



AGENDA

Council Meeting

Tuesday, 15 September 2020 at 6.30pm

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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

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

<p style="text-align: center;">Deputations</p> <p style="text-align: center;">A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p style="text-align: center;">Presentations</p> <p style="text-align: center;">An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.</p>
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Procedures for Deputations

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to three (3) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

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

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

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

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

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

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held at 6.30pm on Tuesday, 15 September 2020 in the Council Chamber, 135 Canning Highway, East Fremantle and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

- 1. OFFICIAL OPENING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging."
- 3. RECORD OF ATTENDANCE**
 - 3.1 Attendance**
 - 3.2 Apologies**
 - 3.3 Approved**
- 4. DISCLOSURES OF INTEREST**
 - 4.1 Financial**
 - 4.2 Proximity**
 - 4.3 Impartiality**
- 5. PUBLIC QUESTION TIME**
 - 5.1 Responses to previous questions from members of the public taken on notice**
Nil.
 - 5.2 Public Question Time**
- 6. PRESENTATIONS/DEPUTATIONS**
 - 6.1 Presentations**
Nil.

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (18 August 2020)

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 18 August 2020 be confirmed as a true and correct record of proceedings.

8.2 Meeting of Council (27 August 2020)

8.2 OFFICER RECOMMENDATION

That the minutes of the Special meeting of Council held on Thursday, 27 August 2020 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS
Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (1 September 2020)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 1 September 2020, exercised its delegation in four statutory matters where at least four members voted in favour of the Reporting Officer's recommendations. A strategic report on State Planning Reforms was referred to Council for consideration and is the subject of a separate report within this agenda (refer Agenda Item 12.1.1).

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1 COMMITTEE RECOMMENDATION

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 1 September 2020 be received.

TOWN OF
EAST FREMANTLE



MINUTES

Town Planning Committee

Tuesday, 1 September 2020 at 6.30pm

Disclaimer

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6.2 Public Question Time
Nil

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations
Nil

7.2 Deputations
Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning Committee (4 August 2020)

8.1 OFFICER RECOMMENDATION

Moved Cr Nardi, seconded Cr Watkins

That the minutes of the Town Planning Committee meeting held on Tuesday 4 August 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER
Nil

10. REPORTS OF COMMITTEES
Nil

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Glyde Street No 87 (Lot 118) Proposed alterations and additions

Owner	Paul Meara & Natarsha Rawlins
Applicant	Yu Nie Chong
File ref	P068/20
Prepared by	James Bannerman, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	1 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 87 (Lot 118) Glyde Street, East Fremantle.

Executive Summary

It is proposed to undertake alterations and additions to an existing dwelling. Existing walls on the boundaries, as well as the slab are being retained and a 5-bedroom, 2-bathroom double storey dwelling with undercroft garage is being proposed. Significant discussions have been held with the applicant in an attempt to moderate the design and achieve an outcome acceptable to the surrounding property owners and the Town to ensure the variations to the Residential Design Codes and Residential Design Guidelines are kept to a minimum. The property is not heritage listed.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Boundary – Garage – wall on one boundary only required, wall on 2 boundaries (southern boundary wall existing, northern boundary wall existing)
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper floor – Northern Boundary – 3.5m required, 1.5m provided
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – Bathroom 1 – North-Eastern Corner – 7m required, 7.9m provided
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 7.5m required, 5.2m provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Residential R20
Site area: 508m²

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

Nil

Consultation

Advertising

The application was advertised to surrounding land owners from 8 to 23 July 2020. Four submissions were received. The submissions as well as applicant and Town officer responses have been included in a separate attachment.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

- 4.1 Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 Plan for improved streetscapes parks and reserves.*

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Southern boundary – ground floor – bed 2, 3, garden, bed 4, laundry, staircase		Existing wall	N/A
Southern boundary - pavilion	1m	1m	A
Western boundary - pool	1m	1.95m	A
Northern boundary – pool fence	1m	1m	A
Northern boundary - lounge 2, bed 5, bath2	1.5m	Part of wall is existing and on boundary while new part of wall is 1.5m from boundary	A
Northern boundary – staircase, toilet, study, terrace 4	2.6m	3.2m	A
Northern boundary - garage	Wall built to boundary on 1 side only	Wall built to boundary on both sides	D
Southern boundary – first floor – bed 1	1.2m	3.3m	A
Southern boundary – hallway, lounge 1, dining	1.5m	3.2m	A
Western boundary – feature wall	1m	1.95m	A
Northern boundary – kitchen, pantry, void, bathroom	3.5m	1.5m	D
Open Space	50%	52%	A
Wall Height	7m	7.9m (north eastern corner of master bedroom)	D

Roof Height	9m	8.4m (front) to 9m (rear)	A
Car Parking	0 car bays	1 car bay	A
Site Works	Excavation maximum of 0.5m except for vehicle access	Up to 1.45m excavation for vehicle access	A
Visual Privacy			
	Swimming pool deck	Screening added and additional height to boundary walls	A
First floor rear terrace	7.5m	5.2m - overlooking patio roof built close to boundary of 8 Marmion Street	D
Overshadowing	<25%	Marmion Street No 8 Lot 4 – 8% No 10 Lot 8 -19% No 12 Lot 9 - 25.5% - existing overshadowing No 14 Lot 6 – 26% - existing overshadowing Lot 801 – 24%	A
Drainage			To be conditioned

Local Planning Policies Assessment

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

This development application proposes alterations and additions at No 87 (Lot 118) Glyde Street, East Fremantle. The proposed development is a contemporary design with skillion and flat roofs, open plan living areas and a combination of materials being used including 'customorb', face and painted brick, concrete and timber. The following changes to the existing dwelling are proposed;

- the addition of a second storey,
- the addition of a light well to break up the long parapet wall on the southern side of the property,
- the creation of an undercroft car park and storage area,
- significant changes to internal openings and rooms,
- a swimming pool with attached deck area, and
- rear pavilion.

The property is not heritage listed and significant portions of the building are proposed to be demolished. Existing features of the site including the significant height above surrounding properties and existing parts of the dwelling which do not comply with current planning regulations have been utilised as part of the alterations and additions. It is a narrow and long lot (12.251m and 41.481m respectively) and this creates constraints which have to be dealt with in the development application, including issues around setbacks, visual privacy and overlooking.

The garage is setback in alignment with the garage of the neighbouring property to the north at 85 Glyde Street. To maintain connection with the street and prevent the front of the garage being enclosed and becoming unwelcoming a visually permeable garage door is proposed to secure the garage.

The total height of the building is between 8.4m (top of front of dwelling) and 9m (top of rear of dwelling) and achieves the maximum height permitted by Table 3 of the Residential Design Codes. It is located on a limestone ridge, well above the rest of the street. This ridge, along with the existing residential dwelling, already limits the views of surrounding properties to the east, west and south that have significantly lower site elevations. There is no increase in overshadowing of those neighbouring properties to the south that already have overshadowing above 25% and only marginal increases in overshadowing for those properties with overshadowing less than 25%, and therefore does not require a request for a variation to overshadowing.

Visual privacy is maximised and overlooking reduced through the use of;

- Obscure glazing on major openings along the northern and southern sides of the dwelling,
- Fixed full height solid timber panels and solid walls on terrace 2 overlooking the northern neighbouring property,
- Fixed timber privacy screens on windows from the pantry, bathroom and bedroom windows, and
- Perforated metal screening with a height of 1.6m is to be added to the southern staircase from the ground level to the upper storey.

The rear terrace is set well back from the western boundary (in excess of 7.5m) so does not present privacy or overlooking issues.

A swimming pool and a deck area is proposed for the rear of the building. Privacy is maintained and overlooking reduced through the addition of extra height to the rear and side boundary fences. The additional height to be added to the rear and northern boundary fences is noted on the plans.

Sections of the roof are flat and will be able to support a garden. The rooftop has barriers that limit access by the residents to these spaces and it is not intended to become additional outdoor entertaining area.

Four variations are requested to the requirements of the Residential Design Codes in relation to:

- lot boundary setbacks;
- maximum wall height; and
- privacy setbacks.

These matters are discussed below.

Lot Boundary Setbacks - Northern Boundary - Garage

The garage wall is located along the northern boundary of the property. It is 12.15m long and on average less than 3m high. It has no major openings. Walls with a setback of 0m are permitted to one side boundary only for up to one third of the boundary length behind the front setback (13m). In this case there are walls built up to the boundary on both sides of the property. As such this wall does not meet the requirements of the deemed to comply requirements of the Residential Design Codes clause 5.1.3 C3.2 ii. However, the

location of the wall along the boundary does meet the design principles clause 5.1.3 P3.2 for the following reasons;

- Makes more effective use of the space for enhanced privacy for the occupants,
- There is no impact on sunlight or ventilation to the building, open spaces on site or the adjoining properties,
- Improves privacy and reduces overlooking on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property, and
- Direct sunlight to habitable rooms and outdoor living areas for adjoining properties is not restricted and it positively contributes to the prevailing and future development context and streetscape as outlined in the local planning framework.

For these reasons, the proposed garage wall on the northern boundary can be supported.

Lot Boundary Setback - Upper floor – Northern Boundary

The northern wall of the upper storey is approximately 25.6m long and 7.5m high with no major openings. According to the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall like this is required to be setback 3.5m from the lot boundary. In this case the design shows the wall setback 1.5m. However, the wall does achieve design principles clause 5.1.3 P3.1 for the following reasons;

- There is reduced impact of building bulk on adjoining properties,
- It does not impact on sunlight or ventilation to the building and open spaces on site and the adjoining properties, and
- It minimises the extent of overlooking and loss of privacy on adjoining properties.

It is noted that the subject property is to the south of the adjoining property that is affected and as such does not have an impact as a result of overshadowing. It is also noted that the adjoining property has a wall facing the subject property for the length of the building that is setback between 1m and 4.5m, has no major openings, but overshadows the subject property.

For these reasons the reduced lot boundary setback of the upper storey to the northern boundary can be supported.

Wall Height - Bathroom 1 - North-Eastern Corner of Proposed Dwelling

The wall height of bathroom 1 is approximately 7.9m from natural ground level directly below the corner of the eastern and northern walls on the upper storey. This is in excess of the maximum permissible wall height of 7m for the top of an external wall for a concealed roof as required by Category B heights of Table 3 and deemed to comply clause 5.1.6 C6 of the Residential Design Codes. In this case the slope of the lot at this point results in the dwelling being higher than the rest of the building anywhere along this wall. The proposed increase in wall height is considered acceptable as it achieves the design principles for the following reasons;

- Adequate direct access to sunlight in to the building and open spaces,
- Adequate daylight into major openings of habitable rooms, and
- No impact on views of significance.

The height of this section of the wall does not result in a higher total roof height with the maximum height of the clerestory window and associated roof being between 8.4m and 9m for the full length of the building which is within the limits set by deemed to comply clause 5.1.6 Table 3 Category B of the Residential Design Codes.

For these reasons the increased height at this part of the proposed dwelling can be supported.

Privacy Setbacks

The rear balcony does not meet the 7.5m privacy setback that is required for outdoor living areas more than 0.5m above natural ground level by deemed to comply clause 5.4.1 of the Residential Design Codes for the rear of the property at 8 Marmion Street. The privacy setback is equal to 5.2m, however, the area being overlooked at 8 Marmion Street is fully covered by a patio roof and privacy is maintained by this roof. Overlooking does not reduce the level of privacy for this property so in accordance with design principles 5.4.1 P1.2 privacy is maintained through the roofing and as such can be supported. It is also noted that no submission was received from the owners of 8 Marmion Street in relation to the proposed development.

Response to Submissions

It is noted that there have been numerous phone conversations and face to face meetings with the applicant to address the concerns of surrounding residents and meet the Town's expectations regarding design. Following advertising and the submissions received from neighbouring properties the applicant, with the support of the owners, was willing to alter the design in response to concerns regarding height, privacy, overlooking, bulk and scale. A proactive approach was adopted by the applicant to achieve outcomes that addressed the issues highlighted by the Town, and following submissions received from neighbouring properties.

The following changes were made to the originally submitted plans;

1. The overall maximum height of the building was reduced such that the maximum height of the building at the front is 8.4m and at the rear it is 9m,
2. The pitch of the top roof above the clerestory windows was reduced to 31 degrees,
3. The front balcony (terrace 3) was removed completely from the design,
4. Examples of the colours and materials of the dwelling was included in the submitted plans,
5. A visually permeable garage door was added,
6. The landscaping plan was modified to show additional trees to be planted to act as supplementary privacy screening
7. Additional height was added to the rear fence to improve privacy and reduce overlooking between the subject property and 86 East Street,
8. Additional height was added to the northern dividing fence to improve privacy and reduce overlooking between the subject property and 85 Glyde Street,
9. Retention of face brick along the southern boundary wall, rather than the use of render and white paint
10. Additional visual privacy screening added to the southern staircase, and
11. Obscure glazing added to the pantry window and upper storey door leading onto the landing for the southern external staircase.

The changes addressed concerns from submitters regarding privacy and overlooking, scale, bulk, height, colour and materials. It is noted that an email was received from the owners of 85 Glyde Street supporting the latest amended plans. The changes have created a dwelling that is less imposing on the streetscape and will fit well with the neighbouring property to the north and other contemporary homes in the Plympton precinct.

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes are considered acceptable. As such it is recommended that the proposed development be supported subject to planning conditions.

- Yun Nie Chong (architect) provided background and supported the officer's recommendation.
- Natarsha Rawlins (owner) spoke in support of the officer's recommendation.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP010920

Moved Cr Nardi, seconded Cr Natale

That development approval is granted and Council exercises its discretion in regard to the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Northern Boundary – Garage – wall on one boundary only required, wall on 2 boundaries (southern boundary wall existing)**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper floor – Northern Boundary – 3.0m required, 1.5m provided**
- (iii) Clause 5.16 – Residential Design Codes – Wall Height – Garage – North-Eastern Corner – 6m required, 6.4m provided**
- (iv) Clause 5.4.1 – Residential Design Codes – Privacy Setbacks – 7.5m required, 5.2m provided**

for alterations and additions at No. 87 (Lot 118) Glyde Street, East Fremantle, in accordance with the plans date stamped received 6 August 2020, subject to the following conditions:

- (1) The crossover widths are not to exceed the width of the crossovers indicated on the plans and to be in accordance with Council's crossover policy (2017) and the Residential Design Guidelines.**
- (2) The garage door is to have visual permeability in excess of 60% and is to be installed prior to occupation of the residence.**
- (3) All privacy screens as marked on the plans submitted and received on 6 August 2020 are to be installed prior to occupation of the residence.**
- (4) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (6) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- (7) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (8) If requested by Council within the first two years following installation, the roofing is to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or**

relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

(11) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.2 George Street No 68 (Lot 2) Proposed alterations and additions

Owner	Margaret & Michael Coffey
Applicant	John Chisholm Design
File ref	P074/20
Prepared by	James Bannerman, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	1 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed alterations and additions at No 68 (Lot 2) George Street, East Fremantle.

Executive Summary

The proposed development includes the demolition of the existing studio and carport at the rear of the existing building and the construction of a new triple garage and ancillary dwelling (above the garage) in the same location, as well as an expanded dining room on the ground floor of the main dwelling and larger bedroom 1 and lounge on the upper storey.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and Local Planning Scheme No 3;

- (i) Clause 5.1.3 – Residential Design Codes – Rear Boundary Wall – 1m required, 0m provided
- (ii) Clause 5.8.3 – Local Planning Scheme No 3 – Plot Ratio – 0.5:1 required, 0.58:1 provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Mixed Use R40
Site area: 330m²

Previous Decisions of Council and/or History of an Issue or Site
Within the George Street Designated Heritage Area.

Consultation

Advertising

The application was advertised to surrounding landowners from 4 to 18 August 2020. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005
Residential Design Codes of WA
Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment & Local Planning Scheme No3

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Northern wall – boundary – garage – ground floor	1m	0m	D
Western wall – garage – ground floor	0m	0m	A
Eastern wall – boundary – garage – ground floor	0m	0m	A
Northern wall – bedroom & bathroom upper storey	1.2m	1.2m	A
Western wall – bathroom, kitchenette, living – upper storey	0m	0m	A
Eastern wall – bedroom, living – upper storey	0m	0m	A
Western wall – dining – ground floor	0m	0m	A
Western wall – bedroom 1 – upper storey	0m	0m	A
Open Space	45%	47%	A
Plot ratio	0.5:1	0.58:1	D
Wall height	5.5m	5.141m	A
Roof height	8m	7.602m	A
Setback of Carport			N/A
Car Parking	2	3	A
Site Works			N/A
Visual Privacy			A
Bedroom ancillary accommodation	4.5m	4.5m	A
Living ancillary accommodation	6m	6m	A
Balcony ancillary accommodation	7.5m	7.5m	A
Bed 1 main building	4.5m	4.5m	A
Overshadowing			N/A
Drainage			To be conditioned

Local Planning Policies Assessment

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

This development application proposes alterations and additions to an existing dwelling at No 68 (Lot 2) George Street, East Fremantle. The proposed development includes the demolition of the existing studio and carport at the rear of the existing building and the construction of a new triple garage and ancillary dwelling (above the garage) in the same location, as well as an expanded dining room on the ground floor and larger bedroom 1 and lounge on the upper storey of the main dwelling.

One variation is requested to the requirements of the Residential Design Codes regarding the rear lot boundary setback and one variation is requested regarding the required plot ratio of the building on site in accordance with the Local Planning Scheme No 3.

Lot Boundary Setback – Rear Boundary Wall

The northern wall of the ancillary dwelling on the ground floor is 6.87m long and 3.091m high. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1i and Table 2a & b requires a lot boundary setback of 1m. In this case the wall is located on the boundary and achieves design principles clause 5.1.3 P3.2 for the following reasons;

- Makes more effective use of space for enhanced privacy for the occupants or outdoor living areas,
- Provides adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties,
- Minimises the extent of overlooking and resultant loss of privacy on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property,
- Ensures direct sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

For these reasons the reduced lot boundary setback should be supported.

Plot Ratio

The development has a plot ratio of 0.58:1 which does not meet clause 5.8.3 of Local Planning Scheme No 3. Under LPS 3 mixed use zones are supposed to have a plot ratio of 0.5:1. In accordance with clause 5.8.3 the plot ratio may be varied by the local government. In this case the development of 240m² is occurring

on a 412m² site (including common property). The variation is marginally more than required and is supported for the following reasons;

- The development is not excessive for a mixed-use site,
- New development is concentrated to the rear of the site rather than the front of the site,
- The proposed additions is similar in context and intent to what is proposed to be demolished, and
- Height is not excessive and in alignment with other sites along George Street.

It is noted that if the Residential Design Codes open space requirements were applied to the same site then 45% of the site would have to be dedicated to open space in accordance with Table 1 of the Residential Design Codes. In this case 47% of the site is open space and the proposed development would meet clause 5.1.4 deemed to comply requirements of the Residential Design Codes.

Heritage

The subject site is within the George Street Designated Heritage Area as defined in the Town's Local Planning Policy 3.1.6. The building is not a heritage building and is not listed on the Municipal Heritage Inventory or the Town's heritage list. It is not considered a contributory building according to Local Planning Policy 3.1.6, so the following principles apply;

Non- contributory Buildings – Additions and Alterations

General Principles

- 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.*
- Additions and alterations to non-contributory buildings are to respect and complement the scale, setbacks, bulk and proportions of the streetscape.*
- 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.*

In each case the proposed alterations and additions respect and complement the significance and character of the existing contributory buildings. As the development is concentrated at the rear of the existing building it does not impact on the streetscape. The proposed demolition of the rear studio and carport do not impact on the heritage character of the surrounding contributory buildings and part of the new development is occurring in the same location as the structures to be demolished.

Conclusion

With the exception of the rear boundary setback and the plot ratio the proposed development is compliant with the Residential Design Codes, Residential Design Guidelines, Local Planning Scheme No 3 and the George Street Designated Heritage Area. Based on the assessment the proposed development can be supported.

- John Chisolm (architect) responded to questions put by councillors and spoke in support of the officer's recommendations

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020920:

Moved Cr Watkins, seconded Cr Natale

That development approval is granted and Council exercises its discretion in regard to the following;

- (i) Clause 5.1.3 – Residential Design Codes – Rear Boundary Wall – 1m required, 0m provided, and**
- (ii) Clause 5.8.3 – Local Planning Scheme No 3 – Plot Ratio – 0.5:1 required, 0.58:1 provided**

for alterations and additions at No. 68 (Lot 2) George Street, East Fremantle, in accordance with the plans date stamped received 28 July 2020, subject to the following conditions:

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

Footnote:

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

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

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.3 Gill Street No 36 (Lot 34) Proposed new residence

Owner	Mark (Rhys) & Louise Davies
Applicant	John Chisholm Design
File ref	P077/20
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	1 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for a proposed new residence at No 36 (Lot 34) Gill Street, East Fremantle.

Executive Summary

This development application proposes a new residence at 36 Gill Street, East Fremantle. The proposed dwelling is double storey with fibre cement weatherboard walls and a 'customorb' roof. The main dwelling comprises a double garage, study and 3 bedrooms and 3 bathrooms. The dwelling also has an ancillary dwelling that is integrated into the dwelling. The applicant and owner have both stated that the parents of one of the owners will be residing in the ancillary accommodation. A low white picket fence has been included along the front boundary. The lot that the dwelling is to be constructed on is currently vacant and generous in size with the proposed building easily achieving the required outdoor living area and minimum open space requirements. The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Garage - 1m required, 0m provided,
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey - 3.1m required, 1.65m provided,
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.8m provided,
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch - 28 to 36 degrees required, 27 degrees provided, and
- (v) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling – Plot Ratio – maximum of 70m² required, 103m² provided
- (vi) Clause 5.3.7 – Residential Design Codes - Retaining Walls – maximum 0.5m required, greater than 0.5m provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Residential R17.5
Site area: 910m²

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

Nil

Consultation

Advertising

The application was advertised to surrounding landowners from 4 to 18 August 2020. No submissions were received. However, plans were signed by the neighbours at 34, 35 & 37A Gill Street supporting the proposed development.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

- 4.1 Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 Plan for improved streetscapes parks and reserves.*

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6m	6m	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Northern wall – bathroom, kitchen living, alfresco- ground floor	1.5m	3.005m	A
Northern wall – living, alfresco – ground floor	1.5m	8.6m	A
Eastern wall – alfresco north – ground floor	1m	16.3m	A
Eastern wall – alfresco south – ground floor	1.5m	6.2m	A
Southern wall - garage	1m	0m	D
Southern wall – bathroom, laundry, pantry, kitchen, alfresco – upper storey	3.1m	1.65m	D
Northern wall – store, bathroom, parent's bedroom – upper storey	1.2m	3m	A
Eastern wall – parent's bedroom – upper storey	2.8m	23.2m	A
Eastern wall – bedroom 3, ensuite – upper storey	3m	20.48m	A
Southern wall – bedroom, WIR, robe, ensuite – upper storey	1.3m	1.7m	A
Open Space	50%	65.2%	A

Wall Height	6m	6.8m	D
Roof Height	9m	8.414m	A
Setback of Garage	1.2m behind building line	1.2m behind building line	A
Car Parking	2 + 1	3	A
Site Works			N/A
Visual Privacy			
Parent's bedroom	4.5m	4.5m	A
Bedroom 3	4.5m	4.5m	A
Overshadowing	25%	12.3%	A
Drainage			To be conditioned

Local Planning Policies Assessment

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

This development application proposes a new residence at 36 Gill Street, East Fremantle. The proposed dwelling is double storey with fibre cement weatherboard walls and a 'customorb' roof. The main dwelling comprises a double garage, study and 3 bedrooms and 3 bathrooms. The dwelling also has an ancillary dwelling that is integrated into the dwelling. The applicant and owner have both stated that the parents of one of the owners will be residing in the ancillary accommodation. A low white picket fence has been included along the front boundary. The lot that the dwelling is to be constructed on is currently vacant and generous in size with the proposed building easily achieving the required outdoor living area and minimum open space requirements. A number of variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines including lot boundary setbacks, maximum wall heights, roof pitch and plot ratio for the ancillary accommodation.

Lot Boundary – Southern Wall - Garage

The southern wall of the garage is 6.12m long and 3.35m high without major openings. In accordance with deemed to comply clause 5.1.3 C3.1 and Tables 2a of the Residential Design Codes the wall is supposed to be 1m from the boundary. In this case it is located against the boundary (nil setback). However, the proposed wall location achieves design principles clause 5.1.3 P3.2 for the following reasons;

- It makes more effective use of space for enhanced privacy for the occupants,
- It reduces the impact of building bulk on the adjoining properties,

- Adequate sunlight and ventilation is provided to the building and open spaces on site and adjoining properties,
- Minimises the extent of overlooking and loss of privacy on adjoining properties,
- Does not have an adverse impact on the amenity of the adjoining property,
- Does not restrict sunlight to major openings of habitable rooms and outdoor living areas for adjoining properties, and
- Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

For these reasons, the reduced lot boundary setback can be supported.

Lot Boundary – Southern Wall – Upper Storey

The southern wall of the upper storey is 16.3m long and 3.85m high with major openings. In accordance with deemed to comply clause 5.1.3 C3.1 and Tables 2a of the Residential Design Codes the wall is supposed to be 3.1m from the boundary. In this case it is located 1.65m from the boundary. However, the proposed wall location achieves design principles clause 5.1.3 P3.1 for the following reasons;

- It reduces the impact of building bulk on the adjoining properties,
- Adequate sunlight and ventilation are provided to the building and open spaces on site and adjoining properties, and
- Minimises the extent of overlooking and loss of privacy on adjoining properties,

For these reasons, the reduced lot boundary setback can be supported.

Wall Height

The highest section of wall on the proposed dwelling is 6.8m which exceeds the maximum permissible wall height of 6m in accordance with Category B of Table 3 as required by deemed to comply clause 5.1.6 of the Residential Design Codes. This increased wall height can be supported because there are minimal amenity impacts on adjoining properties. There is;

- Adequate access to direct sun into buildings and open spaces,
- Adequate daylight into major openings into habitable rooms,
- The bulk and scale of the building is considered acceptable, and
- No impact on access to views of significance

It is noted that despite the wall height being above what is permissible under Category B height requirements the roof above is well below the maximum roof height of 9m. It is for these reasons that the increased wall height can be supported.

Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 requires that the roof pitch is between 28 and 36 degrees. In this case the proposed dwelling has a roof pitch of 27 degrees which achieves performance criteria 3.7.8.3 P4 that requires roof forms of new buildings to complement the traditional form of surrounding development in the immediate locality. The roof form adheres to the design intent of the immediate area. For this reason, the proposed roof pitch can be supported.

Ancillary Dwelling – Plot Ratio

The proposed dwelling has an ancillary dwelling integrated into the design. The ancillary dwelling meets all the deemed to comply requirements of clause 5.5.1 C1 except for the plot ratio area requirement of 70m².

The proposed ancillary dwelling has an area of 103m² which is carried over 2 floors. The owners have stated that the one of the owner's parents are to be residing in the dwelling. This increase in area of the ancillary dwelling can be supported on the basis that in accordance with design principles 5.5.1 P1 the development does not compromise the amenity of the surrounding properties. There is not excessive development on site (site coverage of the proposed dwelling is only 34.8%), adequate parking is provided for the residents of both the main dwelling and ancillary dwelling, as the development and the ancillary dwelling is compliant on a range of other criteria in terms of heights, setbacks, and privacy.

