximising the use of social media platforms and local publications for the distribution and dissemination of promotional material.
 - v. incorporate:
 - c. promotion of walking, cycling and public transport options.
 - d. provision of adequate bike parking for all large scale events.
 - e. Provision of reusable alternatives for single use items including cups, plates and cutlery.
 - f. Preference of local suppliers and services.
 - g. Provision of post event clean-up.

2. Approved events

- i. Events produced by a third party but subject to the formal approval of the Town or events where approval is required under the provisions of Trading in Public Places Policy are to:
 - a. exclude:
 - provision, distribution and use of balloons, confetti and glitter as part of an event
 - use of polystyrene and Styrofoam in the sale in the sale or distribution of food and beverages.
 - provision, sale or distribution of plastic straws at the event. This does not include paper or cardboard straws.
 - provision, sale or distribution of single use plastic water bottles.
 - b. minimise the use of printed promotional material and instead use social media platforms for the distribution and dissemination of information and promotional material.
 - ii. Events approved by the Town but produced by a third party are encouraged to:
 - a. exclude provision, sale or distribution of single-use plastics at the event. This includes: cutlery, cups, coffee cups, bottles, plates, containers, bags, cling wrap, straws and bottled water. This does not include compostable packaging made from organic material e.g. paper, cardboard, sugar cane and cornstarch.
 - b. restrict promotional material, decorations and supplies to those which can be reused, recycled, contain recycled content and/or be certified carbon offset.
 - iii. In addition, all large scale events where five (5) or more businesses are present are to:
 - a. provide clearly labelled FOGO, Recycling and General Waste bins.
 - b. incorporate:
 - promotion of walking, cycling and public transport options.
 - provision of adequate bike parking.
 - Preference of local suppliers and services.
 - Provision of post event clean-up.
-

- c. where practical and available, provide an easily accessible alternative to bottled water which enables patrons to refill empty drink bottles with drinking water free of cost and/or the incorporation of Containers for Change Bins when alternatives are unavailable.

Small scale events where there are less than five trading businesses are encouraged to adhere to these requirements also.

- iv. Variations
Variations to this policy may be sought for valid health and safety reasons or where there is no other practical alternative available.

Implementation and Enforcement of this Policy

Implementation of the policy will be staged over a 2 year roll out period. Vendors and businesses will be provided the Town’s requirements for events prior to approval being granted and then will be requested to provide information to confirm compliance with those requirements.

Compliance with the policy will be pursued through proactive communication, education and support rather than through formal monitoring and enforcement. However where there is blatant disregard for this Policy, third party providers of events and other such trading businesses will not be authorised or approved to operate at future events as described under this policy or where approval is required under the Trading in Public Places Policy, until such time as it can be appropriately demonstrated there is compliance with this Policy.

Responsible Directorate:	Regulatory Services
Reviewing Officer:	Executive Manager Regulatory Services
Decision making Authority:	Council
Policy Adopted:	20/10/20
Policy Amended/Reviewed:	