Retaining Walls

Retaining walls are indicated on the plans on the southern side of the lot. These walls are in excess of 0.5m for parts of the wall and as such do not meet the deemed to comply requirements of clause 5.3.8 C8 of the Residential Design Codes. However, the retaining walls meet design principles clause 5.3.8 P8 as the walls allow the land to be effectively used for the benefit of residents and do not detrimentally affect adjoining properties. There is minimal excavation or fill applied to the rest of the site. For these reasons the proposed retaining walls can be supported.

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. The proposed development has an ancillary dwelling fully integrated into the design of the house that does not detract from the streetscape or impact on the amenity of surrounding properties. It is relatively large as an ancillary dwelling but does not reduce the open space or outdoor living provision on the lot owing to the double storey nature of the dwelling and the large lot size. It is a good example of how intergenerational living can be integrated into low density residential development, and although not formally included as increased density it does help the Town demonstrate increased population density without increasing dwelling density. The other proposed variations to the Residential Design Codes and Residential Design Guidelines are not unique and are considered relatively minor. As such it is recommended that the proposed development be supported subject to planning conditions.

- John Chisolm (architect) responded to questions raised by elected members and spoke in support of the officer's recommendation.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030920:

Moved Cr Nardi, seconded Cr Harrington

That development approval is granted and Council exercises its discretion in regard to the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Garage - 1m required, 0m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey - 3.1m required, 1.65m provided**
- (iii) Clause 5.1.6 – Residential Design Codes – Wall Height – 6m required, 6.8m provided**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch - 28 to 36 degrees required, 27 degrees provided**
- (v) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling – Plot Ratio – maximum of 70m² required, 103m² provided**
- (vi) Clause 5.3.7 – Residential Design Codes - Retaining Walls – maximum 0.5m required, greater than 0.5m provided**

for a new residence at No. 36 (Lot 34) Gill Street, East Fremantle, in accordance with the plans date stamped received 17 August 2020, subject to the following conditions:

- (1) The ancillary dwelling is not be used for short term accommodation. Any proposal for short term accommodation is to be submitted to the Town in the form of a development application for the consideration of Council.
- (2) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received 17 August 2020 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016).
- (3) The verge tree on Gill Street is to be protected during construction works to the satisfaction of the Chief Executive Officer and no pruning or removal of branches of the tree is to be undertaken during or at the completion of construction works.
- (4) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (6) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (7) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (8) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (11) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.**
- (iii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.**
- (iv) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).**
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.**

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

11.4 King Street No 30 (Lot 452) Proposed renovations

Owner	Christopher & Jennifer Macgregor McGrath
Applicant	Kensington Design
File ref	P080/20
Prepared by	James Bannerman, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	1 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a planning application for proposed renovations at No 30 (Lot 452) King Street, East Fremantle.

Executive Summary

This development application proposes renovations to an existing heritage building (Category B on the Heritage List) at 30 King Street, East Fremantle. An existing extension at the rear of the dwelling is to be demolished and replaced with a double storey extension that utilises the existing natural ground levels. The existing weatherboard and zincalume cottage will be left unchanged by the renovations. There are minimal streetscape impacts as the new additions at the rear are hidden by the existing dwelling and the use of the sloping site.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes– Lot Boundary Setbacks – Southern Wall – Ground Floor – 2.7m required, 1.2m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey – 2.8m required, 2.2m provided
- (iii) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 6m required, 2.3 m provided
- (iv) Clause 3.7.8.3 - Residential Design Guidelines - Roof Pitch – required to match roof pitch of existing dwelling– roof pitch of 26 degrees provided

It is considered that the above variations can be supported subject to conditions of planning approval being imposed.

Background

Zoning: Residential R20

Site area: 508m²

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

P208/2006 – gable roofed patio – approved 20 October 2006

Consultation

Advertising

The applicant gained the signed support of the neighbouring property owners to the north and south of the subject property (28 & 32 King Street). No further advertising was considered necessary as the proposed variations to the Residential Design Codes and the Residential Design Guidelines only impact on the northern and southern neighbouring properties.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as there are negligible streetscape impacts.

External Consultation

Nil

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Eastern wall – dining room – ground floor	1.5m	8.3m	A
Northern wall – ground floor	1.5m	2.2m	A
Southern wall – ground floor	2.7m	1.2m	D
Eastern wall – bed 3, landing, bathroom – upper storey	2.8m	15.5m	A
Northern wall – upper storey	2.8m	2.2m	A
Southern wall – upper storey	1.2m	1.2m	A
Open Space	50%	63%	A
Wall height	6m	6m	A
Setback of Carport	9m	<9m	A
Car Parking			N/A
Site Works			N/A
Visual Privacy			
Dining room	6m	<6m	D
Overshadowing	<25%	21.5%	A
Drainage			To be conditioned

Local Planning Policies Assessment

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

This development application proposes renovations to an existing heritage building (Category B on the Heritage List) at 30 King Street, East Fremantle. An existing extension at the rear of the dwelling is to be demolished and replaced with a double storey extension that utilises the existing natural ground levels. The existing weatherboard and zincalume cottage will be left unchanged by the renovations. There are minimal streetscape impacts as the new additions at the rear are hidden by the existing dwelling and the use of the slope of the site. The extensions are also well below the maximum roof height of 9m and privacy between the subject property and northern neighbouring property is maintained through the use of glazing of upper storey windows, existing high boundary walls and visual privacy screening along parts of the existing dividing fence. Similar materials to the existing dwelling are to be utilised on the proposed extension including zincalume roof and fibre cement weatherboard.

Four variations are requested to the requirements of the Residential Design Codes related to lot boundary setbacks and visual privacy screening. One variation is requested to the Residential Design Guidelines related to roof pitch. These variations are discussed below.

Lot Boundary Setbacks – Southern Wall – Ground Floor

The southern wall on the ground floor of the proposed addition is 13.8m long and 3.68m high with major openings. In accordance with clause 5.1.3 C3.1i and Table 2b the wall is required to be located 2.7m from the side boundary. In this case it is 1.2m from the side boundary, however, it can be supported in accordance with design principles clause 5.1.3 P3.1 for the following reasons;

- Reduced impacts of building bulk on adjoining properties,
- Provides adequate sunlight and ventilation to the building and open spaces on site and adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The reduced lot boundary setback for the southern wall on the ground floor can be supported.

Lot Boundary Setbacks – Northern Wall – Upper Storey

The northern wall on the upper storey of the proposed addition is 7.8m long and 6m high with major openings. In accordance with clause 5.1.3 C3.1i and Table 2b the wall is required to be located 2.8m from

the side boundary. In this case it is 2.2m from the side boundary, however, it can be supported in accordance with design principles clause 5.1.3 P3.1 for the following reasons;

- Reduced impacts of building bulk on adjoining properties,
- Provides adequate sunlight and ventilation to the building and open spaces on site and adjoining properties, and
- Minimal overlooking and loss of privacy on adjoining properties.

The reduced lot boundary setback for the northern wall on the upper storey can be supported.

Visual Privacy

The dining room of the dwelling is required to have a visual privacy setback of 6m in accordance with clause 5.4.1 of the Residential Design Codes. In this case there is a privacy setback of 2.83m. The dining room has a view towards the east and looks diagonally across the rear yard of the southern neighbouring property. There is dense vegetation (mature olive trees) located along the southern boundary on the side of the neighbouring property which will act as privacy screening. At the same time the subject site is lower than the property to the south with more than 0.5m difference in ground levels so the combination of landscaping and existing dividing fence heights means that privacy between the dwellings is maintained. The southern neighbouring property owners have provided signed support for the proposed development so it is felt that that the reduced visual privacy setback can be supported in accordance with design principles clause 5.4.1 P1.1 and P1.2. Landscape screening combined with the dividing fence and the lower height of the subject property is an acceptable solution to the privacy screening issue. For these reasons the reduced visual privacy setback can be supported.

Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A1 requires that the roof pitch of alterations and additions of contributory buildings are to match the original roof pitch. In this case the roof pitch of the addition is approximately 26 degrees whereas the roof pitch of the original heritage dwelling is 40 degrees. The variation is acceptable in accordance with performance criteria 3.7.8.3 P1 because the roof pitch of the new additions will contribute positively to the existing dwelling. It is noted that the proposed extensions are longer, but lower than the existing rear extension and this is partly as a result of the lower roof pitch being utilised. For these reasons the proposed roof pitch of 26 degrees can be supported.

Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. It is noted that the proposed development is proposed on an area of the site where there is already an existing addition from an earlier period and is well below the maximum roof height of 9m. As such it is recommended that the proposed development be supported subject to planning conditions.

- Hugh Whetters (architect) responded to questions put by elected members and spoke in support of the officer's recommendations.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040920:

Moved Cr Nardi, seconded Mayor O'Neill

That development approval is granted and Council exercises its discretion in regard to the following;

- (i) Clause 5.1.3 – Residential Design Codes– Lot Boundary Setbacks – Southern Wall – Ground Floor – 2.7m required, 1.2m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey – 2.8m required, 2.2m provided**
- (iii) Clause 5.4.1 – Residential Design Codes – Visual Privacy Setbacks – 6m required, 2.3 m provided**
- (iv) Clause 3.7.8.3 - Residential Design Guidelines - Roof Pitch – required to match roof pitch of existing dwelling– roof pitch of 26 degrees provided**

for renovations at No. 30 (Lot 452) King Street, East Fremantle, in accordance with the plans date stamped received 3 August 2020, subject to the following conditions:

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

Footnote:

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

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

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 19 May 2020 this application deemed determined, on behalf of Council, under delegated authority.

12. REPORTS OF OFFICERS (COUNCIL DECISION)

12.1 State Planning Reforms, Response to COVID-19 and State Planning Policy 7.3 R-Codes Vol. 1 – Interim Review

Applicant	Town of East Fremantle
File ref	B/MPL1
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	1 September 2020
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	1. Summary Table of Proposed Modifications to R-Codes Vol. 1 Interim Review - Town's Response

Purpose

The purpose of this report is to:

- outline the planning initiatives the State Government is implementing to reform the planning system and assist with the COVID-19 economic recovery;
- explain proposed changes to the Residential Design Codes Vol. 1 – Interim Review (R-Codes Review); and
- provide comments on the proposed R-Codes changes (for Council endorsement) which will form the basis of a submission to the Department of Planning.

Executive Summary

To implement the planning system changes and assist with COVID-19 recovery initiatives the State Government is reforming the *Planning and Development Act, 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and State planning policies. The Government believes this will create a more flexible, responsive and contemporary planning system that can support WA's economic recovery. Expanded powers will temporarily be given to the WAPC to determine projects of major significance and/or those in strategic locations. This is aimed at stimulating the economy and creating business and employment opportunities.

The State planning reforms in respect to the R-Codes Review is now being integrated with the State Government's planning reforms to support Western Australia's economic recovery. Proposed changes are stated as being aimed at streamlining the approvals process for new home builds and renovations, thereby making it easier for homebuyers, local governments and developers. The Review is aimed at simplifying the R-Codes for easier interpretation, as well as streamlining the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, pergolas, carports, decks and sheds. Another key objective of the review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to a building permit whilst ensuring that residential design outcomes are not compromised by the proposed changes. In the longer term the R-Codes will be subject to more extensive review as part of the finalisation of the Design WA Medium and Low-Density Policy initiatives.

The proposed R-Code amendments have been circulated to all local government authorities and other stakeholders seeking their comments on proposed changes. Several proposed R-Codes changes are not supported by the Town due to the expected amenity, streetscape and environmental impacts, as well as undesirable built form outcomes. The Officer report outlines matters with which the Town has concerns;

these relate to residential amenity, heritage, streetscapes, the environment and design outcomes. The specific R-Code provisions of concern deal with exemption from planning approval for compliant houses on lots under 260m² and deemed-to-comply single house additions, ancillary dwellings, outbuildings (sheds), patios/pergolas, front fences, carports and retaining walls. Reductions in carport setbacks, open space, lot boundary setbacks, building height, visual privacy setbacks and landscaping are also of concern. Notwithstanding the concerns outlined in the report, Local Planning Policy 3.1.1 - Residential Design Guidelines (RDG) will continue to apply. In the case of most development applications it is expected that variations to the RDG and the R-Codes will be sought, requiring applicants to submit a development application for Council's consideration.

It is recommended the comments in Attachment 1 form the basis of a submission on the Interim Review of the R-Codes Vol. 1 to the Department of Planning. The Department of Planning intends to consider submissions in September and report to the WAPC in October with the aim of gazettal of the amendments by November 2020.

Background

In August 2019 the State government launched a document entitled *Action Plan for Planning Reform*. This was the result of an independent review by planner Evan Jones who was engaged by the Minister for Planning in 2017 to undertake an independent review of the Western Australian planning system. The primary recommendations of the review were to elevate the importance of strategic planning and make the planning system more efficient, transparent and understandable to everyone. The consultant planner prepared a Green Paper outlining ideas for reform of the planning system which was released by the Minister for public consultation in May 2018.

Following public consultation, the Action Plan identified three goals for reform of the planning system and 19 reform initiatives to achieve the goals. The Minister also determined that instead of preparing a White Paper, the Department of Planning would collaborate with stakeholders to develop and implement the detail of many of the 19 reform initiatives to deliver the reform Action Plan.

With the onset of impacts of the Coronavirus pandemic in early 2020 the State Government has brought forward a number of measures within the *Action Plan for Planning Reform* as part of the COVID-19 economic recovery plans, together with a proposal to establish a new development application process for significant projects.

A program of major legislative, regulatory and policy changes will be progressively implemented to support WA's COVID-19 economic recovery plans. The following information is a summary of the initiatives and reforms. Full details of the legislation changes and reforms is available on the Department of Planning, Lands and Heritage website at <https://www.dplh.wa.gov.au/projects-and-initiatives/planning-reform/covid-19-planning-reforms>.

State Planning Reforms and Initiatives

The *Planning and Development (Amendment) Bill 2020* was passed by Parliament on 24 June 2020. The purpose of the Bill is described as amending the *Planning and Development Act* and other related Acts with two broad aims to:

- *Provide an urgent response to the COVID-19 pandemic by:*
 - facilitating significant development projects;
 - removing regulatory roadblocks and reducing red tape;
 - strategically refocusing what is considered important in urban and regional planning;
 - enhancing how development contribution funds are utilised for community benefit; and

- providing for a higher degree of professionalism and enforcement capability; and
- *Implement a comprehensive series of public, stakeholder and specialist reviews of the planning system in order to create a better planning system, which:*
 - creates great places for people;
 - is easier to understand and navigate; and
 - is consistent and efficient.

These aims will be implemented in two stages of legislation. The Bill passed in June was the first stage which will implement the aspects of planning reform with the most immediate impact on the planning framework, as a prioritised COVID-19 related response. The second stage will be facilitated by another follow-up Bill in the near future. The second Bill will include reforms with less immediate effect and therefore less urgency. The second Bill relates to reforms that will require new or amended regulations be drafted in order to commence and clarifies aspects of the current planning system in order to create a more legible and understood system.

R-Codes Interim Review

The R-Codes Review is now being integrated with the State Government's planning reforms to support Western Australia's economic recovery. Proposed changes are stated as being aimed at streamlining the approvals process and reducing red tape, thereby making it easier for first home builders, local governments and developers.

The Review is aimed at simplifying the R-Codes for easier interpretation, as well as streamlining the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, pergolas, carports, decks and sheds. A key objective of the Review is to remove the need for a development approval if single houses, ancillary buildings, outbuildings and some additions/renovations comply with the 'deemed-to-comply' provisions. Another key objective of the Review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to a building permit.

Consultation

The closing date for comments on the R-Codes Interim Review is 11 September 2020. The Department of Planning has stated that submissions will be considered and used to inform the final version of the R-Codes which is expected to be in effect by the end of 2020.

The Department of Planning has also allowed for Officer submissions to be made by the due date with a follow-up confirmation and endorsement of the submission subsequent to Council resolutions made at Council meetings held later in September.

Statutory Environment

Planning and Development Act, 2005

Planning and Development Amendment Bill 2020

Planning and Development (Local Planning Schemes) Regulations, 2015

Local Planning Scheme No. 3 (LPS 3)

Policy Implications

State Planning Policy 7.3 – Residential Design Codes Vol. 1

Local Planning Policy 3.1.1 - Residential Design Guidelines 2012 (as amended)

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact /Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the proposed Recommendation and a submission expressing the Town's view's is not forwarded to the Department of Planning, Lands and Heritage.	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Statutory impact of non-compliance with State planning request for comments in respect to the Interim Review of the R-Codes Vol. 1 (SPP 7.3).	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

N/A

Details

State Planning Reforms - Response to COVID-19

The State Government has brought forward several measures within the *Action Plan for Planning Reform* as part of the COVID-19 economic recovery plans, together with a proposal to establish a new development application process for significant projects. A program of major legislative, regulatory and policy changes will be progressively implemented to support WA's COVID-19 economic recovery plans. The following is a summary of the major reform initiatives. Further consultation with local governments will occur in relation to some of these initiatives. A summary of the initial reforms is provided below.

Streamline Significant Developments

Expanded approval powers will temporarily be given to the WAPC to determine proposals for certain sites, locations and projects which present opportunities for broad community value. This is a short-term initiative intended to stimulate the economy and to create new employment and business opportunities.

Key Reforms

- WAPC will be established as the new decision-making authority for all development proposals of State significance for a fixed 18-month period. This period has commenced.
- Under the new legislation, significant proposals must have an estimated cost of:
 - \$20 million or more in the metropolitan area; or
 - \$5 million outside the metropolitan region.
- The Premier, on recommendation of the Minister for Planning, can also refer proposals to the WAPC.
- Direct referral of the proposals to Planning Department, service authorities and government agencies.
- Department of Planning will undertake administrative and assessment processes and prepare report.
- WAPC responsible for clearance of conditions, enforcement and compliance.
- Consultation undertaken with local government and due regard to submissions.
- The WAPC will consider non-planning related matters that it considers are in the public interest.
- No other authority can make a decision that is inconsistent with the decision of the WAPC.
- Right of appeal through the State Administrative Tribunal will apply as normal.
- Governor can amend or cancel a WAPC approval.

Special Matters DAPs

Certain sites, locations or opportunities can deem a proposed development to be of broad community value. In the future these proposals will be determined by a new Special Matters Development Assessment Panel (SMDAP).

Key Reforms

- Government has already reduced the number of DAPs from 9 to 5, and it is intended to further reduce them to 3 panels.
- SMDAP's will be established to consider complex proposals e.g. proposals located in areas with significant tourism, unique aesthetic qualities or other unique features.
- New regulatory amendments, including criteria for developments will be prepared over the next 12 months.
- Proposals will be lodged directly with State Planning with referral to agencies and recommendations to SMDAP.
- Local government representative and the Government Architect will also sit on the SMDAP.

Cutting Red Tape

The State government believes the reforms will significantly cut red tape for users of the planning system and remove barriers to enable development, create jobs and support business. Greater clarity and consistency across the system and a reduction in the administrative burden on local governments is expected to save time and money.

Key Reforms

The Department of Planning believes the amendments will ensure local planning is easier to navigate and understand, provide greater consistency in how planning provisions are applied and improve

efficiency. Consultation is currently being undertaken with local government on the proposed regulatory changes, in the first instance with a review of the R-Codes. The following comprises the reforms considered of most significance to the Town:

- Introduce refined streams for MRS scheme amendments, reducing timelines for minor amendments.
- Provide the Minister with capacity to withdraw a MRS or planning scheme amendment during the process.
- Clarify and expand public works exemptions for State development projects.
- Introduce a new 10-year review for all State and local government planning documents.
- Provide for more streamlined approvals for the construction of roads and waterways.
- The EPA and State Planning will determine which proposals require environmental assessment.
- Reduce unnecessary holdups in the referral process - enable a development if response timeframes not met.
- Clarify 'stop the clock' mechanisms, including setting a maximum number of days or set circumstances.
- Enable online publication of planning documents, removing the requirement for hard copies.
- ***Deemed approval*** if an application is not dealt with in the statutory timeframe.
- ***Change of use applications will be abolished for several different uses*** to support small businesses wishing to establish or change their operations. This would include several uses which are well suited and anticipated in town centres, commercial areas, activity corridors, mixed use areas: including cafes, restaurants, consulting rooms, retail shops, small offices etc.
- ***Provision of car parking to be more flexible and consistent*** across the State. Update cash-in-lieu framework and waive shortfalls up to 10 bays.

Small Business

The State government's planning reforms are aimed at reducing red tape, streamlining approvals and removing barriers so business owners can focus on business operations and not paperwork.

Key Reforms

Three streams of planning reform – legislative, regulatory and policy – are being progressed. Changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* propose a range of measures, including:

- A wider range of small residential projects becoming exempt from planning approval.
- Revised R-Code deemed-to-comply provisions expanded and simplified (also the subject of this report), enabling planning exemptions for more single residential dwellings.
- Change of use applications not required for several different uses.
- For example, uses in town centres, commercial areas, activity corridors and mixed-use areas including cafes, restaurants, consulting rooms, retail shops and small offices.
- An updated cash-in-lieu for parking framework and waiver for shortfalls up to 10 bays.

Improving Community Engagement

The aim of this suite of reforms is to ensure the planning framework, including planning schemes have been developed in early consultation with the community and are guided by a local planning strategy.

Key Reforms

There are three key components in improving community engagement and consultation:

Local Planning Strategies

Community consultation and engagement is viewed as integral to alleviating confusion and ensuring expectations are met about the types of development that can occur. Planning reform measures will:

- Ensure local planning strategies align with the State's planning framework;
- Give local planning strategies the highest level of importance in community planning and development;
- Give local communities a greater say in setting the future vision, early in the planning process;
- ***Extend the minimum period of community consultation from 21 to 35 days;***
- Reinforce the need to take a more strategic approach to the development of communities; and
- Provide meaningful opportunities for people to have their say.

Consistent and Transparent Consultation Practices

- Onsite signage displaying an image of the proposed built form, for all developments over a prescribed construction value.
- Introducing State-wide consultation processes, including mandating a radius model for major development applications and scheme amendments.
- Enabling access to on-line planning documents.
- Community engagement toolkit for all planning authorities to provide consistent and best practice guidance on how and when to engage during the planning process.
- Measures to streamline the planning document review process to ensure currency and reflect local aspirations and priorities.
- Planning schemes to provide greater clarity and more consistency in how land can be used, and what can and cannot be built.

Ensure Actual Community Benefits Flow from Major Developments

- Lack of guidance from State Government on what should be achieved under a community benefit, as a result, many communities have seen no real community benefits delivered.
- Provide a clear definition of community benefit in planning schemes.
- New State-wide, consistent guidelines for community infrastructure, and how development contributions are collected, held and used, including cash-in-lieu provisions for parks, recreation and public open space.

Good Design

The State government has based these reforms on the view that well-designed buildings and public spaces are essential to creating communities and places in which people want to live and visit.

Key Reforms

So far, a State Design Review Panel and an increased number of local design review panels have been established. Also, the first stage of Design WA policies for apartments is now in operation (R-Codes Vol. 2 – Apartments).

Policy reforms to be delivered over the next six-twelve months will support the implementation of legislative and regulatory changes. These policies include:

- Finalise policy for medium density – which includes multi-unit, two and three storey complexes.
- Finalise new benchmarks and policy to guide Precinct Design.
- Review the single house development requirements of the R-Codes Vol. 1 (has commenced).
- Bring forward reviews of State planning policies for activity centres and liveable neighbourhoods.
- Continue reviewing State planning policies, such as hazard management, bushfires and coastal erosion.

- State Planning Policy 4.2 – Activity Centres will be reviewed to provide guidance to deliver contemporary outcomes when planning major centres.
- A revised Liveable Neighbourhoods policy to create suburbs which are sustainable, connected, self-sufficient and have healthy communities.

Residential Design Codes Vol. 1 Review

Following on from the State planning reforms launch in mid-July the State government released the review of the Residential Design Codes Vol. 1 (R-Codes Review) and invited community-wide comment on the proposed changes. The key changes are briefly noted below and outlined in more detail in Attachment 1.

Key Changes

- To allow a wider range of smaller residential projects such as patios, decks and extensions to be exempt from development (planning) approval.
- Changes are proposed for open space, building setbacks, wall heights and visual privacy setbacks.
- Simplified language to improve both the understanding and usability of the R-Codes.
- Increase in the size of outdoor living areas and to provide for a tree to be planted for each dwelling.
- Carport and ancillary dwelling designs should complement the main dwelling.

These changes do not remove the requirement for a development proposal to comply with the Town's RDG where the provisions differ.

Summary of the Proposed Modifications to R-Codes Vol. 1 – Interim Review

The proposed changes to the R-Codes, the Department's rationale for the changes and the Town's response are explained in Attachment 1. The full details of the proposed changes can be found on the Department of Planning website at <https://www.dplh.wa.gov.au/planning-reform>.

The comments contained in the 'Town's Response' column will form the basis of the Council's submission to the Department of the Planning.

Comment

State Planning Reforms – Response to COVID-19

The general view of the Planning sector in WA is that the amendments to the *Planning and Development Act, 2005* are the most significant changes to the statutory framework since the Act commenced and most certainly since the 2010 amendments that facilitated the establishment of Development Assessment Panels (DAPs). Some viewpoints suggest these reforms will shift more of the development assessment role from local governments to the State Planning level.

A new assessment pathway has been endorsed to allow the State Government, through the WAPC, to assess and approve certain development applications over \$20 million in the Perth Metro area and \$5 million in regional areas for the next 18 months. An additional proposal will see the establishment of a 'Special Matters' DAP (SMDAP), which will only have a representative from the local government sector and not a local government Elected Member as in the current DAP system. Planners have noted that the scope for the current planning framework and associated controls to potentially be completely overridden is a possibility under the amendments.

Furthermore, while some of the proposals have a fixed term date, linked to the COVID-19 recovery period, it has been foreshadowed that it is intended for the new process for significant developments at

the State level to be retained but with the decision-making power to transition from the WAPC to the SMDAP thereafter. The amendments to the Act that establish the SMDAP also provide for this transition to be effected through subsequent subsidiary legislation.

The Planning sector has expressed some disappointment with the introduction of the *Planning and Development Bill 2020* in June, as there was little consultation on much of the detail contained within the Bill despite claims that it was premised on more than seven years of consultation and reviews. A main concern with the proposed legislation was with the potential for community feedback and concerns to be overlooked with no provision to ensure community input be considered in the decision-making process. It was not clear to what extent community input would occur and how the consultation would be undertaken; this is yet to be tested.

One of the most significant matters to note is that the 'Significant Development' process will allow the WAPC to grant development approvals for 'Significant Developments' in contravention of a local planning scheme. The legislation states that the WAPC is to have "*have due regard to*" the purpose and intent of any planning scheme that has effect in the locality to which the development application relates but "*is not limited to planning considerations...*".

While a State government response associated with the repercussions with COVID-19 is understood, reforms that provide for development approvals to be granted in contravention of local planning schemes is very significant, particularly so if the views of local communities are not taken into consideration or reduced in importance. The potential significance of the proposals likely to be considered by a SMDAP are likely to have far reaching consequences, so it would be appropriate that they be subject to high level assessment and meaningful input from local government. It is not clear whether there will be a review after the "recovery period" to inform any proposal to continue the planning process via the SMDAP.

As the COVID-19 state of emergency progressed a few practical support measures provided exemptions to delivery hours for supermarkets and service stations, provided flexibility for restaurants forced to only offer takeaways, and allowed greater flexibility in home business operations. The State government worked with the Planning sector and formally endorsed these approaches through the Minister's *Notice of Exemption*. This document provided additional clarity for many temporary variations to planning controls due to the exceptional circumstances. Since the introduction of the *Notice of Exemption* the Town has not been requested to consider exemptions from development approval or non-compliance with conditions of development approval.

The Town is expecting the submission of major development applications in the near future. The construction value of these applications would qualify them for consideration as a 'Significant Development'. They meet the criteria to qualify for a DAP application and may also meet the criteria to qualify for consideration by a SMDAP. The Council may therefore not have a decision-making role and may have a significantly reduced assessment and reporting roles in relation to the development process depending on the assessment path taken.

R-Codes Vol. 1 Interim Review – Town's Response

The purpose of the changes is to streamline the decision-making process for new home builds and renovations. The aim being to simplify the R-Codes, so they are easier to interpret, as well as streamline the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, carports, decks and sheds. The desired outcome is that the changes will reduce a range of common triggers for single house development approval applications (including additions), simplify rules by streamlining assessments, while requiring design improvements

for more efficient building design and better outdoor spaces. It is believed this will reduce the application costs for home owners and help alleviate the administrative and regulatory burden on local governments.

Whilst it is understood reviewing the R-Codes to remove triggers for development applications may reduce the number of applications received by local government and quicken the approval process, the degree to which this assists or alleviates the regulatory burden depends on each local governments' specific circumstances and planning priorities. The land use, heritage, environmental and design outcomes sought by each local government can vary markedly. The local planning frameworks and local planning policies adopted by the Town of East Fremantle have been specifically drafted to address local land use, character, environmental, heritage and amenity considerations. It is not the intention of the R-Codes Review to override these policies and the local planning policies will still prevail over the R-Codes where there is a variation. However, there are some circumstances and developments where the provisions of the Town's local planning policies will not apply to all forms of development and where this is the case the development controls of R-Codes are applicable.

Notwithstanding the above, the Town expects that development applications will continue to be required for a significant proportion of proposals due to the implementation of the RDG. Full compliance with the Deemed-to-Comply provisions of the R-Codes and the Acceptable Development Provisions of the RDG will be difficult to achieve. In many cases the development site will be a heritage listed property (requiring a development approval) and variations to lot boundary setbacks, open space and visual privacy setbacks less than the minimum required by the R-Codes will trigger a development application.

The Town's RDG will remain as the primary planning instrument in the assessment of development applications, however the reduced standards proposed under the R-Codes will also apply to residential development in the Town. Concerns arise when planning principles and development controls are lessened to facilitate development without appropriate checks and balances, particularly in a setting where variations and relaxation of standards is frequently sought. If the R-Codes are weakened whereby amenity is eroded a community backlash is the likely outcome and this is usually borne by local government.

It is considered that some of the changes being proposed could be viewed as a means of assisting the development industry and circumventing the need for planning approval. The Town does not hold the view that by allowing more relaxed rules around design and construction of housing that better design outcomes will result. If poor planning outcomes result it is the community that has to endure the impacts of overdevelopment and the local government that needs to find solutions to the problems created by weakened regulations. The development application assessment process should be focused on mitigating the consequences of development on residents and ratepayers and in promoting sustainability and liveability. Facilitating an increased ability to build more, on increasingly smaller lots, should not be prioritised over good design and amenity outcomes.

The proposed changes to the R-Codes have therefore been considered in light of the potential for impact on amenity and good design from the Town's perspective. A summary of the changes and the Town's response is provided in Attachment 1. These responses and the general comments outlined in this report will form the basis of the Town's submission to the Department of Planning.

If the proposed changes to the R-Codes proceeds as is intended, the Town will continue to monitor Building Permit applications in order to ensure planning approval and community consultation is not required. It is expected that some development will occur that does not receive planning approval and

will therefore not be subject to community consultation. Monitoring of the potential impact on residential amenity and poor design outcomes will also occur. This may lead to future changes to local planning policy.

It is recommended that Council resolve to note the changes to planning legislation brought about by the *Action Plan for Planning Reform* and the COVID-19 emergency, as well as the Town's response to the Schedule of Proposed Modifications to the R-Codes Vol. 1 – Interim Review. A submission to the Department of Planning based on the comments contained in this report and the Town's response to R-Code changes, as outlined in Attachment 1, is intended following Council's endorsement.

It is hoped the Department of Planning will take the Town's comments into consideration in finalising the R-Codes document. Submissions will be considered in September with a view to reporting to the WAPC in October and gazettal of the amendments by November 2020.

12.1 OFFICER RECOMMENDATION/ COMMITTEE RESOLUTION TP050920

Moved Cr Nardi, seconded Cr Watkins

That the State Planning Reforms, Response to COVID-19 and the draft Schedule of Proposed Modifications R-Codes Vol. 1 – Interim Review 2020 be noted and a submission to the Department of Planning, Lands and Heritage in relation to the R-Codes Vol. 1 Interim Review 2020 be made based on the comments contained in the Officer Report and in Attachment 1.

(CARRIED UNANIMOUSLY)

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 7.59 pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 1 September 2020, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

12. REPORTS

12.1 PLANNING

**12.1.1 State Planning Reforms, Response to COVID-19 and State Planning Policy 7.3 R-Codes
Vol. 1 – Interim Review**

Applicant	Town of East Fremantle
File ref	B/MPL1
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	1 September 2020
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	1. Summary Table of Proposed Modifications to R-Codes Vol. 1 Interim Review - Town's Response

Purpose

The purpose of this report is to:

- outline the planning initiatives the State Government is implementing to reform the planning system and assist with the COVID-19 economic recovery;
- explain proposed changes to the Residential Design Codes Vol. 1 – Interim Review (R-Codes Review); and
- provide comments on the proposed R-Codes changes (for Council endorsement) which will form the basis of a submission to the Department of Planning.

Executive Summary

To implement the planning system changes and assist with COVID-19 recovery initiatives the State Government is reforming the *Planning and Development Act, 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and State planning policies. The Government believes this will create a more flexible, responsive and contemporary planning system that can support WA's economic recovery. Expanded powers will temporarily be given to the WAPC to determine projects of major significance and/or those in strategic locations. This is aimed at stimulating the economy and creating business and employment opportunities.

The State planning reforms in respect to the R-Codes Review is now being integrated with the State Government's planning reforms to support Western Australia's economic recovery. Proposed changes are stated as being aimed at streamlining the approvals process for new home builds and renovations, thereby making it easier for homebuyers, local governments and developers. The Review is aimed at simplifying the R-Codes for easier interpretation, as well as streamlining the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, pergolas, carports, decks and sheds. Another key objective of the review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to a building permit whilst ensuring that residential design outcomes are not compromised by the proposed changes. In the longer term the R-Codes will be subject to more extensive review as part of the finalisation of the Design WA Medium and Low-Density Policy initiatives.

The proposed R-Code amendments have been circulated to all local government authorities and other stakeholders seeking their comments on proposed changes. Several proposed R-Codes changes are not supported by the Town due to the expected amenity, streetscape and environmental impacts, as well as undesirable built form outcomes. The Officer report outlines matters with which the Town has concerns; these relate to residential amenity, heritage, streetscapes, the environment and design outcomes. The specific R-Code provisions of concern deal with exemption from planning approval for compliant houses on lots under 260m² and deemed-to-comply single house additions, ancillary dwellings, outbuildings (sheds), patios/ pergolas, front fences, carports and retaining walls. Reductions in carport setbacks, open space, lot boundary setbacks, building height, visual privacy setbacks and landscaping are also of concern. Notwithstanding the concerns outlined in the report, Local Planning Policy 3.1.1 - Residential Design Guidelines (RDG) will continue to apply. In the case of most development applications it is expected that variations to the RDG and the R-Codes will be sought, requiring applicants to submit a development application for Council's consideration.

It is recommended the comments in Attachment 1 form the basis of a submission on the Interim Review of the R-Codes Vol. 1 to the Department of Planning. The Department of Planning intends to consider submissions in September and report to the WAPC in October with the aim of gazettal of the amendments by November 2020.

Background

In August 2019 the State government launched a document entitled *Action Plan for Planning Reform*. This was the result of an independent review by planner Evan Jones who was engaged by the Minister for Planning in 2017 to undertake an independent review of the Western Australian planning system. The primary recommendations of the review were to elevate the importance of strategic planning and make the planning system more efficient, transparent and understandable to everyone. The consultant planner prepared a Green Paper outlining ideas for reform of the planning system which was released by the Minister for public consultation in May 2018.

Following public consultation, the Action Plan identified three goals for reform of the planning system and 19 reform initiatives to achieve the goals. The Minister also determined that instead of preparing a White Paper, the Department of Planning would collaborate with stakeholders to develop and implement the detail of many of the 19 reform initiatives to deliver the reform Action Plan.

With the onset of impacts of the Coronavirus pandemic in early 2020 the State Government has brought forward a number of measures within the *Action Plan for Planning Reform* as part of the COVID-19 economic recovery plans, together with a proposal to establish a new development application process for significant projects.

A program of major legislative, regulatory and policy changes will be progressively implemented to support WA's COVID-19 economic recovery plans. The following information is a summary of the initiatives and reforms. Full details of the legislation changes and reforms is available on the Department of Planning, Lands and Heritage website at <https://www.dplh.wa.gov.au/projects-and-initiatives/planning-reform/covid-19-planning-reforms>.

State Planning Reforms and Initiatives

The *Planning and Development (Amendment) Bill 2020* was passed by Parliament on 24 June 2020. The purpose of the Bill is described as amending the *Planning and Development Act* and other related Acts with two broad aims to:

- Provide an urgent response to the COVID-19 pandemic by:
 - facilitating significant development projects;
 - removing regulatory roadblocks and reducing red tape;
 - strategically refocusing what is considered important in urban and regional planning;
 - enhancing how development contribution funds are utilised for community benefit; and
 - providing for a higher degree of professionalism and enforcement capability; and
- Implement a comprehensive series of public, stakeholder and specialist reviews of the planning system in order to create a better planning system, which:
 - creates great places for people;
 - is easier to understand and navigate; and
 - is consistent and efficient.

These aims will be implemented in two stages of legislation. The Bill passed in June was the first stage which will implement the aspects of planning reform with the most immediate impact on the planning framework, as a prioritised COVID-19 related response. The second stage will be facilitated by another follow-up Bill in the near future. The second Bill will include reforms with less immediate effect and therefore less urgency. The second Bill relates to reforms that will require new or amended regulations be drafted in order to commence and clarifies aspects of the current planning system in order to create a more legible and understood system.

R-Codes Interim Review

The R-Codes Review is now being integrated with the State Government's planning reforms to support Western Australia's economic recovery. Proposed changes are stated as being aimed at streamlining the approvals process and reducing red tape, thereby making it easier for first home builders, local governments and developers.

The Review is aimed at simplifying the R-Codes for easier interpretation, as well as streamlining the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, pergolas, carports, decks and sheds. A key objective of the Review is to remove the need for a development approval if single houses, ancillary buildings, outbuildings and some additions/renovations comply with the 'deemed-to-comply' provisions. Another key objective of the Review is to make it easier for local governments to deem more applications compliant, allowing applicants to proceed straight to a building permit.

Consultation

The closing date for comments on the R-Codes Interim Review is 11 September 2020. The Department of Planning has stated that submissions will be considered and used to inform the final version of the R-Codes which is expected to be in effect by the end of 2020.

The Department of Planning has also allowed for Officer submissions to be made by the due date with a follow-up confirmation and endorsement of the submission subsequent to Council resolutions made at Council meetings held later in September.

Statutory Environment

Planning and Development Act, 2005

Planning and Development Amendment Bill 2020

Planning and Development (Local Planning Schemes) Regulations, 2015

Local Planning Scheme No. 3 (LPS 3)

Policy Implications

State Planning Policy 7.3 – Residential Design Codes Vol. 1

Local Planning Policy 3.1.1 - Residential Design Guidelines 2012 (as amended)

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

Natural Environment

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

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
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 - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the proposed Recommendation and a submission expressing the Town's view's is not forwarded to the Department of Planning, Lands and Heritage.	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Statutory impact of non-compliance with State planning request for comments in respect to the Interim Review of the R-Codes Vol. 1 (SPP 7.3).	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	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)
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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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

N/A

Details

State Planning Reforms - Response to COVID-19

The State Government has brought forward several measures within the *Action Plan for Planning Reform* as part of the COVID-19 economic recovery plans, together with a proposal to establish a new development application process for significant projects. A program of major legislative, regulatory and policy changes will be progressively implemented to support WA's COVID-19 economic recovery plans. The following is a summary of the major reform initiatives. Further consultation with local governments will occur in relation to some of these initiatives. A summary of the initial reforms is provided below.

Streamline Significant Developments

Expanded approval powers will temporarily be given to the WAPC to determine proposals for certain sites, locations and projects which present opportunities for broad community value. This is a short-term initiative intended to stimulate the economy and to create new employment and business opportunities.

Key Reforms

- WAPC will be established as the new decision-making authority for all development proposals of State significance for a fixed 18-month period. This period has commenced.
- Under the new legislation, significant proposals must have an estimated cost of:
 - \$20 million or more in the metropolitan area; or
 - \$5 million outside the metropolitan region.
- The Premier, on recommendation of the Minister for Planning, can also refer proposals to the WAPC.
- Direct referral of the proposals to Planning Department, service authorities and government agencies.
- Department of Planning will undertake administrative and assessment processes and prepare report.
- WAPC responsible for clearance of conditions, enforcement and compliance.
- Consultation undertaken with local government and due regard to submissions.
- The WAPC will consider non-planning related matters that it considers are in the public interest.
- No other authority can make a decision that is inconsistent with the decision of the WAPC.
- Right of appeal through the State Administrative Tribunal will apply as normal.
- Governor can amend or cancel a WAPC approval.

Special Matters DAPs

Certain sites, locations or opportunities can deem a proposed development to be of broad community value. In the future these proposals will be determined by a new Special Matters Development Assessment Panel (SMDAP).

Key Reforms

- Government has already reduced the number of DAPs from 9 to 5, and it is intended to further reduce them to 3 panels.
- SMDAP's will be established to consider complex proposals e.g. proposals located in areas with significant tourism, unique aesthetic qualities or other unique features.
- New regulatory amendments, including criteria for developments will be prepared over the next 12 months.

- Proposals will be lodged directly with State Planning with referral to agencies and recommendations to SMDAP.
- Local government representative and the Government Architect will also sit on the SMDAP.

Cutting Red Tape

The State government believes the reforms will significantly cut red tape for users of the planning system and remove barriers to enable development, create jobs and support business. Greater clarity and consistency across the system and a reduction in the administrative burden on local governments is expected to save time and money.

Key Reforms

The Department of Planning believes the amendments will ensure local planning is easier to navigate and understand, provide greater consistency in how planning provisions are applied and improve efficiency. Consultation is currently being undertaken with local government on the proposed regulatory changes, in the first instance with a review of the R-Codes. The following comprises the reforms considered of most significance to the Town:

- Introduce refined streams for MRS scheme amendments, reducing timelines for minor amendments.
- Provide the Minister with capacity to withdraw a MRS or planning scheme amendment during the process.
- Clarify and expand public works exemptions for State development projects.
- Introduce a new 10-year review for all State and local government planning documents.
- Provide for more streamlined approvals for the construction of roads and waterways.
- The EPA and State Planning will determine which proposals require environmental assessment.
- Reduce unnecessary holdups in the referral process - enable a development if response timeframes not met.
- Clarify 'stop the clock' mechanisms, including setting a maximum number of days or set circumstances.
- Enable online publication of planning documents, removing the requirement for hard copies.
- ***Deemed approval*** if an application is not dealt with in the statutory timeframe.
- ***Change of use applications will be abolished for several different uses*** to support small businesses wishing to establish or change their operations. This would include several uses which are well suited and anticipated in town centres, commercial areas, activity corridors, mixed use areas: including cafes, restaurants, consulting rooms, retail shops, small offices etc.
- ***Provision of car parking to be more flexible and consistent*** across the State. Update cash-in-lieu framework and waive shortfalls up to 10 bays.

Small Business

The State government's planning reforms are aimed at reducing red tape, streamlining approvals and removing barriers so business owners can focus on business operations and not paperwork.

Key Reforms

Three streams of planning reform – legislative, regulatory and policy – are being progressed. Changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* propose a range of measures, including:

- A wider range of small residential projects becoming exempt from planning approval.
- Revised R-Code deemed-to-comply provisions expanded and simplified (also the subject of this report), enabling planning exemptions for more single residential dwellings.
- Change of use applications not required for several different uses.

- For example, uses in town centres, commercial areas, activity corridors and mixed-use areas including cafes, restaurants, consulting rooms, retail shops and small offices.
- An updated cash-in-lieu for parking framework and waiver for shortfalls up to 10 bays.

Improving Community Engagement

The aim of this suite of reforms is to ensure the planning framework, including planning schemes have been developed in early consultation with the community and are guided by a local planning strategy.

Key Reforms

There are three key components in improving community engagement and consultation:

Local Planning Strategies

Community consultation and engagement is viewed as integral to alleviating confusion and ensuring expectations are met about the types of development that can occur. Planning reform measures will:

- Ensure local planning strategies align with the State's planning framework;
- Give local planning strategies the highest level of importance in community planning and development;
- Give local communities a greater say in setting the future vision, early in the planning process;
- **Extend the minimum period of community consultation from 21 to 35 days;**
- Reinforce the need to take a more strategic approach to the development of communities; and
- Provide meaningful opportunities for people to have their say.

Consistent and Transparent Consultation Practices

- Onsite signage displaying an image of the proposed built form, for all developments over a prescribed construction value.
- Introducing State-wide consultation processes, including mandating a radius model for major development applications and scheme amendments.
- Enabling access to on-line planning documents.
- Community engagement toolkit for all planning authorities to provide consistent and best practice guidance on how and when to engage during the planning process.
- Measures to streamline the planning document review process to ensure currency and reflect local aspirations and priorities.
- Planning schemes to provide greater clarity and more consistency in how land can be used, and what can and cannot be built.

Ensure Actual Community Benefits Flow from Major Developments

- Lack of guidance from State Government on what should be achieved under a community benefit, as a result, many communities have seen no real community benefits delivered.
- Provide a clear definition of community benefit in planning schemes.
- New State-wide, consistent guidelines for community infrastructure, and how development contributions are collected, held and used, including cash-in-lieu provisions for parks, recreation and public open space.

Good Design

The State government has based these reforms on the view that well-designed buildings and public spaces are essential to creating communities and places in which people want to live and visit.

Key Reforms

So far, a State Design Review Panel and an increased number of local design review panels have been established. Also, the first stage of Design WA policies for apartments is now in operation (R-Codes Vol. 2 – Apartments).

Policy reforms to be delivered over the next six-twelve months will support the implementation of legislative and regulatory changes. These policies include:

- Finalise policy for medium density – which includes multi-unit, two and three storey complexes.
- Finalise new benchmarks and policy to guide Precinct Design.
- Review the single house development requirements of the R-Codes Vol. 1 (has commenced).
- Bring forward reviews of State planning policies for activity centres and liveable neighbourhoods.
- Continue reviewing State planning policies, such as hazard management, bushfires and coastal erosion.
- State Planning Policy 4.2 – Activity Centres will be reviewed to provide guidance to deliver contemporary outcomes when planning major centres.
- A revised Liveable Neighbourhoods policy to create suburbs which are sustainable, connected, self-sufficient and have healthy communities.

Residential Design Codes Vol. 1 Review

Following on from the State planning reforms launch in mid-July the State government released the review of the Residential Design Codes Vol. 1 (R-Codes Review) and invited community-wide comment on the proposed changes. The key changes are briefly noted below and outlined in more detail in Attachment 1.

Key Changes

- To allow a wider range of smaller residential projects such as patios, decks and extensions to be exempt from development (planning) approval.
- Changes are proposed for open space, building setbacks, wall heights and visual privacy setbacks.
- Simplified language to improve both the understanding and usability of the R-Codes.
- Increase in the size of outdoor living areas and to provide for a tree to be planted for each dwelling.
- Carport and ancillary dwelling designs should complement the main dwelling.

These changes do not remove the requirement for a development proposal to comply with the Town's RDG where the provisions differ.

Summary of the Proposed Modifications to R-Codes Vol. 1 – Interim Review

The proposed changes to the R-Codes, the Department's rationale for the changes and the Town's response are explained in Attachment 1. The full details of the proposed changes can be found on the Department of Planning website at <https://www.dplh.wa.gov.au/planning-reform>.

The comments contained in the 'Town's Response' column will form the basis of the Council's submission to the Department of the Planning.

Comment

State Planning Reforms – Response to COVID-19

The general view of the Planning sector in WA is that the amendments to the *Planning and Development Act, 2005* are the most significant changes to the statutory framework since the Act commenced and most certainly since the 2010 amendments that facilitated the establishment of Development Assessment Panels (DAPs). Some viewpoints suggest these reforms will shift more of the development assessment role from local governments to the State Planning level.

A new assessment pathway has been endorsed to allow the State Government, through the WAPC, to assess and approve certain development applications over \$20 million in the Perth Metro area and \$5 million in regional areas for the next 18 months. An additional proposal will see the establishment of a 'Special Matters' DAP (SMDAP), which will only have a representative from the local government sector and not a local government Elected Member as in the current DAP system. Planners have noted that the scope for the current planning framework and associated controls to potentially be completely overridden is a possibility under the amendments.

Furthermore, while some of the proposals have a fixed term date, linked to the COVID-19 recovery period, it has been foreshadowed that it is intended for the new process for significant developments at the State level to be retained but with the decision-making power to transition from the WAPC to the SMDAP thereafter. The amendments to the Act that establish the SMDAP also provide for this transition to be effected through subsequent subsidiary legislation.

The Planning sector has expressed some disappointment with the introduction of the *Planning and Development Bill 2020* in June, as there was little consultation on much of the detail contained within the Bill despite claims that it was premised on more than seven years of consultation and reviews. A main concern with the proposed legislation was with the potential for community feedback and concerns to be overlooked with no provision to ensure community input be considered in the decision-making process. It was not clear to what extent community input would occur and how the consultation would be undertaken; this is yet to be tested.

One of the most significant matters to note is that the 'Significant Development' process will allow the WAPC to grant development approvals for 'Significant Developments' in contravention of a local planning scheme. The legislation states that the WAPC is to have "have due regard to "the purpose and intent of any planning scheme that has effect in the locality to which the development application relates but "is not limited to planning considerations...".

While a State government response associated with the repercussions with COVID-19 is understood, reforms that provide for development approvals to be granted in contravention of local planning schemes is very significant, particularly so if the views of local communities are not taken into consideration or reduced in importance. The potential significance of the proposals likely to be considered by a SMDAP are likely to have far reaching consequences, so it would be appropriate that they be subject to high level assessment and meaningful input from local government. It is not clear whether there will be a review after the "recovery period" to inform any proposal to continue the planning process via the SMDAP.

As the COVID-19 state of emergency progressed a few practical support measures provided exemptions to delivery hours for supermarkets and service stations, provided flexibility for restaurants forced to only offer takeaways, and allowed greater flexibility in home business operations. The State government worked with the Planning sector and formally endorsed these approaches through the Minister's *Notice of Exemption*. This document provided additional clarity for many temporary variations to planning controls due to the exceptional circumstances. Since the introduction of the *Notice of Exemption* the Town has not been requested to consider exemptions from development approval or non-compliance with conditions of development approval.

The Town is expecting the submission of major development applications in the near future. The construction value of these applications would qualify them for consideration as a 'Significant Development'. They meet the criteria to qualify for a DAP application and may also meet the criteria to qualify for consideration by a SMDAP. The Council may therefore not have a decision-making role and may have a significantly reduced assessment and reporting roles in relation to the development process depending on the assessment path taken.

R-Codes Vol. 1 Interim Review – Town's Response

The purpose of the changes is to streamline the decision-making process for new home builds and renovations. The aim being to simplify the R-Codes so they are easier to interpret, as well as streamline the approvals process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and smaller structures such as patios, carports, decks and sheds. The desired outcome is that the changes will reduce a range of common triggers for single house development approval applications (including additions), simplify rules by streamlining assessments, while requiring design improvements for more efficient building design and better outdoor spaces. It is believed this will reduce the application costs for home owners and help alleviate the administrative and regulatory burden on local governments.

Whilst it is understood reviewing the R-Codes to remove triggers for development applications may reduce the number of applications received by local government and quicken the approval process, the degree to which this assists or alleviates the regulatory burden depends on each local governments' specific circumstances and planning priorities. The land use, heritage, environmental and design outcomes sought by each local government can vary markedly. The local planning frameworks and local planning policies adopted by the Town of East Fremantle have been specifically drafted to address local land use, character, environmental, heritage and amenity considerations. It is not the intention of the R-Codes Review to override these policies and the local planning policies will still prevail over the R-Codes where there is a variation. However, there are some circumstances and developments where the provisions of the Town's local planning policies will not apply to all forms of development and where this is the case the development controls of R-Codes are applicable.

Notwithstanding the above, the Town expects that development applications will continue to be required for a significant proportion of proposals due to the implementation of the RDG. Full compliance with the Deemed-to-Comply provisions of the R-Codes and the Acceptable Development Provisions of the RDG will be difficult to achieve. In many cases the development site will be a heritage listed property (requiring a development approval) and variations to lot boundary setbacks, open space and visual privacy setbacks less than the minimum required by the R-Codes will trigger a development application.

The Town's RDG will remain as the primary planning instrument in the assessment of development applications, however the reduced standards proposed under the R-Codes will also apply to residential development in the Town. Concerns arise when planning principles and development controls are lessened to facilitate development without appropriate checks and balances, particularly in a setting where variations and relaxation of standards is frequently sought. If the R-Codes are weakened whereby amenity is eroded a community backlash is the likely outcome and this is usually borne by local government.

It is considered that some of the changes being proposed could be viewed as a means of assisting the development industry and circumventing the need for planning approval. The Town does not hold the view that by allowing more relaxed rules around design and construction of housing that better design outcomes will result. If poor planning outcomes result it is the community that has to endure the impacts of overdevelopment and the local government that needs to find solutions to the problems created by weakened regulations. The development application assessment process should be focused on mitigating the consequences of development on residents and ratepayers and in promoting sustainability and liveability. Facilitating an increased ability to build more, on increasingly smaller lots, should not be prioritised over good design and amenity outcomes.

The proposed changes to the R-Codes have therefore been considered in light of the potential for impact on amenity and good design from the Town's perspective. A summary of the changes and the Town's response is provided in Attachment 1. These responses and the general comments outlined in this report will form the basis of the Town's submission to the Department of Planning.

If the proposed changes to the R-Codes proceeds as is intended, the Town will continue to monitor Building Permit applications in order to ensure planning approval and community consultation is not required. It is expected that some development will occur that does not receive planning approval and will therefore not be subject to community consultation. Monitoring of the potential impact on residential amenity and poor design outcomes will also occur. This may lead to future changes to local planning policy.

It is recommended that Council resolve to note the changes to planning legislation brought about by the *Action Plan for Planning Reform* and the COVID-19 emergency, as well as the Town's response to the Schedule of Proposed Modifications to the R-Codes Vol. 1 – Interim Review. A submission to the Department of Planning based on the comments contained in this report and the Town's response to R-Code changes, as outlined in Attachment 1, is intended following Council's endorsement.

It is hoped the Department of Planning will take the Town's comments into consideration in finalising the R-Codes document. Submissions will be considered in September with a view to reporting to the WAPC in October and gazettal of the amendments by November 2020.

12.1.1 OFFICER/COMMITTEE RECOMMENDATION

That the State Planning Reforms, Response to COVID-19 and the draft Schedule of Proposed Modifications R-Codes Vol. 1 – Interim Review 2020 be noted and a submission to the Department of Planning, Lands and Heritage in relation to the R-Codes Vol. 1 Interim Review 2020 be made based on the comments contained in the Officer Report and in Attachment 1.

Summary of Proposed Modifications to R-Codes Vol. 1 - Town’s Response

	DESIGN ELEMENT	PROPOSED CHANGES	RATIONALE (Dept of Planning, Lands & Heritage)	TOWN’S RESPONSE
<p>Common triggers for development approvals</p>	<p>Approval process</p>	<ul style="list-style-type: none"> All residential development is to comply with the requirements of the R-Codes Vol. 1. A development application (DA) is required if: <ul style="list-style-type: none"> the proposed residential development does not satisfy the deemed-to-comply provisions and proposes to address one or more design principles of Part 5 of R-Codes Vol. 1; or development approval is required under a Scheme. <p><u>No development approval required for compliant DAs.</u></p>	<p>Residential development (single house) will include:</p> <ul style="list-style-type: none"> erection of single house extension to single house ancillary dwelling outbuilding external fixture boundary wall front wall patio verandah garage carport <p>Removes need for approval.</p>	<p>Not supported. Further relaxation/reduction of the deemed-to-comply provisions to enable an easier path to approval is not considered best planning practice.</p> <ul style="list-style-type: none"> Locations with significant heritage value and open landscaped streetscapes and/or on constrained lots require detailed assessment to ensure a high standard of heritage conservation, amenity and design outcomes. Consistent desirable outcomes are unlikely if reduced/relaxed standards facilitate exemption from planning approval. Neighbour consultation provides valuable insight into impact on matters such as amenity, overshadowing and privacy. This will not occur if planning approval exemption permitted. Exemptions under reduced standards for additions/alterations (especially upper storey), outbuildings, boundary walls, garages and carports in established suburban areas, particularly on smaller lots with narrow frontages will cause community upset and backlash for real and perceived amenity loss. Local government to mitigate subsequent issues.
	<p>Single house approval</p>	<p>No development approval required for <u>compliant single houses on lots less than 260m²</u> where the development meets the deemed-to-comply provisions.</p>	<p>Revised wording simplified for ease of use and updated to remove need for DA.</p>	<p>Not supported. Require DAs for all lots less than 260m².</p> <ul style="list-style-type: none"> The arbitrary lot size of 260m² was introduced as part of a previous update of the R-Codes. Lots less 260m² are more constrained, as such require the oversight of planning in established areas to ensure that reasonable outcomes are achieved in terms of design streetscape

				<p>impacts, parking, overshadowing, fencing, privacy, overlooking and outdoor living areas.</p> <ul style="list-style-type: none"> • Smaller lots with shorter boundaries and greater proximity to neighbouring properties and their residents means that care must be taken when dealing with development that has an impact on privacy and overlooking, and bulk and scale of development. • The lack of connection between the Building Act and the Planning and Development Act means that builders will submit proposals that may comply with the Australian Building Code but do not necessarily meet the planning requirements of the Town causing additional assessment work.
	Amendments to existing approvals	No development approval required if minor and no further departure from deemed-to-comply provisions.	Removes need for approval.	<p>Noted.</p> <ul style="list-style-type: none"> • Decision delegated to Officer level. A DA may be deemed necessary and can be requested.
	Street setback averaging	<ul style="list-style-type: none"> • Amended to delete clause requiring setback to correspond to the average of the setback of existing dwellings on each adjacent property fronting the same street. • Excludes carports, front fences, retaining walls and siteworks. 	<ul style="list-style-type: none"> • Exempts carports from contributing to the front setback average and therefore needing to be offset by a compensating area. • Provides a minimum carport setback requirement of 2.5m or 1.5m to a porch, verandah, balcony or equivalent. • To support streetscape activation by encouraging appropriate encroachments that activate the street and are already being encouraged. 	<p>Supported in part. The pattern of setback is critical to the character of each Precinct in the Town. While there are some variations between streets, there is little opportunity for development within the street setback area</p> <ul style="list-style-type: none"> • RDG provide specific provisions in relation to setback patterns. Setbacks differ in each precinct but are predominantly consistent.
	Minor projections	Unenclosed porch, balcony, verandah or equivalent can project up to half the primary street setback - <i>not subject to compensating area behind setback.</i>	<ul style="list-style-type: none"> • To support streetscape activation by encouraging appropriate encroachments that activate the street and are already being encouraged. 	<p>Not supported. New developments/additions should match traditional and/or existing setbacks.</p> <ul style="list-style-type: none"> • Minor projections should be discretionary not deemed-to-comply.

			<ul style="list-style-type: none"> Impact on existing streetscapes requires planning level assessment. Exemption from planning approval will prevent assessment.
Boundary walls	<p>Remove average wall height calculations to simplify assessment:</p> <ul style="list-style-type: none"> R20 and R25 - walls not higher than 3.5m, up to a max of 9m for 1/3 of the boundary to one side boundary only; or R30 and higher, walls not higher than 3.5m, for 2/3 of the lot boundary to one side boundary only. 	<ul style="list-style-type: none"> Removing averaging simplifies calculations and reduces the number of DAs. Modified for clarity and so there is unity between local governments regarding calculations and interpretation. 	<p>Noted.</p> <ul style="list-style-type: none"> RDG provision applies and would require changes to align with proposed new R-Codes. No intention to revise RDG to align with amended R-Codes.
Visual privacy	<p>Apply reduced privacy setbacks in R30 and above, instead of R50 and above:</p> <ul style="list-style-type: none"> Setback for bedrooms and studies 3m not 4m; Kitchen, dining, living etc. 4.5m not 6m; and Balconies and raised outdoor areas 6m not 7.5m 	<p>Visual privacy setbacks reduced for R30 or above, accounting for smaller lot sizes and likelihood of minor visual privacy discretions.</p>	<p>Concern noted. Department of Planning education program required regarding planning changes.</p> <ul style="list-style-type: none"> Concern with reduced setbacks at R30. Community feedback from DA consultation suggests that existing visual privacy setbacks are not considered acceptable. Reductions in visual privacy setbacks will see a potential increase in complaints from neighbouring properties as people live closer to each other and will be required to accept reduced expectations of visual privacy.
Building heights	<p>Increase height limits for two-storey dwellings by 1m to allow for improved design.</p> <p>Buildings which comply with the maximum building heights set out in Table 5 are deemed-to-comply except where stated otherwise in a planning scheme, local planning policy, structure plan or local development plan.</p>	<ul style="list-style-type: none"> Revised table and deletion of clauses provides simpler approach for calculation of wall heights for gable and skillion roofs. Avoids inconsistent calculation methods between local governments. Accounts for increased floor to ceiling heights (to accommodate services) in modern building standards. 	<p>Not Supported. Current R-Code maximum building height provisions to remain as is. Local governments to modify as required.</p> <ul style="list-style-type: none"> The relaxation in height in Table 5 will become the accepted standard height. Taller, bulkier homes will likely be the result. Will likely facilitate three storey single dwellings. Combined with reduced privacy and lot boundary setbacks this is likely to result in perceived and real loss of amenity for

		<p>Table 5: Maximum Building Height</p> <table border="1"> <thead> <tr> <th colspan="2">Maximum building heights</th> <th>Now</th> <th>New</th> </tr> </thead> <tbody> <tr> <td>i</td> <td>Building height</td> <td>6m</td> <td>7m</td> </tr> <tr> <td>ii</td> <td>Building height including gable, skillion and concealed roof</td> <td>7m</td> <td>8m</td> </tr> <tr> <td>iii</td> <td>Building height including pitched roof</td> <td>9m</td> <td>10m</td> </tr> </tbody> </table> <p>New definition: Height, wall</p> <p><i>This is the distance between the point where the base of the wall meets the natural ground level at the boundary immediately adjacent to the wall to the underside of the eave, top of a parapet, or roof (where there is no eave or parapet) or at any point in accordance with Figure Series 3 and 5.</i></p>	Maximum building heights		Now	New	i	Building height	6m	7m	ii	Building height including gable, skillion and concealed roof	7m	8m	iii	Building height including pitched roof	9m	10m	<ul style="list-style-type: none"> • Category A and C building heights are relocated in R-Codes as some local planning policies refer to only the category title of 'A or 'C'. This ensures that local planning policy height requirements are retained. 	<p>adjoining owners.</p> <ul style="list-style-type: none"> • Increases building scale and bulk in heritage precincts. Will not align with other development controls in the RDG and building height will be contrary the bulk and scale context of the surrounding area. <p><u>Note:</u></p> <ul style="list-style-type: none"> • The Town of East Fremantle has maximum height requirements that are less than Table 5 but more than Table 6 Category A. This results in creative solutions to roof form and house design that has not been detrimental to the built form. • RDG reduced height limits will apply in areas where significant water views from neighbouring properties are affected. 										
Maximum building heights		Now	New																											
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<p>Open space</p>	<p>Open space requirement decreased by 5%.</p> <p>Table 1 (extract) – Open Space</p> <table border="1"> <thead> <tr> <th>R-Code</th> <th>Previous %</th> <th>New %</th> </tr> </thead> <tbody> <tr> <td>R20</td> <td>50</td> <td>45</td> </tr> <tr> <td>R25</td> <td>50</td> <td>45</td> </tr> <tr> <td>R30</td> <td>45</td> <td>40</td> </tr> <tr> <td>R35</td> <td>45</td> <td>40</td> </tr> <tr> <td>R40</td> <td>45</td> <td>40</td> </tr> <tr> <td>R50</td> <td>40</td> <td>35</td> </tr> <tr> <td>R60</td> <td>40</td> <td>35</td> </tr> <tr> <td>R80</td> <td>30</td> <td>30</td> </tr> </tbody> </table>	R-Code	Previous %	New %	R20	50	45	R25	50	45	R30	45	40	R35	45	40	R40	45	40	R50	40	35	R60	40	35	R80	30	30	<ul style="list-style-type: none"> • Contingent on compliance with new Outdoor Living Area (OLA) requirements (i.e. 32m²). • Designed to ensure that every dwelling is provided with enough, consolidated outdoor area for natural light, ventilation, landscape and lifestyle, and that overdevelopment of sites does not occur. 	<p>Not supported. Open space provisions to remain as is.</p> <ul style="list-style-type: none"> • Open space is provided to minimise building bulk, provide space between dwellings and allow for planting. • The automatic reduction in open space requirements will potentially result in larger dwellings and less open space. • Applicants frequently request a variation reduction of the 50% open space requirement to 45%. This change will likely result in even further reductions to requests for 40% open space and then utilise the additional 5% for floorspace. • Likely to lead to overdevelopment of lots – bigger buildings on smaller lots not larger outdoor living areas. • Perth has growing problem with the urban heat island effect and needs to reduce the
R-Code	Previous %	New %																												
R20	50	45																												
R25	50	45																												
R30	45	40																												
R35	45	40																												
R40	45	40																												
R50	40	35																												
R60	40	35																												
R80	30	30																												

				<p>amount of built-on surfaces and increase the planting of large canopied trees.</p> <ul style="list-style-type: none"> • Opportunity to reduce open space will threaten mature vegetation in established older areas. Do not encourage destruction of the urban forest by reducing the need for open space. • Unlikely that increase in OLA with planting zone for a tree will occur without enforcement. Enforcement is problematic and will be local government burden.
	<p>Front fences</p>	<p>Allow visual permeable front fencing with 1.8m piers as deemed-to-comply.</p>	<ul style="list-style-type: none"> • Updated to clarify visual permeability calculations for where fencing is proposed above 1.2m in height. • Also clarifies that the height of the front fence is measured from the ground level at the primary street boundary. 	<p>Noted.</p> <ul style="list-style-type: none"> • Town’s RDG contains front fence requirements which replace provisions in the R-Codes. • RDG contain similar standards regarding visual permeability.
<p>Simplified for streamlined assessment</p>	<p>Street setback (primary)</p>	<p>Minimum setbacks for R20/R25 primary street setback reduced from 6m to 5m.</p>	<ul style="list-style-type: none"> • Allows for a slightly reduced minimum primary street setback. • Distinguishes between R15 to R17.5 (6m) and R30 (4m) to provide a more graduated setback reduction. 	<p>Supported. The reduction in street setback for R20 and R25 is acceptable. As lots get smaller there is an expectation that the setback will also be reduced.</p> <ul style="list-style-type: none"> • If the front setback area of the lot is smaller then the rear yard can potentially be larger with an increased area for private outdoor living area. • Plympton, Raceway and some sections of Woodside Precinct and Canning Hwy are coded R20. Reduced setbacks, often less than 5m, are often supported due to alignment with original street setback pattern being 5m or less.
	<p>Lot boundary setbacks</p>	<ul style="list-style-type: none"> • Nil for patios, verandahs (L 10m & H 2.7m) behind primary street setback and where roof setback is 0.5m from boundary. 	<ul style="list-style-type: none"> • Reduced setbacks maximise outdoor living area which is highly valued. • Meets BCA requirements. 	<p>Not supported. Separation between built structures for the purpose of visual relief, providing greater airflow and light and maintaining privacy will be diminished.</p>

				<ul style="list-style-type: none"> • Reducing setbacks reduces planting and green spaces between buildings. Greater building bulk occurs and increases likelihood that lots will be overdeveloped. • Will not automatically result in better design outcomes. • Council and Officer discretion considered best practice approach to determining lot boundary setbacks where nil - 1m setback is proposed. • Neighbour comment considered important. Development approval exemption will eliminate consultation. 														
	<p>Setbacks based on wall height</p>	<ul style="list-style-type: none"> • Simpler table – no differentiation between wall with major opening or blank wall. • Reduced from 1.5m to 1.2m for wall with major opening. <p>Table 2 – Building setbacks based on wall height</p> <table border="1" data-bbox="667 866 1016 1129"> <thead> <tr> <th>Wall height (m)</th> <th>Setback (m)</th> </tr> </thead> <tbody> <tr> <td>3.5 or less</td> <td>1.2</td> </tr> <tr> <td>4</td> <td>1.5</td> </tr> <tr> <td>6</td> <td>2</td> </tr> <tr> <td>8</td> <td>2.5</td> </tr> <tr> <td>9</td> <td>3</td> </tr> <tr> <td>10</td> <td>3.5</td> </tr> </tbody> </table> <p>Note: Visual privacy provisions still apply</p>	Wall height (m)	Setback (m)	3.5 or less	1.2	4	1.5	6	2	8	2.5	9	3	10	3.5	<ul style="list-style-type: none"> • New Table 2 provides simpler method for calculating wall heights. Setbacks are proportionate to increased bulk and scale. • Tables 2a and 2b, and Fig Series 4 have been removed due to: <ul style="list-style-type: none"> - remove interpretation issues with Fig Series 4 and inconsistent calculation methods. - Differentiation of walls with/without major openings incentivises highlight/small windows creating poor internal amenity outcomes. - Fig Series 4 incentivises “articulations” resulting in inefficient floor plans, complex roof lines and wasted spaces internally, with unlikely positive design 	<p>Not supported. Differentiate between walls with and without major openings and nominate setbacks that take into account major openings and provide a greater setback.</p> <ul style="list-style-type: none"> • Acknowledged that existing Table 2a and 2b are complex and wall length and height calculation is complicated. • However, this is an extreme simplification based on wall height only not length. Articulation will not occur. Long blank walls likely to result. • Purpose of providing separation between buildings is for visual relief, providing greater airflow and light and maintaining privacy. • Reducing setbacks diminishes planting and green spaces between buildings. Greater building bulk occurs and increases likelihood that lots will be overdeveloped. • Will not automatically result in better design outcomes. • Not supportive of reduced setback for walls with major openings.
Wall height (m)	Setback (m)																	
3.5 or less	1.2																	
4	1.5																	
6	2																	
8	2.5																	
9	3																	
10	3.5																	

			<p>outcome.</p> <ul style="list-style-type: none"> - Visual privacy, overshadowing and open space (in lower codes work to regulate bulk and scale. • Reduced setbacks maximise outdoor living areas - regular exercise of discretion. The provision aligns with the BCA and is limited to a height and dimension. 	<ul style="list-style-type: none"> • Openings are dealt with by privacy setbacks which have also been reduced. • Concern that very long, high walls with no articulation will result. Articulation ensures buildings are more interesting and helps achieve the desired setback from the site boundary. • Design of windows that allow for lighting and ventilation but maintain privacy can still be achieved with current setbacks. • Highlight windows ameliorate the impact of walls in dwellings with windows close to boundaries; provides privacy but allows for light and ventilation.
	<p>Carport setbacks</p>	<ul style="list-style-type: none"> • Carports exempted from contributing to averaging the front setback – no need to offset by compensating area behind the front setback line. • Set back may be reduced by up to 50% of the minimum setback where: <ul style="list-style-type: none"> - roof pitch, colours and materials complement the dwelling; and - width does not exceed 50% of the frontage at the building line; and - construction allows an unobstructed view between the dwelling and the street or equivalent. 	<ul style="list-style-type: none"> • Carports have less bulk and scale impact compared to garages, and allow for passive surveillance, natural light and ventilation. So, setback need not be as far as garages. • Promotes good design compatible with the dwelling façade. 	<p>Not supported. Carports are considered an intrusive element in the front setback area and generally detract from streetscape appeal by limiting the view of the dwelling from the street and resulting in vegetation loss.</p> <ul style="list-style-type: none"> • Often DAs are submitted converting carports to garages. • RDG require carports to be setback behind the building line and be less than 30% of the lot frontage.
	<p>Site works and retaining walls</p>	<ul style="list-style-type: none"> • Nil setback for retaining walls, fill and excavation between the street alignment and the street setback where less than 0.5m in height • Permits site works and retaining walls less than 0.5m to be located up to a side boundary within the front setback area. 	<ul style="list-style-type: none"> • Site works and retaining are now a combined assessment. Previously different setbacks applied. • Provisions simplified to one clause allowing for straightforward height and 	<p>Supported. Site works and retaining walls to remain part of planning assessment under R-Codes.</p> <ul style="list-style-type: none"> • Site works and retaining walls can be contentious issues and should remain part of the R-Codes assessment process. • Deemed-to-comply up to 0.5m in height seems

			<p>setback calculations.</p> <ul style="list-style-type: none"> • Minor variations to setback provisions for site works, however clarity of assessment will outweigh potential number of additional DAs. 	<p>a reasonable approach.</p>
<p>Development Exemptions</p>	<p>Ancillary dwellings</p>	<p><u>No development approval required for compliant outbuildings.</u> Ancillary dwelling:</p> <ul style="list-style-type: none"> • lot is not less than 350m²; • maximum plot ratio is 70m²; • parking as per R-Codes; • located behind the street setback; • designed to complement the colour, roof pitch and materials of main dwelling; • main dwelling meets minimum outdoor living area; • complies with all other R-Code provisions, except for site area, street surveillance and outdoor living area. 	<ul style="list-style-type: none"> • Community and local government support for alternate/smaller dwellings on lots less than 350m² (was 450m²). • Appearance requirements provides ability to assess built form outcome, which does not currently exist resulting in poor designs. • Amended to support design principle assessment of revised deemed-to-comply. 	<p>Not supported. If DA meets deemed-to-comply will not require planning approval.</p> <ul style="list-style-type: none"> • Impact on open space, removal of vegetation and privacy setbacks not assessable. • Neighbour consultation will not be required if deemed-to-comply. • Use of ancillary dwelling not clarified/confirmed on DA application form. May result in use as short-term accommodation or business without approval or appropriate conditions.
	<p>Small & large outbuildings</p>	<ul style="list-style-type: none"> • <u>No development approval required for compliant outbuildings.</u> • Distinction between development standards for small and large outbuildings. • Small outbuildings provisions same as BCA and permitted as of right in the rear corner of lot and not easily visible from the street. • Due to the minimal size and height of outbuildings it is recommended that small outbuildings do not contribute to the boundary wall provisions. 	<ul style="list-style-type: none"> • Address common triggers for development approvals in line with community expectations. • Provisions reduce ‘red tape’ making it easier for landowners to install small sheds. • Modifications distinguish between smaller and larger outbuildings • Column B aligns with BCA - allows small outbuildings permitted as of right when in rear corner and not easily visible from the street. • Minimal size and height of 	<p>Not supported. Will potentially result in outbuildings replacing mature vegetation and removal of mature trees.</p> <ul style="list-style-type: none"> • Local government cannot monitor location of position of outbuildings and/or intention to remove mature trees with submission of DA. • Reduced open space on-site. • Greater impact on amenity in terms of bulk and scale /overdevelopment of sites. • Corner sites / secondary streetscapes impacted by inappropriate location of and more than one outbuilding.

			<p>outbuildings (Col B) - small outbuildings do not contribute to boundary wall provisions.</p> <ul style="list-style-type: none"> • Reduces 'red tape' making it easier to install small sheds. 	
	<p>Swimming pools and pergolas</p>	<p>Swimming pools and pergolas exempt from development approval if deemed-to-comply provisions are met.</p> <p>New Definition – Pergola: An open-framed structure covered in water permeable material, or operable louvred roofing, which may or may not be attached to a dwelling.</p>	<p>Clarify that no development approval is required.</p> <p>Reflects previous State Administrative Tribunal decision in relation to unfixed louvred roofing.</p>	<p>Noted.</p> <ul style="list-style-type: none"> • No change unless raised pool level triggers DA under privacy setback. • DA approval required for erection of pergola in front setback area under the RDG. <p>Not supported. Pergolas must be permeable. Any ability to change the roof from permeable to impermeable makes the structure a verandah or patio and must be assessed as such. Applicants will likely seek exemption from DA approval for a patio with operable louvred roofing.</p>
<p>Design and liveability improvements</p>	<p>Outdoor living area</p>	<ul style="list-style-type: none"> • <u>Increase outdoor living area (OLA) requirements (i.e. 32m² for R20 – R80)</u>, including minimum dimensions and area behind street setback. • Outdoor area must be directly accessible from a habitable room primary living space of the dwelling. • Minimum length and width of 4m for all OLAs. • At least 2/3 of the area without permanent roof cover. • No more than 50% with permanent roof cover. <p>New definition – primary living space: <i>The area within a dwelling that is the focus of life and activity and usually the largest room.</i></p>	<ul style="list-style-type: none"> • OLA dimensions sufficient for entertaining, leisure and landscaping. • OLA covered component increased to 50%, from current 33%, to enable improved amenity. • Increase in overall OLA ensures covered space does not reduce natural light and ventilation access. • Introduction of primary living space ensures that OLA is provided from spaces that are 'connected' and frequently used, rather than rooms such as sewing rooms or studies. 	<p>Supported in part. Change to OLAs acceptable but do not allow OLA in street (front) setback area.</p> <ul style="list-style-type: none"> • Recognition that areas under eaves along the side boundaries of dwellings are mostly not suitable outdoor living areas and should not be included in the outdoor living area calculation. • If OLA is within front setback area, then high front fences may result as a means of providing privacy. • Restriction in terms of percentage of front fence which can be above 1.2m for solid element is required. • If front setback is used for OLA then potential for overdevelopment of rear of site with only poor landscaping at front of lot. Deemed-to-comply should not allow OLA at front of lot.

		<p><i>This area is connected with the outdoor living area or balcony, and includes the following room types: living room, lounge room, games room, family room, or an integrated living area that has one of these room types together with a kitchen or dining area.</i></p>		
	<p>Landscaping</p>	<ul style="list-style-type: none"> • Require one tree per dwelling and landscaping within the front setback for single houses, grouped and multiple dwellings. • Landscaping between each two consecutive uncovered parking spaces to include shade trees. • Unroofed visitors’ parking spaces to do not need to be screened from street. 	<ul style="list-style-type: none"> • Consistent with the wider R-Code review. • Removed screening for unroofed as encourages roofed parking - unroofed parking would have less impact on street. 	<p>Supported in part. Enforcement is problematic if tree not planted, is removed or dies.</p> <ul style="list-style-type: none"> • Supportive in principle but believe it may become another good planning intention that fails to achieve the intended objective. • Difficult to ensure compliance of landscaping because plants are not fixed and gardens are often dynamic spaces reliant on owner’s/resident’s interest in gardening, weather and water restrictions. • RDG do not permit car parking bays or parking space in front setback area.
	<p>Ancillary dwellings and carports</p>	<p>Introduce simple design standards to improve design outcomes.</p>	<ul style="list-style-type: none"> • Inclusion of appearance requirements provides the ability to assess the built form outcome – currently not applicable so resulting in poor designs affecting the locality. 	<p>Supported in part.</p> <ul style="list-style-type: none"> • Difficulty to ensure deemed-to-comply if applicant the assessor as to whether colour, roof pitch and materials complement that of the single house. • Proposal to be scrutinised at building permit stage adding to local government workload.
	<p>Walls built up to boundary</p>	<ul style="list-style-type: none"> • ‘Up to a boundary’ means a wall, on or less than 600mm from any side boundary (green title or survey strata lot). • Pillars and posts with a horizontal dimension of 450mm by 450mm do not constitute a wall built up to a site boundary. 	<ul style="list-style-type: none"> • Removing averaging calculations simplify boundary wall calculations - will reduce number of DAs and ensure consistency between local governments. • Terminology clarified to simplify understanding and interpretation. 	<p>Not supported. Walls or structures built within setback area should require neighbour consultation.</p> <ul style="list-style-type: none"> • Reduced standards may have impact on amenity, light, ventilation and heritage elements. Will not be assessed by planners.

	<p>Overshadowing</p>	<ul style="list-style-type: none"> • Dividing fences and buildings with a wall height of 3.5 metres do not contribute to overshadowing. • Site area refers to the surface of the adjoining lot and is measured without regard to any building. 	<ul style="list-style-type: none"> • Modification proposes that walls up to 3.5m in height do not contribute to overshadowing calculations due to the decreasing lot dimensions • This can result in single storey dwellings being unable to comply with overshadowing calculations. 	<p>Supported. Agree existing overshadowing from dividing fences should not contribute to calculation.</p>														
	<p>Parking</p>	<ul style="list-style-type: none"> • 1 parking bay required for single and ancillary dwellings where within 250m of a high frequency bus route, or multiple bus routes that if combined have timed stops every 15 minutes during weekday peak periods (7 – 9am and 5 – 7pm). • Measured in a straight line from along any part of the bus route to any part of the lot. • No requirement for visitor parking until the number of dwellings exceeds 3 and then 1 visitor bay is required to be provided for every 4 dwellings served by a common access area. <table border="1" data-bbox="658 1018 1055 1248"> <thead> <tr> <th>Dwellings</th> <th>Visitor Bays</th> </tr> </thead> <tbody> <tr> <td>0-3</td> <td>0</td> </tr> <tr> <td>4</td> <td>1</td> </tr> <tr> <td>5-8</td> <td>2</td> </tr> <tr> <td>9-12</td> <td>3</td> </tr> <tr> <td>13-16</td> <td>4</td> </tr> <tr> <td>17-20</td> <td>5</td> </tr> </tbody> </table>	Dwellings	Visitor Bays	0-3	0	4	1	5-8	2	9-12	3	13-16	4	17-20	5	<ul style="list-style-type: none"> • Some areas are heavily frequented by bus services operating along multiple routes within these periods, but the singular ‘route’ timing is not 15 minutes. • Allows for a combination of routes to encourage a reduction in car use and simplify the approval process where public transport is adequate. • 1 visitor bay now required for four dwellings or more. Text is relocated from the explanatory guidelines and simplified. 	<p>Supported. Changes to the measurement of the distance between lot and bus route and change to definition of high frequency bus schedules attempts to encourage greater use of buses as a substitute for private vehicles.</p> <p>Supported. Confirmation and clarification on the specific requirement for visitors’ bays and inclusion in the R-Codes is considered appropriate.</p>
Dwellings	Visitor Bays																	
0-3	0																	
4	1																	
5-8	2																	
9-12	3																	
13-16	4																	
17-20	5																	

12.1.2 Local Planning Scheme No. 3 - Heritage List and Municipal Heritage Inventory 2015 – Proposed Removal of 19 (Lot 18) Canning Highway, East Fremantle

Applicant	Town of East Fremantle
File ref	HHC2; P/CAN19
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	15 September 2020
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location Plan – Lots 14 – 19 Canning Highway2. 2006 Municipal Heritage Inventory – Place Record Form – 19 (Lot 18) Canning Highway – Category B3. Draft Local Planning Strategy extract – Investigation Area 94. MRS Other Regional Road Reserve

Purpose

The purpose of this report is to consider the formal removal of 19 (Lot 18) Canning Highway, East Fremantle from the Local Heritage Survey (formerly the Municipal Heritage Inventory) and the Local Planning Scheme No. 3 Heritage List.

Executive Summary

The consideration of removal of 19 Canning Highway from the Local Heritage Survey (LHS) and the Planning Scheme Heritage List has been prompted by Main Roads WA (MRWA) and the WAPC's intention to sell surplus land which includes this lot, on the southern side of Canning Highway between East and Glyde Street (refer to Attachment 1 – Location Plan). A planning consultant has been engaged by MRWA to initiate discussions with the Town in relation to the consideration of a Scheme Amendment to suitably reclassify the land prior to its disposal.

No. 19 Canning Highway, was the subject of an administrative oversight during the review of the LHS in 2014/15 which resulted in the lot being omitted from the LHS and the Scheme's Heritage List. An updated Place Record Form was not prepared, so it was not possible to determine whether the consultant intended to recommend removal from the heritage lists or to change the heritage category classification. Whatever the intention the outcome was that the site was not included in the heritage lists with the only explanation being an inadvertent omission.

Notwithstanding the current status of the site it should be noted that discussions had taken place with the State Heritage Office (SHO) in 2007 and the WAPC in 2012 requesting comments on the property's inclusion in the LHS. The SHO did not believe the site was worthy of registration on the State heritage register and the Commission stated that *"...given that any measures to widen the road will require the ultimate demolition of the house, it appears illogical to list the property on the Town's heritage list for conservation purposes"*. Following these exchanges a demolition permit was issued for the property, some years prior to the LHS review commencing, but was never actioned. Please see attachment 4 relating to the road reserve and the location of the property. Clearly the dwelling sits within the road reserve and therefore will require the demolition of the dwelling.

Following the recent demolition of the Kennard's buildings (on the corner of East Street) and the adjoining dwelling, 19 Canning Highway is one of two remaining houses on this section of the Highway. Both houses are in a habitable condition and leased to tenants but the integrity and

heritage value of the subject site has been depreciating. This situation alone is not necessarily a reason for recommending removal of the place from the heritage lists, however changing circumstances and strategic planning considerations now need to be taken into account.

The site is zoned R20 but is also within the 'Additional Use – A9' area under LPS 3 (i.e. development to R40 and consulting rooms/home business on ground floor subject to Council approval). This same area has been identified as 'Investigation Area 9' under the Draft Local Planning Strategy; being an area with strategic significance with the potential for increased density to be considered for these lots. The Draft Strategy identifies the land as a key location for medium to high density apartments which could contribute to the Town's 2050 dwelling target set by the State government. The strategic approach of identifying and facilitating higher density development on large unencumbered amalgamated parcels of land, with good access to public transport, supports the underlying objective of the Town to facilitate higher density development in these locations; thereby reducing development pressure on the Town's low density heritage precincts. The comprehensive development of this section of the Highway as an unencumbered land parcel will allow for more design and planning options to be explored and the residential interface issues to be addressed in an orderly and proper manner.

In light of the above circumstances the removal of the property from the heritage lists is recommended. Due to the incorrect omission of the property from the heritage lists it is considered necessary for Council to follow the correct procedures for removal of the property from both lists. This will clarify and formalise the heritage status of the property and enable any upcoming Scheme Amendment procedures to be undertaken correctly.

It is recommended that Council resolve to propose to remove 19 Canning Highway from the LHS and the Planning Scheme's Heritage List and undertake advertising as required under the Local Planning Schemes Regulations, 2015. Following the 21 day consultation period (during which time submissions may be received) a further report to Council will be drafted to enable Council to consider retention or removal of the place from the heritage lists.

Background

Following the December 2014 Council meeting, owners and occupiers of LHS properties categorised as A and B were advised in writing of the revised heritage assessments and of the intention to consider these properties for inclusion on the Scheme's Heritage List. With the exception of properties that were the subject of owners' submissions and/or further consideration by the heritage consultants the B category properties were adopted as a single group by Council for inclusion in the Scheme's Heritage List.

During the process of finalising and checking the place record forms for over 600 category B properties on the LHS and in preparing the list of properties to be included it appears an updated Place Record Form was not prepared. This resulted in no formal Council consideration of the property's status following the review process.

Consultation

If Council resolves to consider the removal of a property from a heritage list or LHS the Local Planning Schemes Regulations, 2015 requires the following consultation process be followed.

Consultation Process under Local Planning Schemes Regulation, 2015

- The Town must —
 - notify each owner of land affected and provide them with a copy of the proposal to remove the property; and
 - advertise the proposed removal by —
 - a notice in a local newspaper; and
 - erecting a sign in a prominent location; and
 - a notice on the Town’s website; and
 - any other consultation the Town considers appropriate.
-
- The period for making submissions must not be less than 21 days commencing on the same day as the notice is published.
- After the advertising/submission period ends the Town must —
 - review the proposal to remove the property in the light of any submissions made; and
 - resolve —
 - to adopt the recommendation for removal without modification; or
 - to adopt the recommendation for removal with modification; or
 - not to proceed with removal of the property.
- If the Council resolves to remove the property from the LHS and the Planning Scheme Heritage List then it must advise —
 - the Heritage Council of WA; and
 - each land owner affected.

Statutory Environment

Heritage Act, 2018

Planning and Development (Local Planning Schemes) Regulations, 2015

Heritage Regulations, 2019

Local Planning Scheme No. 3 (LPS 3)

LPS 3 - Heritage List

Policy Implications

Local Heritage Survey (formerly Municipal Heritage Inventory) 2015

Guidelines for Local Heritage Surveys 2019

Fremantle Port Buffer Zone – Area 2

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

Natural Environment

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

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the proposed Recommendation and correct statutory procedures are not followed.	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Statutory impact of non-compliance with State planning legislation.	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

June 2020

Details

2014/15 Review of Municipal Inventory (now Local Heritage Survey)

The 2006 LHS recorded the property as a category B (refer to Attachment 2). However, without explanation this was not carried forward to the 2014/15 LHS. The Town has no record of any formal discussions with, or any recent submissions from government agencies in regard to this property. Furthermore, the Council Minutes do not record any discussion of the matter. It appears that the property has been omitted from the Heritage List and the LHS due to an oversight with no formal Council resolution for its removal from either list. Whilst it is not clear why this occurred there is some evidence that the Town's Officers may have been considering the removal of the place from both heritage lists.

A demolition permit was issued for the property some years prior to the review of the LHS. However, the property was not demolished and the dwelling remains occupied. Also, in 2012 the Town wrote to the WAPC requesting comments on the potential inclusion of the site in the upcoming review of the LHS. This was prior to the Council formally notifying land owners that category B properties were proposed to be included on the LPS 3 Heritage List.

The response from the WAPC in 2012 stated as follows:

"The WAPC wishes to express its objection to the Town including the property on its heritage list.

The WAPC position arises from the fact that the improvements at the property are affected by the Other Regional Roads Reservation for the future widening of Canning Hwy. Given

that any measures to widen the road will require the ultimate demolition of the house, it appears illogical to list the property on the Town's heritage list for conservation purposes.

The WAPC also intends to redevelop the site in line with the infill objectives contained within the Directions 2031 strategy. It is envisaged that the unreserved portions of the WAPC's Lots 16 and 18 will be amalgamated with Main Roads WA's Lot 17 in order to create a development site. It is envisaged that as part of this process the dwellings on both Lot 16 and 18 will be demolished."

Please see attachment 4 relating to the road reserve and the location of the property.

The site history and previous correspondence points to the Town's Officers and the heritage consultant giving serious consideration to the property being removed from the heritage lists. However, an updated Place Record Form was not prepared and the correct procedures for formal removal were not followed. It is now considered necessary that Council undertake the correct statutory procedures so the heritage status of the property is clarified by a formal Council resolution.

Government land disposal

The need to consider formal removal of the site from the heritage lists was prompted by MRWA's intention to pursue a reclassification of the government owned land between Glyde and East Street through a Scheme Amendment process. MRWA is eager to pursue a reclassification of the land that will allow for increased development potential (increased density zoning) prior to disposing of the properties. Administration is currently in progressed discussions with the MRWA and their consultants regarding the up zoning of these properties along Canning Highway.

With the exception of this property and one other residential dwelling (at 15 Canning Highway), the remaining government owned land along the highway comprises vacant lots. The planning consultants are progressing the proposed Scheme Amendment and it is anticipated this will be submitted for Council's consideration within coming weeks.

The Scheme Amendment will also include a vacant privately owned lot on the corner of Glyde Street. This property is owned by a deregistered company and is administered by the Australian Security and Investment Commission.

Comment

Heritage considerations

In 2007 when the WAPC and MRWA were considering the disposal of these properties on Canning Highway, the Heritage Council of WA was consulted. It was confirmed at the time that 19 Canning Highway was not considered to be of State significance and was unlikely to meet the threshold for entry into the State Register of Heritage Places.

From the 2014/15 review of the LHS it is not possible to determine whether the consultant intended to recommend the property be removed from the heritage lists or downgraded to a category C. The dwelling is now one of two houses remaining on this section of the Highway, following the recent demolition of the Kennard's buildings (on the corner of East Street) and the adjoining residence. Over past years basic maintenance work has been undertaken to maintain residential use of the property which is leased to tenants. However, its heritage integrity has continued to depreciate and the property is considered to have limited and diminishing value as an individual property and as part of the Plympton group.

In general terms removal of properties from the Town's heritage lists is never considered lightly because of the importance placed on their retention and their high value in maintaining and contributing to the unique character of the Town. In most circumstances category B properties are considered worthy of a high level of protection. However, in respect to 19 Canning Highway the removal of the property from the heritage lists and its likely eventual demolition is not considered to diminish the heritage significance of the Plympton Precinct or the heritage character of the Town.

Given the background of the site in relation to previous heritage assessments it is considered unnecessary for the Town to engage a heritage consultant to provide a Heritage Impact Statement assessing the proposal for removal from the lists.

Planning considerations

The above circumstance would not necessarily be a reason for recommending removal of the place from the heritage lists in itself, however there are now other circumstances and strategic planning considerations which need to be taken into account.

The site is zoned R20 and is within the 'Additional Use – A9' area under LPS 3 which applies to Lots 14 – 19 fronting Canning Highway. The 'Additional Use' allows the lots between East and Glyde Street to be developed to a density code of R40, with ground floor use for consulting rooms and/or a home business, subject to Council approval. An R40 density code allows for apartments to be developed. This same area has been identified as a potential 'Investigation Area' under the Draft Local Planning Strategy because it is viewed as having strategic significance and the potential for development at a density higher than R40. Also, the location of this strip of land is at an entry point to the Town and therefore development is expected to demonstrate a high quality design outcome. Attachment 3 is an extract from the draft Local Planning Strategy which outlines the strategic approach to this area endorsed by Council for advertising at its meeting in November 2019.

Notwithstanding the likelihood that the dwelling would be demolished without the Council's consent if the road widening reserve was required, the Town is of the view that the potential strategic planning outcomes and the benefits of this land being developed as an amalgamated parcel of vacant land is an option which should be pursued. The approach of identifying and facilitating development on sites where a greater number of dwellings, developed on larger amalgamated parcels of land with good access to public transport, supports the underlying objective of the Town to concentrate higher densities in these locations, thereby reducing development pressure on the Town's low density heritage precincts. Investigation Area 9 is viewed as a site which has the potential to contribute to the 2050 State government dwelling target for the Town of 890 dwellings.

The comprehensive development of this section of the Highway will allow for more design and planning options to be explored and the residential interface development issues to be addressed in an orderly and proper manner. Appropriate amenity and urban design controls, inclusive of noise mitigation measures, protection of nearby heritage sites and access to Canning Highway would be considered, most likely through the formulation of a 'local development plan'. This is considered the soundest planning approach and would be considered at the Scheme Amendment stage.

Conclusion

The comprehensive planning and development of this strip of land is viewed as an extremely good opportunity, subject to suitable development controls, to facilitate the development of additional appropriately designed dwellings in an cohesive manner. A vacant land parcel is the ideal starting point in this planning process. It is assumed it is for these reasons that 19 Canning Highway was being considered for likely removal from the heritage lists in the early stages of the review of the LHS. Notwithstanding, if the road widening reserve was taken, then demolition would result. It appears it was the consultant's and the Council Officer's intention at the time to recommend removal of this property from the heritage lists, however this inadvertently did not occur.

In addition to these comments the heritage integrity of the property has continued to depreciate and the place is considered to have limited and diminishing value as an individual property and as part of the Plympton group. The removal of the property from the heritage lists is not considered to diminish the heritage significance of the Plympton Precinct or the heritage character of the Town. It is noted that the proposed removal of this dwelling from the heritage list and possible increase density does not constitute an approach that will be undertaken throughout the whole of Canning Highway and future proposal will be considered on their own merits. Given the background of the site in relation to previous heritage assessments a Heritage Impact Statement assessing the proposal for removal from the lists is not considered necessary.

In light of the above comments it is recommended that Council resolve to propose to remove 19 Canning Highway from the LHS and the Planning Scheme's Heritage List and undertake the correct statutory processes, including advertising, as required under the Local Planning Schemes Regulations, 2015. In this case the advertising will require a letter advising the WAPC (i.e. the land owner) of the Council's intentions, an advertisement in the local newspaper, a sign on the site and a notice on the Town's website. Following the 21 day consultation period (during which time submissions may be received) a further report to Council will be required to enable Council to consider retention or removal of the place from the heritage lists.

12.1.2 OFFICER RECOMMENDATION

That Council in accordance with Schedule 2, Part 3, Clause 8 (3) of the Planning and Development (Local Planning Schemes) Regulations, 2015 proposes to remove No. 19 (Lot 18) Canning Highway from the Local Planning Scheme No. 3 Heritage List and Local Heritage Survey (formerly Municipal Inventory).

Heritage Survey 2006

(MUNICIPAL HERITAGE INVENTORY)

PLACE RECORD FORM

Management Category	Lot	St No.	Street	Precinct (TPS3)	Type of Place
B- ^	18	19	Canning Hwy	Plympton	Residence
TPS 3 Heritage List					
TPS 3 Heritage Area					Plympton / Civic



Categories		Significance				
Historic Theme	Demographic Settlement	Aesthetic		<input checked="" type="checkbox"/>		
Sub-Theme	Land Subdivision	Historic				
Period	Federation	Social				
Style	Federation Queen Anne Villa	Scientific				
		Representative		<input checked="" type="checkbox"/>		
		Rarity				
Rating & Assessment		High Low				
Aesthetic Value		1	2	3	4	5
Architectural Merit		1	2	3	4	5
Rarity Value		1	2	3	4	5
Group/Precinct Value		1	2	3	4	5
Condition		1	2	3	4	5
Integrity		1	2	3	4	5

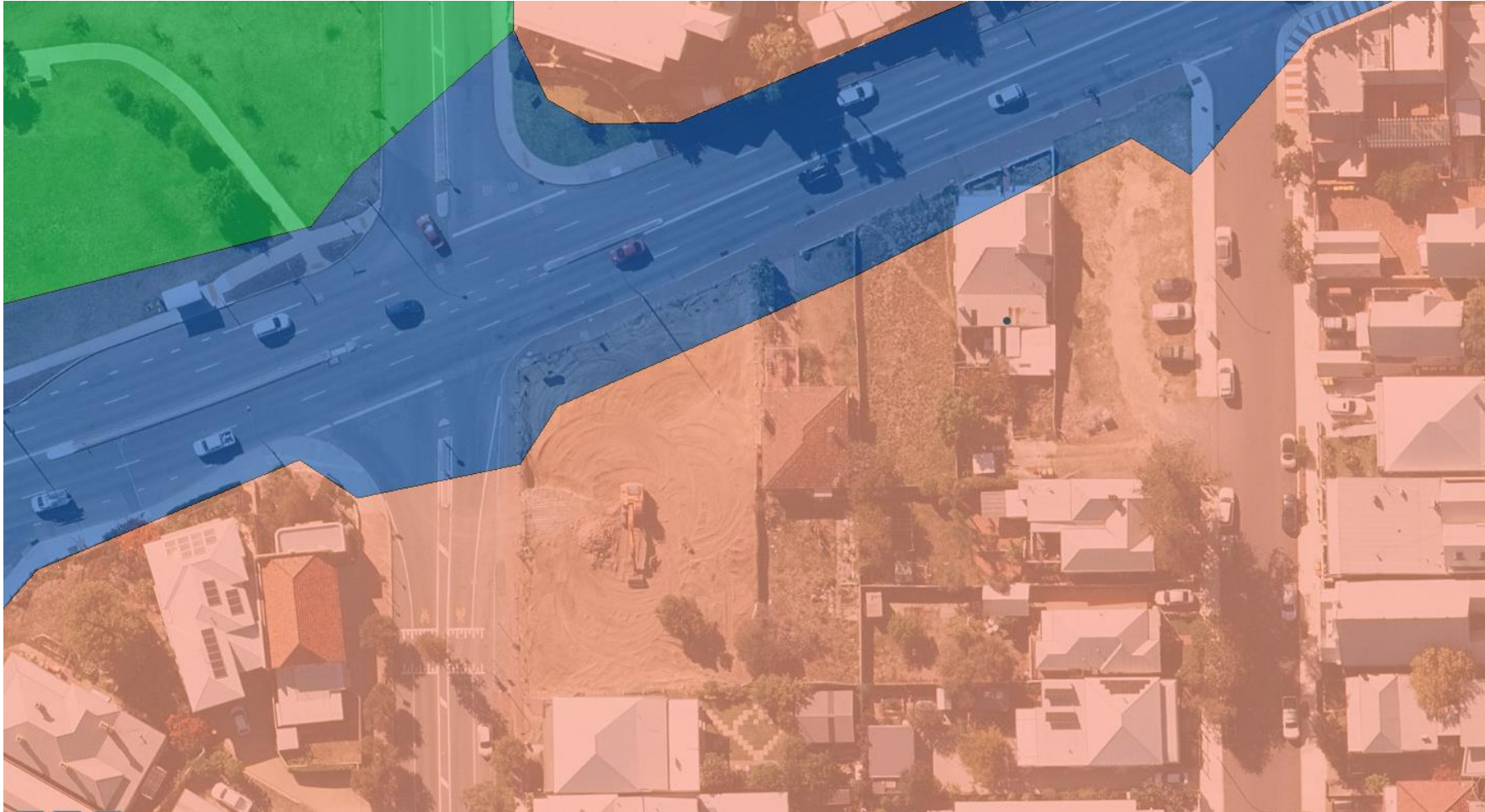
Extract from Draft Local Planning Strategy 2019 – Investigation Area 9

Investigation Areas

In addition to the Leeuwin Barracks site, detailed planning for each of these precincts is essential to ensure that local population growth is supported by an increase in local infrastructure and services. Further investigations are required to understand the best way to deliver dwellings that are most suitable in typology, height and scale for the locality; how to ensure amenity is ensured for existing and future residents; and to protect and/or improve the environment.

Investigation Area	Perth and Peel @ 3.5 million Framework Urban Consolidation Principles (UCP)	Intended density, urban form and land use	Comments and considerations
<p>Site: No. IA 9 East Street/ Canning Highway/Glyde Street (No. 7-27 Canning Highway).</p> <p>Current Zone: Residential R20 with Additional Use R40 and Consulting Rooms/Home Business; Other Regional Roads Reserve.</p>	<ul style="list-style-type: none"> Provides diversity to meet changing demographics. (UCP 1 Housing) Site is within the walking catchment of high frequency transit (bus) route and the Canning Highway urban corridor shown in the Central Sub-regional Framework. (UCP4 Urban Corridors and UCP 7 Public Transport) 	<p>Medium to High Density.</p> <p>3 storeys, with potential for the higher density and up to 5 storeys closer to the corner of East Street and/or with street/neighbour setbacks.</p> <p>A mixture of apartments stand-alone with possible consideration for mixed use (limited range) development and townhouse/villa grouped dwellings/terrace development with opportunity for setbacks and heights transitioning on the fringes where sites interface with established suburban areas and incorporating heritage properties into overall design concepts. Signifies the western entry point to the Town of East Fremantle.</p> <p>Through the preparation of local development plans/policy review/concept and/or precinct plans, this section of the Canning Highway urban corridor accommodates medium to higher density development.</p>	<ul style="list-style-type: none"> Canning Highway land requirement and access are considerations. Car parking and traffic need to be considered. Noise from Canning Highway needs to be considered. Impact on amenity of adjacent residential properties needs to be considered. The site is affected by Fremantle Ports Buffer Area 2. Residential density at R40 is currently permitted under additional use rights and multiple dwellings are already a possible land use on this site. Higher densities provide more opportunity for dependent persons' and single bedroom dwellings. Heritage Listing (No. 3 Glyde Street) needs to be considered. Predominantly under public agency ownership. Site is strategically located at the western gateway to the Town. Site has the potential for river views. Current land use has not reached full potential (a number of properties vacant). Located directly opposite an R80 site.

Attachment 4: Aerial Image with the MRS road reserve overlaid.



12.2 FINANCE

12.2.1 Statement of Financial Activity for Period Ended 31 August 2020

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 September 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Statement of Financial Activity 31 August 2020 2. Capital Works Report 3 September 2020 3. Financial Health Check 31 August 2020

Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 31 August 2020. The Monthly Financial Report also includes a Capital Works Report and Financial Health Check summary.

Executive Summary

A Monthly Financial Report workbook has been prepared to provide an overview of key financial activity. Two Statements of Financial Activity are provided, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2021.

A Capital Works Report is presented detailing committed expenditure against budgets. This report is used to assess the clearance rate of capital projects.

A Monthly Financial Health Check has also been prepared which provides key financial information against benchmarks. This document is intended to provide a concise summary of the Town's financial performance.

Background

The Town of East Fremantle financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

The monthly Financial Report is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
 - Explanation of Material Variances
 - Net Current Funding Position
 - Cash and Investments
 - Receivables
 - Cashed Back Reserves
 - Capital Disposals
 - Rating Information
 - Grants and Contributions

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

Consultation

Management team

Statutory Environment

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its Statement of Financial Activity.

Expenditure from the municipal fund not included in the annual budget must be authorised in advance by an absolute majority decision of Council pursuant to section 6.8 of the *Local Government Act 1995*.

Fees and charges are imposed under section 6.16 of the *Local Government Act 1995*. If fees and charges are imposed after the annual budget has been adopted, local public notice must be provided before introducing the fees or charges pursuant to section 6.19 of the *Local Government Act 1995*.

Policy Implications

Significant Accounting Policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

Financial Implications

Material variances are disclosed in the Statement of Financial Activity.

As part of the adopted 2020/21 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2020/21 for reporting material variances shall be:

- (a) 10% of the amended budget; or*
- (b) \$10,000 of the amended budget.*

whichever is greater. In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Strategic Implications

The monthly financial report is the key financial reporting mechanism to Council, to provide oversight of the financial management of the local government. This ties into the Strategic Community Plan as follows:

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inadequate oversight of the financial position of the Town may result in adverse financial trends	Rare (1)	Major (4)	Low (1-4)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by monthly review of financial statements and key financial information

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

Not applicable.

Comment

This report presents the Statement of Financial Activity for the period 31 August 2020. The following is a summary of headline numbers from the attached financial reports:

	Original Budget	YTD Budget	August Actuals
Opening Surplus	160,328	160,328	262,228
Operating Revenue	10,517,403	8,573,272	8,551,221
Operating Expenditure	(10,969,062)	(1,872,308)	(1,375,028)
Capital Expenditure	(1,026,681)	(32,000)	(134,347)
Capital Income	210,000	0	0

Financing Activities	(470,888)	0	0
Non-Cash Items	1,578,900	263,150	0
Closing Surplus	0	7,092,442	7,304,074
Unrestricted Cash			2,025,248
Restricted Cash			991,601

- Reserve funds have been transferred into the municipal fund to meet trading obligations pursuant to the disclosure in note 7 (c) of the 2020/21 Annual Budget. Funds will be recouped once rate receipts are sufficient;
- Depreciation has yet to be processed due to the finalisation of the 2019/20 accounts and asset register;
- A Capital Works Report is being auto generated within the Town's financial system and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2 and includes actual expenditure as at 3 September. Capital works have yet to substantially commence, with \$134k in total expenditure;
- Rates were levied in the month of July with rate notices issued in the first week of August. At the end of August 29% of rates levied (including arrears) has been receipted. The due date for payment of rates including the election of instalments is the 7 September.

Budget Variations

At the Special Meeting of Council of 27 August 2020, Council approved the following budget variations, which were funded from the estimated additional surplus brought forward from the 30 June 2020:

Account No.	Description	Current Budget	Amended Budget	Variance	Comment
E11246	EF Oval Masterplan	(\$200,000)	(\$270,143)	(\$70,143)	Increased budget to cover contract price
E12784	Riverside Road Landscaping	(\$100,000)	(\$160,000)	(\$60,000)	Increased budget to cover contract price
I11167	Trust Fund transfers to Muni	\$234,000	\$238,064	\$4,064	Full amount of funds released from WAPC
	Surplus 30 June 2020	\$160,328	\$286,407	\$126,079	Favourable surplus compared to budget
Change in Net Current Assets				\$0	

There are a number of projects on the capital works report that include open purchase orders which appear as committed expenditure against accounts with no budget. They include:

Account Number	Project	Order Value/Committed Exp.
E11687	Foreshore Erosion Control	\$81,239
E11633	Niegerup Track	\$16,453
E11713	Parks/Reserve Sign Replacement	\$3,487
E12784	Riverside Road	\$231,316

The brought forward estimate from 30 June 2020 was predicated on the full expenditure of all budgeted capital projects in 2019/20. The actual surplus as at 30 June 2020 is estimated to be circa \$202k compared to 2020/21 budgeted opening funds of \$160k. The additional surplus of \$42k is attributable to the under-expenditure against the carryover projects identified above.

As the additional surplus was allocated to fund the budget variations approved at the Special Meeting on 27 August, an alternative funding strategy is required to fund the carryover projects. A proposed schedule of budget variations is presented below to allocate budgets against the open purchase orders, as well as reallocate expenditure between identified capital works projects:

Account No.	Description	Current Budget	Amended Budget	Variance	Comment
E11687	Foreshore Erosion Control – John Tonkin Hedland Variation	(\$0)	(\$110,000)	(\$110,000)	Carryover from 19/20 plus additional scope to meet funding requirements with DBCA
E10644	Repointing Seawalls	(\$75,000)	(\$8,353)	\$66,647	Reduced scope to reallocate budget to E11687 above. Budget is to lift footpath panel and investigate extent of dilapidation to develop a firm project scope
E11633	Niergarup Track	(\$0)	(\$17,000)	(\$17,000)	20/21 Budget included an additional allocation of \$15k against E12255 for Tree Replacements. This was earmarked for Niergarup Track revegetation
E12255	Tree Replacements	(\$74,643)	(\$57,643)	\$17,000	20/21 Budget included an additional allocation of \$15k against E12255 for Tree Replacements. This was earmarked for Niergarup Track revegetation
E11713	Town Entry Statement	(\$0)	(\$3,500)	(\$3,500)	Carryover from 19/20
E12784	Riverside Road Resurfacing	(\$160,000)	(\$315,000)	(\$155,000)	The Town expensed \$1,604,949 in 19/20 against a contract sum of \$1,760,105 leaving a balance of \$155k ex GST. The remaining balance is to be expensed in the 20/21 financial year.
341	Transfer from Strategic Asset Management Reserve	\$100,000	\$340,853	\$240,853	Council resolution 180220 included a budget variation of \$180,853 as a Transfer from the Strategic Asset Management Reserve to

					fund additional budget for the Riverside Road Project. This reserve transfer was not processed as at 30 June and it is recommended that the transfer occur in 20/21 to largely match timing of expenditure. It also recommended that the additional budget of \$60k for the landscaping, approved at the Special Meeting of Council on 27 August, be funded from this Reserve.
E12629	Road Resurfacing – Penshurst Street	(\$60,000)	(\$0)	\$60,000	Project deferred. \$15k allocated to Fortescue Footpath
E12688	Footpath – Fortescue Street	(\$60,000)	(\$75,000)	(\$15,000)	\$15k allocated from Penshurst Street Project
Opening Surplus		\$286,407	\$202,407	(\$84,000)	Adjustment to brought forward surplus
Change in Net Current Assets				\$0	

12.2.1 OFFICER RECOMMENDATION

That Council:

1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 31 August 2020, as presented as attachment 1 to this report.
2. notes the unrestricted municipal surplus of \$7,304,074 as at 31 August 2020.
3. receives the Capital Works Report dated 3 September 2020, as presented as attachment 2 to this report.
4. receives the Monthly Financial Health Check, as presented as attachment 3 to this report.
5. pursuant to section 6.8 of the *Local Government Act 1995*, approve the schedule of budget variations below resulting in a nil change in net current assets as at 30 June 2021.

Account No.	Description	Current Budget	Amended Budget	Variance	Comment
E11687	Foreshore Erosion Control – John Tonkin Hedland Variation	(\$0)	(\$110,000)	(\$110,000)	Carryover from 19/20 plus additional scope to meet funding requirements with DBCA
E10644	Repointing Seawalls	(\$75,000)	(\$8,353)	\$66,647	Reduced scope to reallocate budget to E11687 above. Budget is to lift footpath panel

						and investigate extent of dilapidation to develop a firm project scope
E11633	Niergarup Track	(\$0)	(\$17,000)	(\$17,000)		20/21 Budget included an additional allocation of \$15k against E12255 for Tree Replacements. This was earmarked for Niergarup Track revegetation
E12255	Tree Replacements	(\$74,643)	(\$57,643)	\$17,000		20/21 Budget included an additional allocation of \$15k against E12255 for Tree Replacements. This was earmarked for Niergarup Track revegetation
E11713	Town Entry Statement	(\$0)	(\$3,500)	(\$3,500)		Carryover from 19/20
E12784	Riverside Road Resurfacing	(\$160,000)	(\$315,000)	(\$155,000)		The Town expensed \$1,604,949 in 19/20 against a contract sum of \$1,760,105 leaving a balance of \$155k ex GST. The remaining balance is to be expensed in the 20/21 financial year.
341	Transfer from Strategic Asset Management Reserve	\$100,000	\$340,853	\$240,853		Council resolution 180220 included a budget variation of \$180,853 as a Transfer from the Strategic Asset Management Reserve to fund additional budget for the Riverside Road Project. This reserve transfer was not processed as at 30 June and it is recommended that the transfer occur in 20/21 to largely match timing of expenditure. It also recommended that the additional budget of \$60k for the landscaping, approved



						at the Special Meeting of Council on 27 August, be funded from this Reserve.
E12629	Road Resurfacing – Penshurst Street	(\$60,000)	(\$0)	\$60,000		Project deferred. \$15k allocated to Fortescue Footpath
E12688	Footpath – Fortescue Street	(\$60,000)	(\$75,000)	(\$15,000)		\$15k allocated from Penshurst Street Project
Opening Surplus		\$286,407	\$202,407	(\$84,000)		Adjustment to brought forward surplus
Change in Net Current Assets					\$0	

TOWN OF EAST FREMANTLE
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 31 August 2020

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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**Town of East Fremantle
Information Summary
For the Period Ended 31 August 2020**

Key Information

Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 31 August 2020 of \$7,304,074.

Items of Significance

The material variance adopted by the Town of East Fremantle for the 2020/21 year is \$10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

	%	Amended			
	Collected /	Annual		YTD Budget	YTD Actual
	Completed	Budget			
Significant Projects					
Purchase Property, Plant and Equipment	7%	\$ 292,500	\$ -	\$ 20,445	
Purchase and Construction of Infrastructure	16%	\$ 734,181	\$ 32,000	\$ 113,903	
Grants, Subsidies and Contributions					
Commonwealth Home Support Programme	25%	\$ 601,566	\$ 150,392	\$ 151,123	
Regional Road Group Grant	0%	\$ 180,000	\$ -	\$ -	
		\$ 601,566	\$ 150,392	\$ 151,123	
Rates Levied	100%	\$ 7,997,275	\$ 7,972,275	\$ 7,967,495	

% Compares current ytd actuals to annual budget

Financial Position

	Current Year
Adjusted Net Current Assets	\$ 7,304,074
Cash and Equivalent - Unrestricted	\$ 2,025,248
Cash and Equivalent - Restricted	\$ 991,601
Receivables - Rates	\$ 7,129,715
Receivables - Other	\$ 280,243
Payables	\$ 1,524,370

% Compares current ytd actuals to prior year actuals at the same time

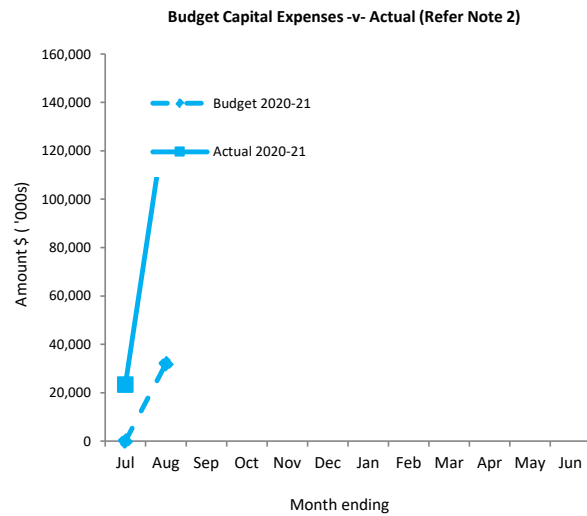
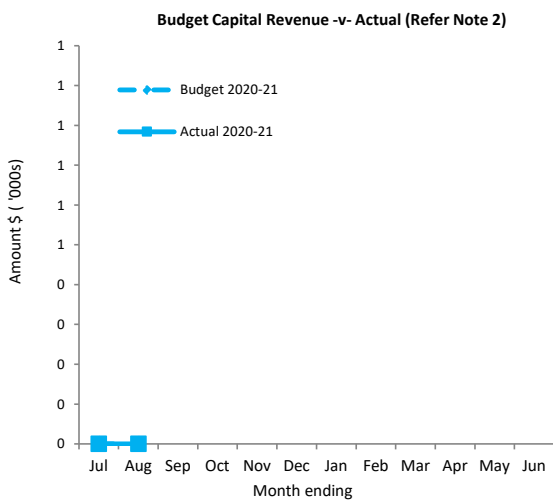
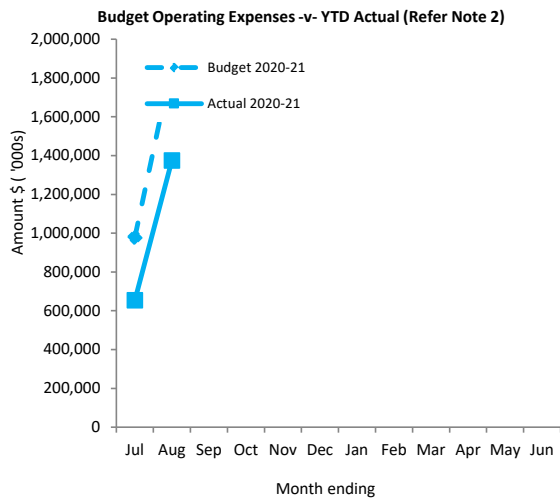
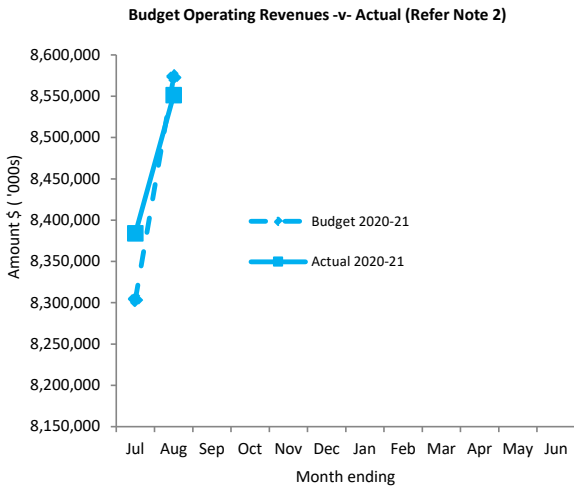
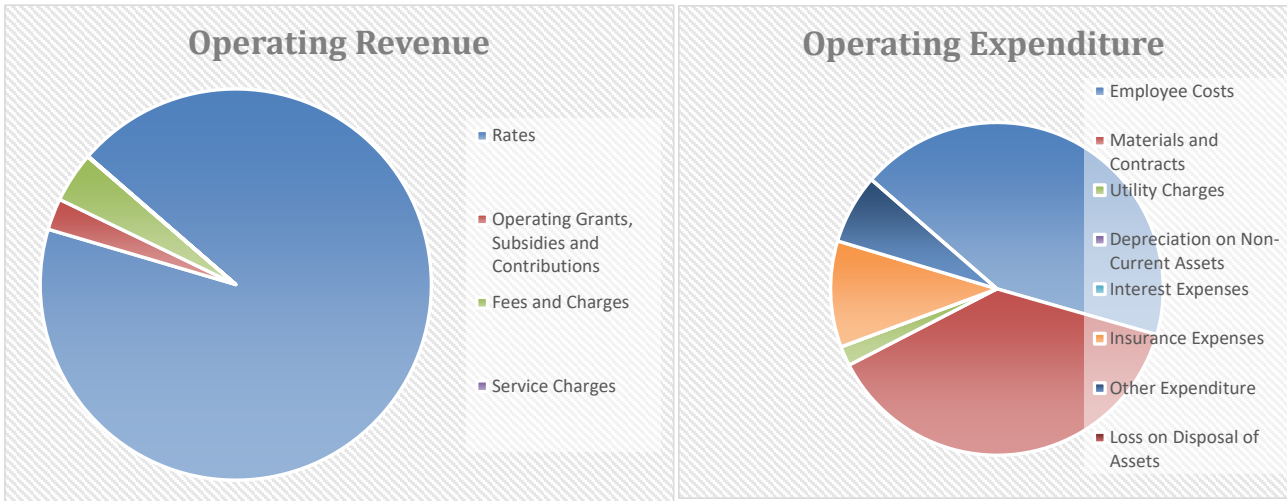
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of

Preparation

Prepared by:

Reviewed by: Peter Kocian

Date prepared:



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 August 2020

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Current Budget	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$			\$	\$	\$	%	
Opening Funding Surplus(Deficit)	3	160,328	160,328	160,328	160,328	262,228	101,900	64%	
Revenue from operating activities									
Governance		10,000	10,000	10,000	1,667	32	(1,635)	(98%)	
General Purpose Funding - Rates	9	7,997,275	7,997,275	7,997,275	7,972,275	7,967,495	(4,780)	(0%)	
General Purpose Funding - Other		328,653	328,653	328,653	64,080	50,773	(13,307)	(21%)	▼
Law, Order and Public Safety		33,200	33,200	33,200	5,533	3,111	(2,422)	(44%)	
Health		13,409	13,409	13,409	9,242	8,820	(422)	(5%)	
Education and Welfare		713,766	713,766	713,766	169,092	178,392	9,300	6%	
Housing		84,000	84,000	84,000	14,000	13,222	(778)	(6%)	
Community Amenities		205,000	205,000	205,000	140,000	109,513	(30,487)	(22%)	▼
Recreation and Culture		648,800	648,800	652,864	104,467	157,904	53,437	51%	▲
Transport		353,800	353,800	353,800	71,333	32,401	(38,933)	(55%)	▼
Economic Services		80,500	80,500	80,500	13,417	24,138	10,722	80%	▲
Other Property and Services		49,000	49,000	49,000	8,167	5,420	(2,747)	(34%)	
		10,517,403	10,517,403	10,521,467	8,573,272	8,551,221			
Expenditure from operating activities									
Governance		(1,198,448)	(1,198,448)	(1,198,448)	(234,575)	(186,771)	47,803	20%	▲
General Purpose Funding		(155,287)	(155,287)	(155,287)	(25,881)	(18,359)	7,523	29%	▲
Law, Order and Public Safety		(175,539)	(175,539)	(175,539)	(30,203)	(23,975)	6,227	21%	▲
Health		(215,419)	(215,419)	(215,419)	(36,548)	(33,622)	2,926	8%	
Education and Welfare		(1,116,999)	(1,116,999)	(1,116,999)	(221,133)	(167,196)	53,937	24%	▲
Housing		(45,320)	(45,320)	(45,320)	(7,993)	(2,377)	5,617	70%	▲
Community Amenities		(2,750,998)	(2,750,998)	(2,750,998)	(453,645)	(357,143)	96,502	21%	▲
Recreation and Culture		(2,334,470)	(2,334,470)	(2,404,613)	(357,012)	(248,879)	108,133	30%	▲
Transport		(2,703,195)	(2,703,195)	(2,703,195)	(450,533)	(251,559)	198,973	44%	▲
Economic Services		(115,287)	(115,287)	(115,287)	(19,215)	(17,534)	1,681	9%	
Other Property and Services		(158,100)	(158,100)	(158,100)	(35,571)	(67,613)	(32,042)	(90%)	▼
		(10,969,062)	(10,969,062)	(11,039,205)	(1,872,308)	(1,375,028)			
Operating activities excluded from budget									
Add back Depreciation		1,578,900	1,578,900	1,578,900	263,150	0	(263,150)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	0	0	0	0	0	0		
Amount attributable to operating activities		1,578,900	1,578,900	1,578,900	263,150	0			
Investing Activities									
Non-operating Grants, Subsidies and Contributions	11	180,000	180,000	180,000	0	0	0		
Proceeds from Disposal of Assets	8	30,000	30,000	30,000	0	0	0		
Purchase Property, Plant and Equipment		(292,500)	(292,500)	(292,500)	0	(20,445)	(20,445)		▼
Purchase and Construction of Infrastructure		(734,181)	(734,181)	(824,181)	(32,000)	(113,903)	(81,903)	(256%)	▼
Amount attributable to investing activities		(816,681)	(816,681)	(906,681)	(32,000)	(134,347)			
Financing Activities									
Transfer from Reserves	7	591,500	591,500	621,500	0	0	0		
Repayment of Debentures	10	(95,160)	(95,160)	(95,160)	0	0	0		
(Transfer to Reserves)	7	(967,228)	(967,228)	(967,228)	0	0	0		
Amount attributable to financing activities		(470,888)	(470,888)	(440,888)	0	0			
Closing Funding Surplus(Deficit)	3	0	(0)	(126,079)	7,092,442	7,304,074			

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 August 2020

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Current Budget	Amended YTD Budget	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$			\$	\$	\$	%	
Opening Funding Surplus (Deficit)	3	160,328	160,328	160,328	160,328	262,228	101,900	64%	▲
Revenue from operating activities									
Rates	9	7,997,275	7,997,275	7,997,275	7,972,275	7,967,495	(4,780)	(0%)	
Operating Grants, Subsidies and Contributions	11	1,175,019	1,175,019	1,179,083	222,305	222,448	144	0%	
Fees and Charges		1,187,609	1,187,609	1,187,609	352,442	356,187	3,744	1%	
Interest Earnings		120,000	120,000	120,000	20,000	2,723	(17,277)	(86%)	▼
Other Revenue		37,500	37,500	37,500	6,250	2,368	(3,882)	(62%)	
Profit on Disposal of Assets	8	0	0	0	0	0	0		
		10,517,403	10,517,403	10,521,467	8,573,272	8,551,221			
Expenditure from operating activities									
Employee Costs		(4,173,445)	(4,173,445)	(4,173,445)	(714,512)	(592,012)	122,500	17%	▲
Materials and Contracts		(4,279,617)	(4,279,617)	(4,349,760)	(674,103)	(522,244)	151,858	23%	▲
Utility Charges		(299,300)	(299,300)	(299,300)	(49,883)	(26,255)	23,628	47%	▲
Depreciation on Non-Current Assets		(1,578,900)	(1,578,900)	(1,578,900)	(263,150)	0	263,150	100%	▲
Interest Expenses		(14,960)	(14,960)	(14,960)	0	0	0		
Insurance Expenses		(180,320)	(180,320)	(180,320)	(90,160)	(141,839)	(51,679)	(57%)	▼
Other Expenditure		(442,520)	(442,520)	(442,520)	(80,500)	(92,677)	(12,177)	(15%)	▼
Loss on Disposal of Assets	8	0	0	0	0	0	0		
		(10,969,062)	(10,969,062)	(11,039,205)	(1,872,308)	(1,375,028)			
Operating activities excluded from budget									
Add back Depreciation		1,578,900	1,578,900	1,578,900	263,150	0	(263,150)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	0	0	0	0	0	0		
Amount attributable to operating activities		1,578,900	1,578,900	1,578,900	263,150	0			
Investing activities									
Non-operating Grants, Subsidies and Contributions	11	180,000	180,000	180,000	0	0	0		
Proceeds from Disposal of Assets	8	30,000	30,000	30,000	0	0	0		
Purchase Property, Plant and Equipment		(292,500)	(292,500)	(292,500)	0	(20,445)	(20,445)		▼
Purchase and Construction of Infrastructure		(734,181)	(734,181)	(824,181)	(32,000)	(113,903)	(81,903)	(256%)	▼
Amount attributable to investing activities		(816,681)	(816,681)	(906,681)	(32,000)	(134,347)			
Financing Activities									
Transfer from Reserves	7	591,500	591,500	621,500	0	0	0		
Repayment of Debentures	10	(95,160)	(95,160)	(95,160)	0	0	0		
(Transfer to Reserves)	7	(967,228)	(967,228)	(967,228)	0	0	0		
Amount attributable to financing activities		(470,888)	(470,888)	(440,888)	0	0			
Closing Funding Surplus (Deficit)	3	0	(0)	(126,079)	7,092,442	7,304,074	211,632	3%	

Note 1: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2020/21 year is \$10,000 or 10% whichever is the greater.

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
General Purpose Funding	(13,307)	(21%)		Timing	Unfavourable - attributable to negligible interest on investments due to low surplus cash
Community Amenities	(30,487)	(22%)		Timing	Unfavourable - Better Bins grant \$26k yet to be claimed
Recreation and Culture	53,437	51%		Timing	Favourable Unfavourable - Main Roads Direct Grant yet to be claimed.
Transport	(38,933)	(55%)		Timing	Parking revenue under budget.
Economic Services	10,722	80%		Timing	Favourable
Operating Expense					
Governance	47,803	20%		Timing	Favourable - Depreciation has not yet been processed in 20/21
General Purpose Funding	7,523	29%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Law, Order and Public Safety	6,227	21%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Health	2,926	8%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Education and Welfare	53,937	24%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Housing	5,617	70%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Community Amenities	96,502	21%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Recreation and Culture	108,133	30%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Transport	198,973	44%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Economic Services	1,681	9%		Timing	Favourable - Depreciation has not yet been processed in 20/21
Other Property and Services	(32,042)	(90%)		Timing	Unfavourable - SWG Cont. and Workers Comp payments
Depreciation	(263,150)	(100%)		Timing	Depreciation has not yet been processed in 20/21
Capital Revenues					
Grants, Subsidies and Contributions	0				no reportable variances
Proceeds from Disposal of Assets	0				no reportable variances
Capital Expenses					
Purchase Property, Plant and Equipment	(20,445)			Timing	Capital works program has yet to substantially commence
Purchase and Construction of Infrastructure	(81,903)	(256%)		Timing	
Financing					
Financing Activities	-				
Nature and Type Classifications:					
Rates	(4,780)	(0%)			no reportable variances
Operating Grants, Subsidies and Contributions	144	0%			no reportable variances
Fees and Charges	3,744	1%			no reportable variances
Interest Earnings	(17,277)	(86%)			Investment portfolio is negligible given minimal surplus cash. Rates due 7 Sep after which the Town will place investments.
Other Revenue	(3,882)	(62%)			no reportable variances
Employee Costs	122,500	17%		Timing	favourable
Materials and Contracts	151,858	23%		Timing	favourable
Utility Charges	23,628	47%		Timing	favourable
Depreciation on Non Current Assets	263,150	100%		Timing	Depreciation has not yet been processed in 20/21
Interest Expenses	-				
Insurance Expenses	(51,679)	(57%)		Timing	1st Instalment paid in July
Other Expenditure	(12,177)	(15%)		Timing	no reportable variances

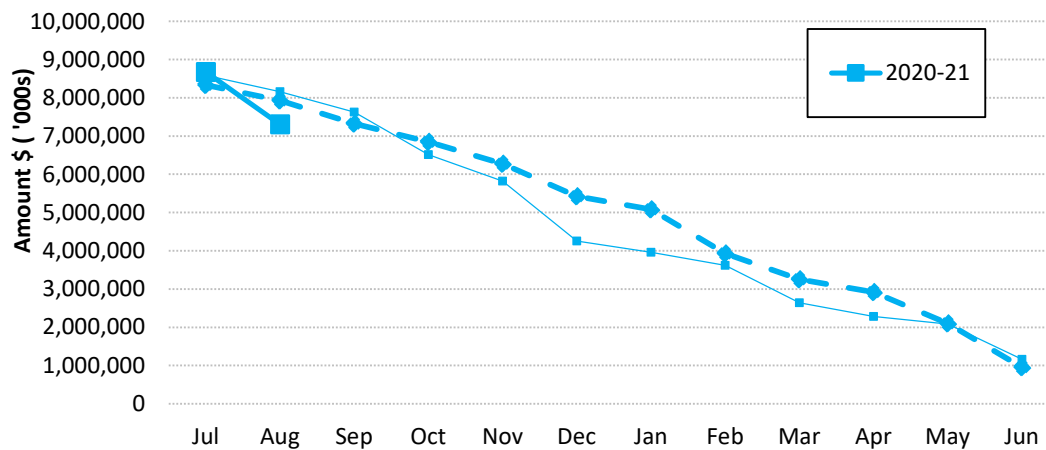
TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2020

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing 30 June 2020 \$	Current 31 Aug 2020 \$
Current Assets			
Cash Unrestricted	4	1,942,857	2,025,248
Cash Restricted - Reserves	4	1,290,692	991,601
Receivables - Rates	6	320,318	7,129,715
Receivables - Other	6	127,677	280,243
Interest / ATO Receivable/Trust		168,087	110,553
Inventories		0	0
		3,849,631	10,537,360
Less: Current Liabilities			
Payables		(1,904,694)	(1,524,370)
Provisions		(691,459)	(666,876)
		(2,596,153)	(2,191,246)
Less: Restricted Cash - Reserves	7	(991,251)	(991,251)
Less: Trust Interfund Transfer Account		0	(50,790)
Net Current Funding Position		262,228	7,304,074

Note 3 - Liquidity Over the Year



Comments - Net Current Funding Position

TOWN OF EAST FREMANTLE
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 31 August 2020

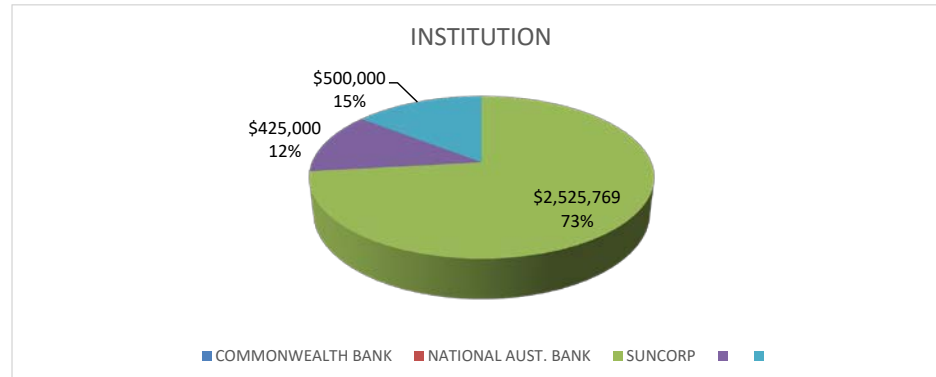
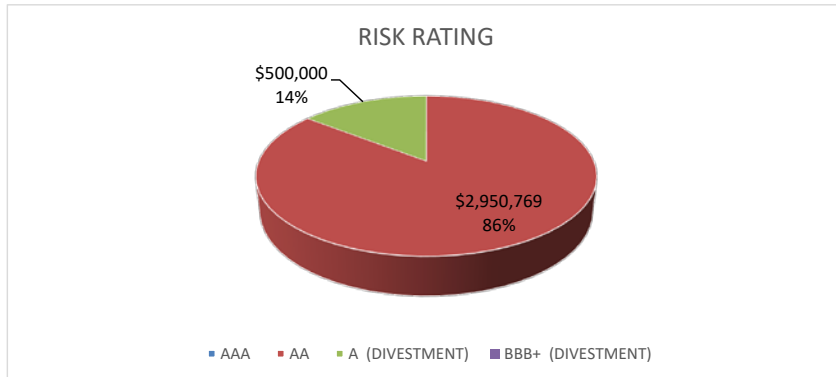
Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Risk Rating (LT)	Interest Rate	Maturity Date
	\$	\$	\$	\$				
(a) Cash Deposits								
Municipal Bank Account - On-Call	684,902			684,902	CBA	AA-	0.20%	At Call
Municipal Bank Account	239,020			239,020	CBA	AA-		At Call
Municipal Bonds & Deposits Account	100,226			100,226	CBA	AA-		At Call
Reserve Bank Account		251		251	CBA	AA-		At Call
Trust Bank Account			10,021	10,021	CBA	AA-		At Call
Cash On Hand	1,100			1,100	Petty Cash/Till Float		Nil	On Hand
(b) Term Deposits								
Municipal	500,000			500,000	SUNCORP	A+	0.65%	30-Nov-20
Municipal	500,000			500,000	CBA	AA-	0.30%	30-Sep-20
Municipal Bonds & Deposits								
Trust			425,000	425,000	NAB	AA-	0.75%	26-Oct-20
Reserves		991,350		991,350	NAB	AA-	0.70%	30-Nov-20
Total	2,025,247	991,601	435,021	3,451,869				
Less Cash on Hand	(1,100)			(1,100)				
	2,024,147			3,450,769				

Comments/Notes - Investments and Cash Deposits

(LT) RISK RATING	PORTFOLIO	\$	%
AAA	MAX 100%		
AA	MAX 100%	\$2,950,769	85.51%
A (DIVESTMENT)	MAX 80%	\$500,000	14.49%
BBB+ (DIVESTMENT)	MAX 80%		0.00%
		\$3,450,769	100.00%

INSTITUTION	\$	%	(LT) RISK
COMMONWEALTH BANK	\$2,525,769	73.19%	AA-
NATIONAL AUST. BANK	\$425,000	12.32%	AA-
SUNCORP	\$500,000	14.49%	A+
	\$3,450,769	100.00%	



TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the period ending 31/08/2020

Note 4: Receivables

Receivables - Rates Receivable	31 August 2020	30 June 2020
Opening Arrears Previous Years	\$ 270,487	\$ 220,065
Rates, ESL and Service Charges Levied this year	9,820,736	8,049,151
Less Collections to date	2,641,215	-7,778,664
Equals Current Outstanding (as per TB)		270,487
Net Rates Collectable	7,179,522	270,487
% Outstanding	71.15%	

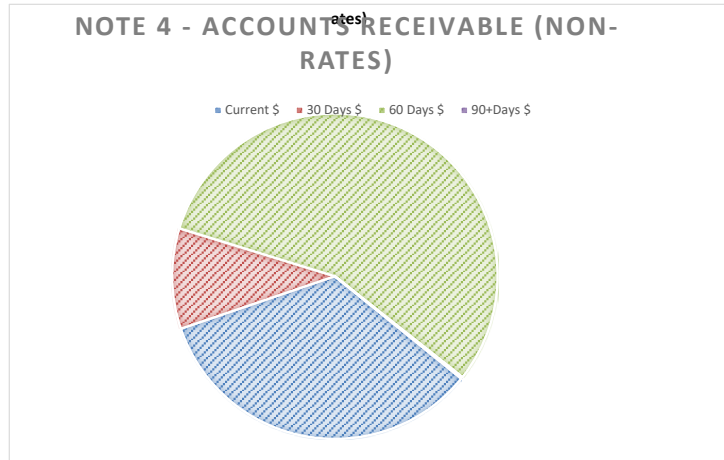
Receivables - General	Current	30 Days	60 Days	90+Days	Credit Balances	Total
Receivables - General	\$ 20,587	\$ 6,058	\$ 33,900	\$ 113	-158	60,500
Receivables - Parking						63,885
East Fremantle Lawn & Tennis Club						24,000
Total Receivables General Outstanding						148,385

Amounts shown above include GST (where applicable)

Control Account	GL	Balance
Sundry Debtors	104	60,500
SSL - Current EFTC	114	3,000
SSL - Non-Current EFTC	1684	21,000
Parking Debtors	180	63,885
		148,385

Infringement Journal	GL	Balance
Balance -Infringement Summary Report		67,173
Parking Debtors	180	63,885
		3,288

	DR	CR
Debtors Parking	10001800	\$ 3,288.24
Fines and Penalties	11121800	\$ 3,288.24

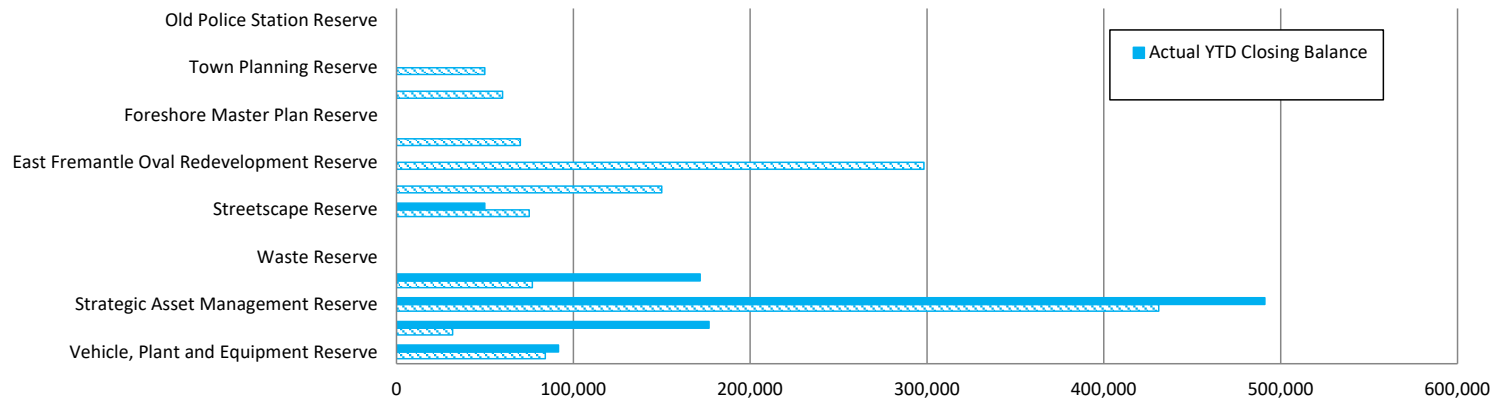


TOWN OF EAST FREMANTLE
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 31 August 2020

Note 5: Cash Backed Reserve

Name	Opening Balance	Amended Budget Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$
Non Current Leave Entitlements Reserve	10,000		0		0		10,000	10,000
Unspent Grants and Restricted Cash Reserve	0		0		0		0	0
Vehicle, Plant and Equipment Reserve	91,627		0		(7,500)		84,127	91,627
Aged Services Reserve	176,803		0		(145,000)		31,803	176,803
Strategic Asset Management Reserve	491,049		40,000		(100,000)		431,049	491,049
Arts and Sculpture Reserve	171,772		0		(95,000)		76,772	171,772
Waste Reserve	0		0		0		0	0
Committed Works Reserve	0		0		0		0	0
Streetscape Reserve	50,000		25,000		0		75,000	50,000
Drainage Reserve	0		150,000		0		150,000	0
East Fremantle Oval Redevelopment Reserve	0		298,228		0		298,228	0
Preston Point Facilities Reserve	0		100,000		(30,000)		70,000	0
Foreshore Master Plan Reserve	0		75,000		(75,000)		0	0
Sustainability and Environmental Reserve	0		80,000		(20,000)		60,000	0
Town Planning Reserve	0		100,000		(50,000)		50,000	0
Business Improvement Reserve	0		75,000		(75,000)		0	0
Old Police Station Reserve	0		24,000		(24,000)		0	0
	991,251	0	967,228	0	(621,500)	0	1,336,979	991,251

Note 7 - Year To Date Reserve Balance to End of Year Estimate



TOWN OF EAST FREMANTLE
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 31 August 2020

Note 6: Disposal of Assets

Asset Number	Plant Number	Asset Description	2020/21 Budget				2020/21 Actuals			
			Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			\$	\$	\$	\$	\$	\$	\$	\$
		Plant and Equipment								
PEMV242	P4069	Mitsubishi Rosa 1DXU938	30,000	30,000	0	0	0	0	0	0
PE263	P4055	Water Trailer 1TMB281	0	0	0	0	0	0	0	0
			30,000	30,000	0	0	0	0	0	0

REPORT 12.2.1

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

**End of Month
September 2018**

ATTACHMENT 1

Note 9

Note 7: Rating Information

	Rate in	Number of Properties	Rateable Value	YTD Actual			Adopted Budget						
				Rate Revenue	Interim Rates	Non-Rateable Properties	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue		
RATE TYPE	\$		\$	\$	\$		\$			\$			
Differential General Rate													
Residential GRV	0.074225	2,954	85,530,640	6,348,512	(364)		6,348,148	6,345,613	30,000			6,375,613	
Commercial GRV	0.110543	115	11,547,243	1,276,467			1,276,467	1,275,992				1,275,992	
Sub-Totals		3,069	97,077,883	7,624,979	(364)	0	7,624,615	7,621,605	30,000	0	0	7,651,605	
Minimum Payment													
Minimum \$													
Residential GRV	1,106.00	331	4,263,529	366,086			366,086	368,298				368,298	
Commercial GRV	1,654.00	12	140,695	19,848			19,848	19,848				19,848	
Sub-Totals		343	4,404,224	385,934			385,934	388,146	0	0	0	388,146	
		3,412	101,482,107	8,010,913	(364)	0	8,010,549	8,009,751		0	0	8,039,751	
Amount from General Rates							8,010,549					8,039,751	
Less Concessions				(43,055)			(43,055)	(42,476)				(42,476)	
Totals				7,967,858			7,967,494	7,967,275				7,997,275	







TOWN OF EAST FREMANTLE
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 31 August 2020

Note 8: Grants and Contributions

	Grant Provider	Purpose of Grant	Acquittal Date	Acquittal Requirement	Type	Amended Budget		YTD Budget	YTD Actual Revenue
						Operating	Capital		
						\$	\$	\$	\$
General Purpose Funding									
Grants Commission - General	WALGGC	Untied - General Purpose	NA	NA	Operating	77,726		19,432	20,778
Grants Commission - Roads	WALGGC	Untied - Road	NA	NA	Operating	33,927		8,482	8,456
Education and Welfare									
Home and Community Care Program	State/Commonwealth Dep. Health	Commonwealth Home Support Programme	31-Oct	Financial Declaration Acquittal	Operating - Tied	601,566		150,392	151,123
Community Amenities									
Recycling Grant	Dept. Regional Development	Better Bins Program			Operating - Tied	26,000		26,000	0
Recreation and Culture									
East Fremantle Oval Redevelopment	Town of East Fremantle - Trust	Business Case			Operating - Tied	234,000		0	0
Foreshore Erosion	DBCA				Operating - Tied	84,000		0	0
Transport									
Regional Road Group - Cap	Main Roads	Road Renewal	31-May	Certificate of Completion	Non-operating		180,000	0	0
Direct Grant	Main Roads	Direct Grant	July	GST Free Invoice	Operating	18,000		18,000	0
Federal Government Stimulus Payment	Department of Infrastructure	Local Roads and Community Infrastructure Program			Operating - Tied	84,000		0	42,091
Street Lighting Subsidy	Main Roads	Street Lighting Subsidy	September		Operating	4,800		0	0
Integrated Traffic Study	Town of East Fremantle - Trust	Traffic and Parking Management Plan - Whole of District			Operating - Tied	3,000		0	0
Stirling Bridge Verge Maintenance Agreement	Main Roads	Stirling Highway Verge Maint. Agreement	September	GST Inc. Invoice	Operating	8,000		0	0
TOTALS						1,175,019	180,000	222,305	222,448
SUMMARY									
Operating		Operating Grants, Subsidies and Contributions				142,453	0		29,235
Operating - Tied		Tied - Operating Grants, Subsidies and Contributions				1,032,566	0		193,214
Non-operating		Non-operating Grants, Subsidies and Contributions				0	180,000		0
TOTALS						1,175,019	180,000	0	222,448

Budget Year: 20/21
 Data as at: Thursday, 3 September 2020

Run at 10:40AM on 03/09/2020
 18% of Year Lapsed

LEGEND	
Income	
	Under Budget by 10% or more (YTD Actual against YTD Budget)
Expenditure	
	Greater than 10% over budget (Total Committed against Current Budget)
	Over Budget by 5% but less than 10%
	Over Budget by less than 5%
	No Budget
	FY1 - Less than 20% expenditure spent (Total Committed against Current Budget)

Account #	Job #	Description	Current Budget	YTD Budget	YTD Actual	Order Value	Total Committed	Variance (%)	% of Full Budget
04 - GOVERNANCE									
042 - ADMINISTRATION									
Capital Expenditure									
E04604		Buildings - Town Hall Remedial Works	0	0	0	0	0		
E04606		Furniture and Equipment	60,000	0	20,445	1,511	21,956	-63.41%	37%
Capital Expenditure Total			60,000	0	20,445	1,511	21,956		
08 - WELFARE									
082 - CARE OF FAMILIES & CHILDREN									
Capital Expenditure									
E08601		Buildings - Tricolore Community Centre	0	0	0	0	0		
E08607		Plant and Equip - Replace Mitsubishi Bus HACC	175,000	0	0	0	0	-100.00%	0%
Capital Expenditure Total			175,000	0	0	0	0		
10 - COMMUNITY AMENITIES									
101 - SANITATION-HOUSEHOLD REFUSE									
Capital Expenditure									
E10222		Loan Principal Repayment - SMRC	95,160	23,790	0	0	0	-100.00%	0%
Capital Expenditure Total			95,160	23,790	0	0	0		
104 - OTHER COMMUNITY AMENITIES									
Capital Expenditure									
E10628		Sumpton Green Play Equipment	30,000	0	0	0	0	-100.00%	0%
Capital Expenditure Total			30,000	0	0	0	0		
106 - PROTECTION OF THE ENVIRONMENT									
Capital Expenditure									
E10644		Foreshore Erosion Control and Seawalls	75,000	0	0	0	0	-100.00%	0%
Capital Expenditure Total			75,000	0	0	0	0		
11 - RECREATION AND CULTURE									
111 - SWIMMING AREAS/BEACHES									
Capital Expenditure									
E11687		Inf - Swimming Areas - Foreshore Erosion Control	0	0	0	81,239	81,239	No Budget	
Capital Expenditure Total			0	0	0	81,239	81,239		
112 - OTHER RECREATION & SPORT									
Capital Expenditure									
E11633		Inf - Cliff Management - Niegerup Track	0	0	7,598	8,855	16,453	No Budget	
E11637		Miscellaneous Sports and Recreation Infrastructure	50,000	0	0	0	0	-100.00%	0%

Budget Year: 20/21
Data as at: Thursday, 3 September 2020

Run at 10:40AM on 03/09/2020
18% of Year Lapsed

Account #	Job #	Description	Current Budget	YTD Budget	YTD Actual	Order Value	Total Committed	Variance (%)	% of Full Budget
E11695		Inf - Chapman / Preston Point Reserve - Returfing and Irrigation	160,000	0	242	145,923	146,165	-8.65%	91%
E11708		Richmond Raceway - Security Bars	0	0	0	0	0		
E11713		INF - Parks/ Reserve Sign Replacement	0	0	0	3,487	3,487	No Budget	
Capital Expenditure Total			210,000	0	7,840	158,264	166,104		
114 - OTHER CULTURE									
Capital Expenditure									
E11685		Inf-Acquisition of Public Art (Outdoor Sculpture) - CapEx - Other Culture	95,000	0	575	1,266	1,841	-98.06%	2%
Capital Expenditure Total			95,000	0	575	1,266	1,841		
12 - TRANSPORT									
121 - CONSTR STS ROADS & BRIDGESDEP									
Capital Expenditure									
E12616		Inf. Roads - Marmion Street Median Strip	0	0	0	0	0		
E12648		TRAFFIC MANAGEMENT - MOSS/FLETCHER & MAY/ST PETERS	0	0	163	0	163	No Budget	
Capital Expenditure Total			0	0	163	0	163		
122 - MAINT STREETS ROADS & BRIDGES									
Capital Expenditure									
E12629		Road Resurfacing - Penthurst Street	60,000	0	0	0	0	-100.00%	0%
E12656		Footpath - Stratford Street	30,000	0	0	0	0	-100.00%	0%
E12688		Footpath-Fortescue St	60,000	0	0	0	0	-100.00%	0%
E12761		Inf - Drainage	104,181	0	0	3,787	3,787	-96.36%	4%
E12784		Inf - Roads - Road Resurfacing - Riverside Road	160,000	64,000	105,325	125,991	231,316	44.57%	145%
E12793		Infr - Footpath Renewal - Oakover Street	0	0	0	0	0		
Capital Expenditure Total			414,181	64,000	105,325	129,778	235,104		
123 - ROAD PLANT									
Capital Expenditure									
E12702		Plant and Equip - Water Tank Trailer (Tandem 8x5 with brakes)	7,500	0	0	8,813	8,813	17.51%	118%
Capital Expenditure Total			7,500	0	0	8,813	8,813		
124 - PARKING FACILITIES									
Capital Expenditure									
E12737		Inf - Carpark Tricolore Community Centre and Sports Field	0	0	0	0	0		
Capital Expenditure Total			0	0	0	0	0		
14 - OTHER PROPERTY AND SERVICES									
144 - UNCLASSIFIED PROPERTY									
Capital Expenditure									
E14601		Buildings - Renewals and Electrical Services	50,000	0	0	0	0	-100.00%	0%
Capital Expenditure Total			50,000	0	0	0	0		
GRAND TOTAL			1,211,841	87,790	134,347	380,872	515,219		



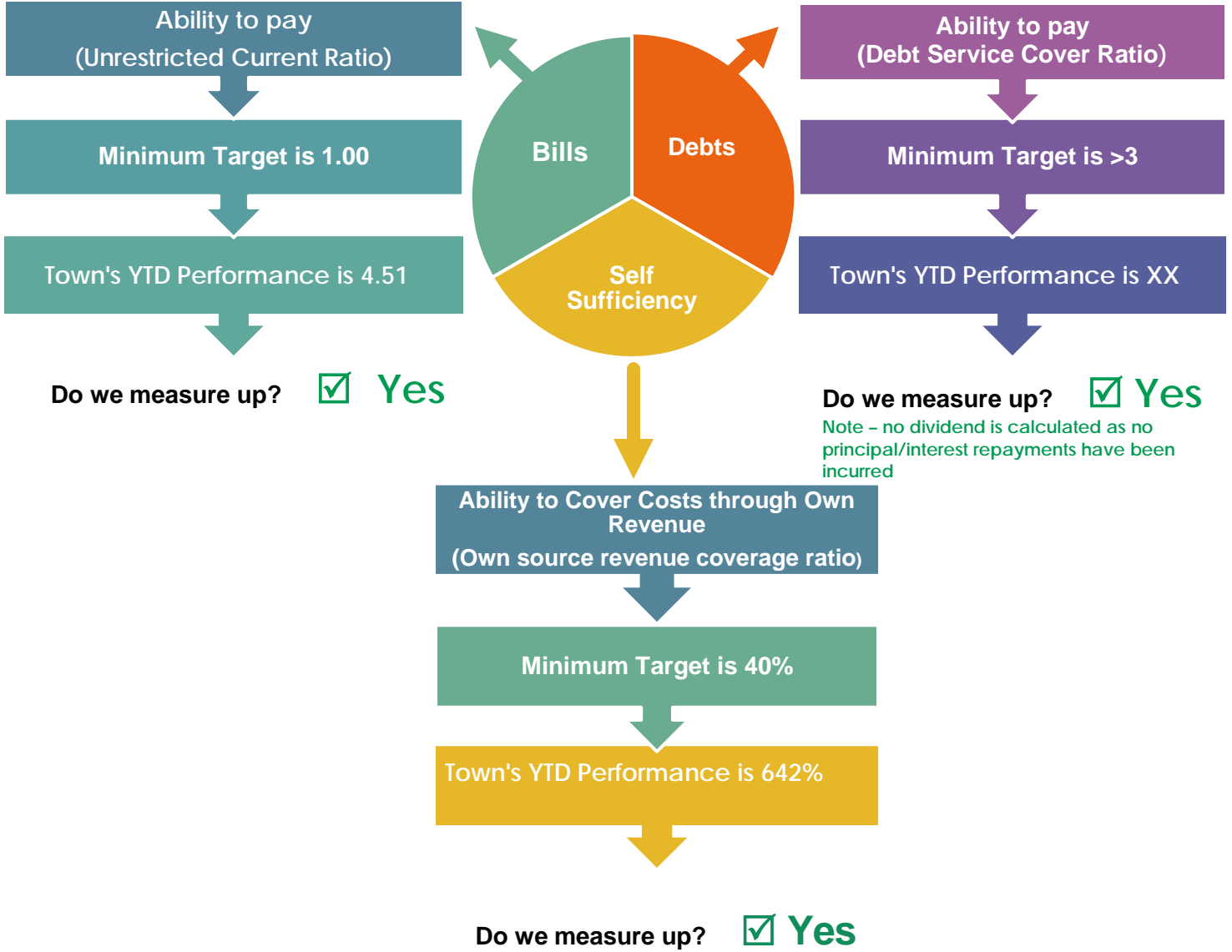
MONTHLY FINANCIAL HEALTH CHECK

As at 31 August 2020

Highlighting how the Town of East Fremantle is tracking against financial ratios



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$8,551,221
Operating Expenditure (Including Non-Cash Items)	(\$1,375,028)
Non-Cash Items	\$0
Capital Revenue	\$0
Capital Expenditure	(\$134,347)
Loan Repayments	\$0
Transfers to/from Reserves	\$0
Surplus Brought Forward 1 July 2020	\$262,228
Current Municipal Surplus	\$7,304,074



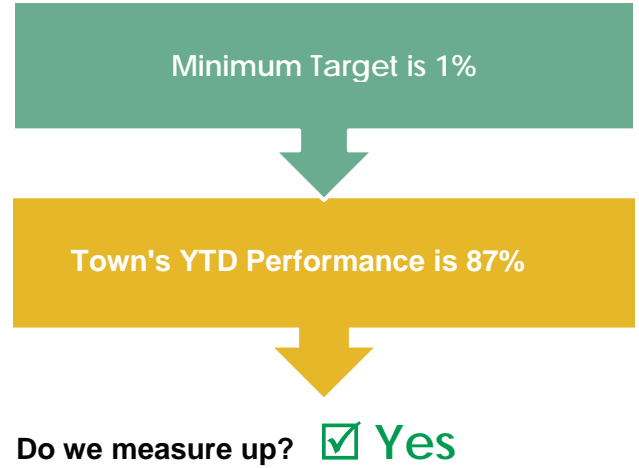
Cash in the bank



▶ How are we tracking against our budgeted targets?

Adjusted Operating Surplus

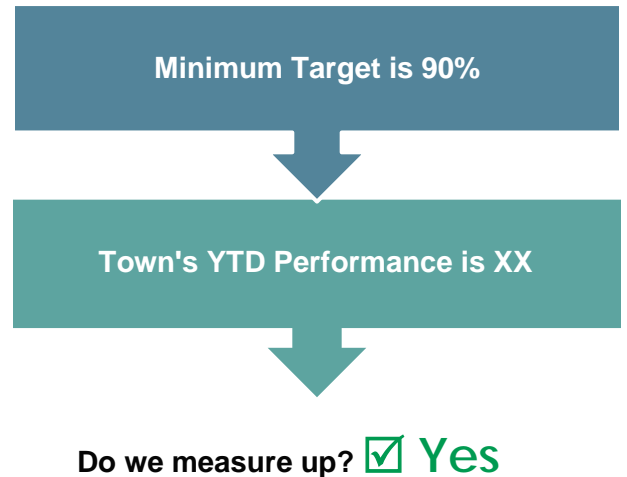
A measure of the Town's ability to cover its operational costs including depreciation and have funds left over to cover capital expenditure (including principal loan repayments) without relying on debt or reserves.



- Adjusted operating surplus and self-sufficient ratios are high in the earlier part of the year due to rates being fully invoiced in July. However as the year progresses, operating expenditure will continue to draw on this revenue source reducing to target by 30 June 2021.

Asset Sustainability Ratio

Measures if the Town is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.



- A reduced Capital Works Program (including renewals) and an increase in depreciation expense as a result of asset revaluations has had a two-fold effect on the asset sustainability ratio resulting in a deterioration.
- No dividend is reported for this ratio as depreciation has not been processed in 20/21.

12.2.2 Accounts for Payment – August 2020

File ref	F/FNS2
Prepared by	John Mondini, Manager, Finance & Administration
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – August 2020

Purpose

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 31 July 2020 and recorded in the minutes of the Council.

Executive Summary

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 July to 31 August 2020, as per the summary table.

Background

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is an itemised list of all payments made under delegated authority during the said period.

The bulk of payments are processed by electronic funds transfer (EFT) with the exception of Water Corporation accounts which are paid by cheque and the occasional reimbursements and refunds.

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)* requires Local Governments to prepare a list of payments made under delegated authority to be prepared and presented to Council on a monthly basis.

Policy Implications

Policy 2.1.3 Purchasing. All supplier payments are approved under delegated authority pursuant to the authorisation limits outlined in Council's purchasing policy.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the list of payments	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable.

Comment

Payments for the month of August 2020 include the following significant items:

Payee	Particulars	Amount
Civcon Civil & Project Management	Tender RFT04-2019/20 Riverside Road Reconstruction (Claim 3)	735,529.11
Aust Taxation Office	BAS Payable July 20	40,985.00
Suez	Waste Collection July 2020	39,663.40
SMRC	FOGO, MRF Gate Fees/General Waste Charges (July 2020)	65,121.79
Civcon Civil	Tender RFT04-2019/20 Riverside Road Reconstruction (Claim 4)	91,819.08
Dept Fire & Emergency Services	2020/21 ESL 1 st Quarter Contribution	408,327.70

12.2.2 OFFICER RECOMMENDATION

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, **RECEIVES** the list of payments made under delegated authority for the month ended 31 August 2020 and recorded in the Minutes of the Council.

AUGUST 2020		
Voucher No	Account	Amount
5302-5303	Municipal (Cheques)	\$1,213.89
EFT30001 – EFT30146	Municipal (EFT)	\$1,698,991.73
Payroll	Municipal (EFT)	\$262,878.13
Direct Debits	Municipal (Direct Debit)	\$52,074.93
	Total Payments	\$ 2,015,158.68

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive for August 2020 & submitted for the information of the Council Meeting to be held on 15th September 2020					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
CHEQUES					
5302	06/08/2020	TOWN OF EAST FREMANTLE- PLEASE PAY CASH	ADMIN PETTY CASH AS @ 31/08/20	\$ 244.19	\$ 244.19
5303	06/08/2020	WATER CORPORATION	WATER SUPPLY VARIOUS LOCATIONS	\$ 969.70	\$ 969.70
			CHEQUE TOTAL	\$ 1,213.89	\$ 1,213.89
EFTs					
		Supplier	Description	Inv Amount	EFT
EFT30001	05/08/2020	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE 23/07/2020	\$ 495.10	
			VARIOUS HARDWARE 28/07/2020	\$ 92.94	
			VARIOUS HARDWARE 28/07/2020	\$ 202.22	
			VARIOUS HARDWARE 28/07/2020	\$ 43.99	
			CHAIRS, BATTERIES, LIGHTS 31/07/2020	\$ 440.45	\$ 1,274.70
EFT30002	05/08/2020	EAST FREMANTLE FOOTBALL CLUB	CONTRIBUTION TOWARDS THE PAINTING OF THE MERV COWAN STAND	\$ 11,000.00	\$ 11,000.00
EFT30003	05/08/2020	IT VISION	PAYROLL - CORRECTION OF POSTING PERIOD	\$ 687.50	\$ 687.50
EFT30004	05/08/2020	LO-GO APPOINTMENTS	FINANCE OFFICER 20/07/20 - 25/07/2020	\$ 2,241.47	\$ 2,241.47
EFT30005	05/08/2020	MAYOR JIM O'NEILL	SITTING FEES, ICT ALLOWANCE AND MAYORAL ALLOWANCE AUGUST 20	\$ 4,416.68	\$ 4,416.68
EFT30006	05/08/2020	ST JOHNS AMBULANCE ASSOCIATION	FIRST AID TRAINING FOR CHSP STAFF AND VOLUNTEERS- 28/07/2020	\$ 160.00	
			FIRST AID TRAINING FOR CHSP STAFF AND VOLUNTEERS- 28/07/2020	\$ 160.00	
			FIRST AID TRAINING FOR CHSP STAFF AND VOLUNTEERS- 28/07/2020	\$ 160.00	
			FIRST AID TRAINING FOR CHSP STAFF AND VOLUNTEERS- 28/07/2020	\$ 160.00	\$ 640.00
EFT30007	05/08/2020	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	\$ 2,931.14	\$ 2,931.14
EFT30008	05/08/2020	YOUNGS PLUMBING SERVICE P/L	REPAIR LEAK IN ROAD TO CAMP WALLER	\$ 662.45	\$ 662.45
EFT30009	05/08/2020	KOOL LINE ELECTRICAL & REFRIGERATION	ASSESS LIGHT AND FOG LIGHT OUTSIDE SHED	\$ 302.50	\$ 302.50
EFT30010	05/08/2020	SATELLITE SECURITY SERVICES	GPRS MONITORING - DOVENBY HOUSE, TOWN HALL, DEPOT (ALLEN STREET), OLD POLICE STATION, WORKS DEPOT RANGER 01/05/2020-31/08/2020	\$ 1,092.94	\$ 1,092.94
EFT30011	05/08/2020	PETRCLEAN	11 AUTOMATIC LIQUID SOAP DISPENSERS FOR TOWN HALL AND COUNCIL DEPOT	\$ 1,331.00	\$ 1,331.00
EFT30012	05/08/2020	CR. JENNY HARRINGTON	SITTING FEES , ICT ALLOWANCE AND DEPUTY MAYORAL ALLOWANCE AUGUST 20	\$ 2,062.84	\$ 2,062.84
EFT30013	05/08/2020	NUMERO UNO CATERING	CATERING - 8TH JULY 2020	\$ 364.00	
			CATERING - 14TH JULY 2020	\$ 392.00	\$ 756.00
EFT30014	05/08/2020	WOOLWORTHS SUPERMARKETS	GROCERIES FOR CENTRE BASED RESPITE CENTRE 13/07/20	\$ 208.07	
			GROCERIES FOR CENTRE BASED RESPITE CENTRE 27/07/20	\$ 148.36	
			GROCERIES FOR CENTRE BASED RESPITE CENTRE 29/07/20	\$ 78.50	
			GROCERIES FOR CENTRE BASED RESPITE CENTRE 03/08/20	\$ 236.77	\$ 671.70
EFT30015	05/08/2020	CR. CLIFF COLLINSON	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30016	05/08/2020	ASSA ABLOY ENTRANCE SYSTEMS AUSTRALIA PTY LTD	JULY 2020 - QUARTERLY MAINTENANCE - TOWN HALL FRONT ENTRANCE DOOR	\$ 156.20	
			REPLACE DOOR MODE SWITCH TOWN HALL	\$ 545.44	\$ 701.64
EFT30017	05/08/2020	CR. DEAN NARDI	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30018	05/08/2020	HYDRO JET	GRAFFITI REMOVAL - SILAS STREET & ANGWIN STREET	\$ 357.50	\$ 357.50
EFT30019	05/08/2020	D.J. PALMER (WA) PTY LTD	STAR PICKETS AND FENCING	\$ 382.80	\$ 382.80
EFT30020	05/08/2020	FOODWORKS EAST FREMANTLE	HACC, ADMIN , WORKS & MEETING CONSUMBALS AUGUST 2020	\$ 530.52	\$ 530.52
EFT30021	05/08/2020	ADCO SERVICES	EXTERNAL PAINTING - MARJORIE GREEN BUILDING, EXTERNAL PAINTING - GEORGE BOOTH BUILDING	\$ 3,960.00	\$ 3,960.00
EFT30022	05/08/2020	FREMANTLE CHAMBER ORCHESTRA	SPONSORSHIP - FREMANTLE CHAMBER ORCHESTRA	\$ 2,000.00	\$ 2,000.00
EFT30023	05/08/2020	TRENCHBUSTERS	TRAILER & MACHINERY HIRE - NIERGARUP TRACK	\$ 2,860.00	\$ 2,860.00
EFT30024	05/08/2020	DVG MELVILLE VOLKSWAGEN	60,000 KMS SERVICE VOLKSWAGEN AMAROK	\$ 1,441.98	\$ 1,441.98
EFT30025	05/08/2020	CR. MICHAEL MCPHAIL	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30026	05/08/2020	CR. TONY WATKINS	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30027	05/08/2020	STAFF REIMBURSEMENT	REIMBURSEMENT OF COSTS - CATERING	\$ 134.07	\$ 134.07
EFT30028	05/08/2020	REPCO	24V JUMPER LEADS & VEHICLE RECOVERY KIT	\$ 234.80	\$ 234.80
EFT30029	05/08/2020	SNAP PRINTING	50 COPIES EF OVAL CONCEPT HANDOUT & 4 BLOCK MOUNTED	\$ 748.00	\$ 748.00
EFT30030	05/08/2020	CR. ANDREW MCPHAIL	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30031	05/08/2020	APARC AUSTRALIAN PARKING & REVENUE CONTROL	MONTHLY CHARGES FOR PARKING MACHINES INCLUDING LICENCE	\$ 165.00	\$ 165.00
EFT30032	05/08/2020	CR. TONY NATALE	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30033	05/08/2020	READY TRACK PTY LTD T/AS LINXIO	GPS VEHICLE TRACKING - JULY 2020	\$ 193.60	\$ 193.60
EFT30034	05/08/2020	SHRED-X PTY LTD	240 LITRE SECURITY BIN EXCHANGE FOR TOWN HALL AND DEPOT	\$ 20.24	\$ 20.24
EFT30035	05/08/2020	UDLA	PROFESSIONAL FEES - EAST FREMANTLE URBAN STREETScape & PUBLIC REALM STYLE GUIDE - PROGRESS FINAL REPORT	\$ 3,217.50	\$ 3,217.50
EFT30036	05/08/2020	GRACE RECORDS MANAGEMENT	TRANSPORT AND STORAGE OF RECORDS 01/08/2020-31/08/2020	\$ 304.36	\$ 304.36
EFT30037	05/08/2020	JAKO INDUSTRIES	TOWN HALL - AIRCONDITIONING MAINTENANCE 2020/21	\$ 972.68	\$ 972.68
EFT30038	05/08/2020	FRESH PROVISIONS BICTON	CATERING 27/07/2020	\$ 60.00	\$ 60.00
EFT30039	05/08/2020	CR KERRY DONOVAN	SITTING FEES AND ICT ALLOWANCE AUGUST 20	\$ 1,542.00	\$ 1,542.00
EFT30040	05/08/2020	KYOCERA DOCUMENT SOLUTIONS	ADMIN MONTHLY PRINTING COST - JULY 2020	\$ 131.10	\$ 131.10
EFT30041	05/08/2020	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - JULY 2020 20/07/20	\$ 570.00	
	05/08/2020		BULK BINS - WAUHOP ROAD - JULY 2020 21/07/20	\$ 570.00	\$ 1,140.00
EFT30042	05/08/2020	PAATSCH CONSULTING PTY LTD	PROFESSIONAL FEES - EAST FTLE OVAL PRECINCT REVITALISATION PROJECT (STAGE 2) - COMMENCEMENT	\$ 6,050.00	\$ 6,050.00
EFT30043	05/08/2020	M2M ONE PTY LTD	TOWN HALL LIFT EMERGENCY PHONE SIM CARD	\$ 13.20	\$ 13.20
EFT30044	05/08/2020	STAGE AND STUDIO PRODUCTIONS	PUBLIC ART OPENING - EQUIPMENT HIRE 01/08/2020	\$ 632.23	\$ 632.23
EFT30045	05/08/2020	PAUL ROSE	LEAF LITTER CLEAN UP AT RACEWAY PARK	\$ 1,020.00	\$ 1,020.00
EFT30046	10/08/2020	ICS AUSTRALIA	REPAIR WALL - FRONT RECEPTION - TOWN HALL	\$ 1,358.28	
			REPLACEMENT OF FRONT COUNTER/RECEPTION DESK	\$ 5,802.72	\$ 7,161.00
EFT30047	10/08/2020	CIVCON CIVIL & PROJECT MANAGEMENT	TENDER RFT04-2019/20 RIVERSIDE RD RECONSTRUCTION & REHABILITATION CLAIM 3	\$ 735,529.11	\$ 735,529.11
EFT30048	19/08/2020	AUSTRALIA POST	POSTAGE COST JULY 2020	\$ 3,626.17	\$ 3,626.17

EFT30049	19/08/2020	AUSTRALIAN TAXATION OFFICE	BAS PAYABLE JULY 20	\$ 40,985.00	\$ 40,985.00
EFT30050	19/08/2020	CHILD SUPPORT AGENCY	PAYROLL DEDUCTION AUGUST 20	\$ 210.78	\$ 210.78
EFT30051	19/08/2020	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED JULY 20	\$ 2,408.94	\$ 2,408.94
EFT30052	19/08/2020	BUNNINGS BLDG SUPPLIES LTD	FACE MASKS FOR CHSP RESPITE CENTRE	\$ 100.00	
			POTS, SOIL AND HERBS FOR CHSP RESPITE CENTRE ACTIVITY	\$ 53.42	
			VARIOUS HARDWARE ITEMS 14/08/2020	\$ 324.18	\$ 477.60
EFT30053	19/08/2020	BOORAGOON TYRE SERVICE	TYRE REPLACEMENT X4	\$ 960.00	\$ 960.00
EFT30054	19/08/2020	BOC LIMITED	CONTAINER SERVICE - JULY 2020	\$ 48.58	\$ 48.58
EFT30055	19/08/2020	CITY OF COCKBURN	TIP FEES - JULY 2020	\$ 1,235.00	\$ 1,235.00
EFT30056	19/08/2020	FREMANTLE HERALD	ADVERTISEMENT NOMINATIONS FOR RECONCILIATION ACTION PLAN WORKING GROUP	\$ 284.77	\$ 284.77
EFT30057	19/08/2020	IT VISION	ALTUS MOBILE CUSTOMER SERVICE (UP TO 5 LICENCES)	\$ 2,530.00	
			ALTUS PAYROLL IMPLEMENTATION SERVICES, MILESTONE 1 20% OF TOTAL CONTRACT VALUE	\$ 9,180.82	
			MODIFY OUTSTANDING PURCHASE ORDER REPORT AS PER QUOTE	\$ 275.00	\$ 11,985.82
EFT30058	19/08/2020	LO-GO APPOINTMENTS	FINANCE OFFICER 27/07/2020 - 31/07/2020	\$ 1,995.46	
			FINANCE OFFICER 03/08/2020 - 07/08/2020	\$ 2,241.47	\$ 4,236.93
EFT30059	19/08/2020	SUEZ ENVIRONMENT RECYCLING & WASTE RECOVERY	REPAYMENT OF CREDIT NOTE AMOUNTS INCORRECTLY DEDUCTED - CREDIT NOTE 542, CREDIT NOTE 543	\$ 955.26	
			WASTE COLLECTION - FOGO, COMMERCIAL RECYCLING, PARKS & RESERVES, STREET BINS - JULY 20	\$ 21,296.10	
			WASTE COLLECTION - COMMERCIAL & RESIDENTIAL RECYCLING, RESIDENTIAL WASTE, PARKS & RESERVES & STREET LITTER BINS	\$ 16,964.49	
			MONTHLY WASTE COLLECTION - 48-50 ALEXANDRA - JULY 2020	\$ 447.55	\$ 39,663.40
EFT30060	19/08/2020	FULTON HOGAN INDUSTRIES PTY LTD	RELEASE OF RETENTION RFT 01-18/19 - ROAD RESURFACING PROGRAM 18/19	\$ 17,588.29	\$ 17,588.29
EFT30061	19/08/2020	TELSTRA CORPORATION LIMITED	HACC MOBILE PHONE & DEPOT NEXT G MOBILE BACKUP	\$ 26.32	\$ 26.32
EFT30062	19/08/2020	TOTAL EDEN PTY LTD	SPRINKLER NOZZLES	\$ 118.55	\$ 118.55
EFT30063	19/08/2020	WORK CLOBBER	OPERATIONS STAFF UNIFORM	\$ 136.80	
			OPERATIONS STAFF UNIFORM	\$ 207.00	\$ 343.80
EFT30064	19/08/2020	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	\$ 11,571.73	\$ 11,571.73
EFT30065	19/08/2020	FASTA COURIERS	COURIER SERVICES	\$ 59.63	\$ 59.63
EFT30066	19/08/2020	SWAN LOCK SERVICES PTY LTD	TOWN HALL - STAFF ACCESS SELF CLOSING DOOR REPAIR	\$ 140.00	\$ 140.00
EFT30067	19/08/2020	SOUTHERN METROPOLITAN REGIONAL COUNCIL	CREDIT FOR GENERAL WASTE DISPOSAL FEE TO JUNE 2020 - DIVERSIONS TO SUEZ DUE TO AMENDED REPORT FOR APRIL 20	-\$ 685.15	
			CREDIT FOR GENERAL WASTE DISPOSAL FEE TO JUNE 2020 - DIVERSIONS TO SUEZ DUE TO AMENDED REPORT FOR DECEMBER 19	-\$ 270.11	
			RRCR OVERHEADS AND WCF FIXED COSTS CONTRIBUTION JULY 2020	\$ 21,531.40	
			GENERAL WASTE DISPOSAL FEE JULY 2020 - DIVERSIONS TO SUEZ	\$ 11,944.04	
			MRF GATE FEES JULY 2020 - FOGO RECYCLABLES	\$ 12,247.28	
			GREEN WASTE GATE FEES JULY 2020 2 X TRAILER PASSES	\$ 60.00	
			FOGO GATE FEES JULY 2020	\$ 20,294.33	\$ 65,121.79
EFT30068	19/08/2020	DEPT OF MINES, INDUSTRY REGULATION & SAFETY	BSL COLLECTED JULY 2020	\$ 4,685.43	\$ 4,685.43
EFT30069	19/08/2020	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	LG PRO WEBINAR: BE INSPIRED TO MAKE YOUR WORLD A HAPPIER PLACE	\$ 25.00	
			STAFF MEMBER -20/21 MEMBERSHIP RENEWAL	\$ 531.00	
			2020-2021 LOCAL GOVERNMENT PROFESSIONALS ANNUAL MEMBERSHIP - TOEF	\$ 3,300.00	\$ 3,856.00
EFT30070	19/08/2020	PETRA CLEAN	SUMPTON GREEN, DEPOT, TRICOLORE, GLASSON PARK TOILETS AND TOWN HALL - CLEANING - JULY 2020	\$ 10,245.81	\$ 10,245.81
EFT30071	19/08/2020	STRATA GREEN	TREE STAKES, TREE TIE, CAUTION & DANGER TAPE, ORANGE BUNTING, P2 MASKS, BAGS OF RAGS & LITTERPICKERS	\$ 3,273.91	\$ 3,273.91
EFT30072	19/08/2020	WOOLWORTHS SUPERMARKETS	RESPITE CENTRE GROCERIES 11/08/20	\$ 272.82	
			CATERING 12/08/20	\$ 71.25	
			RESPITE CENTRE GROCERIES 14/08/2020	\$ 36.38	\$ 380.45
EFT30073	19/08/2020	HYDRO JET	GRAFFITI REMOVAL - VARIOUS LOCATIONS	\$ 957.00	\$ 957.00
EFT30074	19/08/2020	LANDSCAPE YARD O'CONNOR	4 CUBIC METRES LAWN SAND	\$ 216.60	\$ 216.60
EFT30075	19/08/2020	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 TOWN PLANNING PHOTOCOPY CHARGES - 13/04/2020 - 12/05/2020	\$ 63.09	
			KONICA MINOLTA BIZHUB C658 TOWN PLANNING PHOTOCOPY CHARGES - 13/06/2020 - 12/07/2020	\$ 371.64	
			KONICA MINOLTA BIZHUB C658 PHOTOCOPY CHARGES - PLANNING 13/07/2020 - 12/08/2020	\$ 246.90	
			KONICA MINOLTA BIZHUB 368 DEPOT PHOTOCOPY CHARGES - 01/02/2020-31/07/2020	\$ 94.27	\$ 775.90
EFT30076	19/08/2020	SUNNY SIGN COMPANY PTY LTD	SIGNAGE POSTS X 37	\$ 956.45	\$ 956.45
EFT30077	19/08/2020	FOCUS NETWORKS	MANAGED PROACTIVE SERVICES, MANAGED INFRASTRUCTURE, MANAGED APPLICATIONS AND MANAGED NETWORK DEVICES - JULY 2020	\$ 3,836.80	\$ 3,836.80
EFT30078	19/08/2020	ADCO SERVICES	MARJORIE GREEN PARK - PAINT OVER GRAFFITI & INSTALL PLAQUES ON BUILDINGS	\$ 715.00	
	10/08/2020		INSTALL BOLLARDS - RIVERSIDE ROAD 10/07/20	\$ 1,232.00	\$ 1,947.00
EFT30079	19/08/2020	ENVIRO SWEEP	STREET SWEEPING - JULY 2020	\$ 4,422.00	\$ 4,422.00
EFT30080	19/08/2020	DAIMLER TRUCKS PERTH	SERVICE - FUSO TILT TRUCK	\$ 3,824.40	
			MECHANICAL REPAIRS TO BUS - START FAULT - REPLACE INHIBIT SWITCH	\$ 836.65	\$ 4,661.05
EFT30081	19/08/2020	CARING PHARMACY EAST FREMANTLE	8 X STAFF FLU SHOT	\$ 119.90	
			150 MASKS IN CASE OF SECOND WAVE CORONAVIRUS PANDEMIC	\$ 195.00	\$ 314.90
EFT30082	19/08/2020	VOCUS COMMUNICATIONS	UNLIMITED INTERNET - TOWN HALL 01/07/20 - 31/07/20	\$ 1,171.50	
			UNLIMITED INTERNET - TOWN HALL 01/08/20 - 31/08/20	\$ 1,171.50	
			UNLIMITED INTERNET - TOWN HALL 01/09/20 - 30/09/20	\$ 1,171.50	\$ 3,514.50

EFT30083	19/08/2020	SNAP PRINTING	50 COPIES A5 EF OVAL PROJECT BOOKLET FOR PUBLIC DISTRIBUTION	\$ 321.75	
			DIGITAL PRINT STICKERS	\$ 146.85	\$ 468.60
EFT30084	19/08/2020	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINES AT LEEUWIN - JULY 20	\$ 177.63	\$ 177.63
EFT30085	19/08/2020	KEYS THE MOVING SOLUTION	FURNITURE STORAGE - HISTORIC AND CHAMBER FURNITURE - 28/06/2020-25/07/2020	\$ 260.00	\$ 260.00
EFT30086	19/08/2020	STATE WIDE TURF SERVICES	SUPPLY AND LAY STANDARD ROLLS OF TURF AT JOHN TONKIN PARK	\$ 3,276.27	
			SUPPLY AND LAY STANDARD ROLLS OF TURF AROUND POND - RIVERSIDE ROAD NEAR DOME CAFE	\$ 2,304.50	\$ 5,580.77
EFT30087	19/08/2020	TREE'S A CROWD TREE CARE	REMOVAL OF LARGE FLOWERING GUM INCLUDING STUMP GRIND	\$ 1,210.00	
			TREE PRUNING VARIOUS SITES	\$ 4,290.00	\$ 5,500.00
EFT30088	19/08/2020	SIGNARAMA MYAREE	PRESTON POINT RESURFACING PROJECT SIGNAGE	\$ 266.21	\$ 266.21
EFT30089	19/08/2020	KAREN DORE	REIMBURSEMENT - COST OF PAINT FOR LITTLE LIBRARIES	\$ 53.00	\$ 53.00
EFT30090	19/08/2020	TOTALLY WORKWARE FREMANTLE	OPERATIONS STAFF UNIFORM	\$ 132.00	\$ 132.00
EFT30091	19/08/2020	EMBROID ME MYAREE	CHSP STAFF UNIFORM	\$ 336.60	\$ 336.60
EFT30092	19/08/2020	COASTLINE MOWERS	6 X ROLLS BRUSH CUTTER CORD, 5 CAPS FOR HEADS, 2 X HP ULTRA 2 STROKE OIL, 1 X BAR OIL	\$ 643.20	
			8 X ROPE STARTER 4.5MM	\$ 16.80	\$ 660.00
EFT30093	19/08/2020	SUEZ RECYCLING & RECOVERY PTY LTD	MONTHLY WASTE COLLECTION - 46 EAST STREET - JULY 2020	\$ 840.38	\$ 840.38
EFT30094	19/08/2020	WINC	OFFICE STATIONERIES ORDER 29/07/20	\$ 281.25	\$ 281.25
EFT30095	19/08/2020	JAYBRO GROUP PTY LTD	700MM HARD RUBBER WITCHES HATS WITH REFLECTIVE TAPE	\$ 572.00	
			700MM HARD RUBBER WITCHES HATS WITH REFLECTIVE TAPE	\$ 572.00	\$ 1,144.00
EFT30096	19/08/2020	THE FRUIT BOX GROUP	TOWN HALL AND DEPOT FRESH FRUIT DELIVERY JUNE 20	\$ 153.00	
			TOWN HALL AND DEPOT FRESH FRUIT DELIVERY JULY 20	\$ 204.00	\$ 357.00
EFT30097	19/08/2020	UDLA	PROFESSIONAL FEES RQF16-2019/20 RIVERSIDE ROAD LANDSCAPING ENHANCEMENT - TENDER DOCUMENTATION COMPLETED	\$ 6,534.00	\$ 6,534.00
EFT30098	19/08/2020	WA FENCEWORKS PTY LTD	ADDITIONAL FENCE WORKS - SILAS STREET DOG PARK	\$ 2,134.00	
			BOLLARD INSTALLATION - RIVERSIDE ROAD	\$ 4,400.00	\$ 6,534.00
EFT30099	19/08/2020	MATPRINT PTY LTD	SAFETY MATS FOR TRICOLORE AND DEPOT	\$ 493.90	\$ 493.90
EFT30100	19/08/2020	HEIGHT CONSTRUCTION AND CARPENTRY PTY LTD	GLYDE-IN GUTTER CLEANING	\$ 385.00	\$ 385.00
EFT30101	19/08/2020	AARO GROUP	STORM WATER PIT REPAIRS - PRESTON POINT ROAD	\$ 4,287.82	\$ 4,287.82
EFT30102	19/08/2020	FRESH PROVISIONS BICTON	CATERING - 30/06/20	\$ 32.90	
			CATERING - 30/07/20	\$ 60.00	
			CATERING - 11/08/20	\$ 31.99	\$ 124.89
EFT30103	19/08/2020	KYOCERA DOCUMENT SOLUTIONS	CORPORATE & COMMUNITY COPY CHARGES - JUNE 2020	\$ 76.84	\$ 76.84
EFT30104	19/08/2020	C'EST BIEN THAI	CATERING - 11/08/20	\$ 384.70	\$ 384.70
EFT30105	19/08/2020	CIVCON CIVIL & PROJECT MANAGEMENT	PROFESSIONAL FEES - TENDER RFT04-2019/20 RIVERSIDE RD RECONSTRUCTION & REHABILITATION CLAIM 4	\$ 91,819.08	\$ 91,819.08
EFT30106	19/08/2020	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - 30/07/20	\$ 570.00	
			BULK BINS - WAUHOP ROAD - 31/07/20	\$ 570.00	
			BULK BINS - WAUHOP ROAD - 10/08/20 - 2 BINS	\$ 1,140.00	\$ 2,280.00
EFT30107	19/08/2020	MARAWAR PTY LTD	RIVERSIDE ROAD - STONE PITCHING / LIMESTONE BOULDERS & SUPPLY/ INSTALL MOUNTABLE KERB	\$ 6,955.30	\$ 6,955.30
EFT30108	19/08/2020	STATEWIDE CLEANING SUPPLIES PTY LTD	THREE WALL MOUNTED AUTOMATIC HAND SANITISER UNITS PLUS 1 LITRE OF SANITISER PODS	\$ 459.86	\$ 459.86
EFT30109	19/08/2020	CALTEX AUSTRALIA PETROLEUM PTY LTD	FUEL USE 01/07/20 - 31/07/20	\$ 3,898.86	\$ 3,898.86
EFT30110	21/08/2020	ADAM WILLIAM MCGREGOR	TOWN OF EAST FREMANTLE BOND REFUND AUGUST 20	\$ 2,000.00	\$ 2,000.00
EFT30111	21/08/2020	KIRK BRANDENBURG	TOWN OF EAST FREMANTLE BOND REFUND AUGUST 20	\$ 300.00	\$ 300.00
EFT30112	21/08/2020	AUSTRALIAN OUTDOOR LIVING WA	TOWN OF EAST FREMANTLE BOND REFUND AUGUST 20	\$ 2,000.00	\$ 2,000.00
EFT30113	21/08/2020	INDIAN OCEAN BUILDING COMPANY	TOWN OF EAST FREMANTLE BOND REFUND AUGUST 20	\$ 2,000.00	\$ 2,000.00
EFT30114	28/08/2020	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS - AUGUST 20	\$ 210.78	\$ 210.78
EFT30115		EAST FREMANTLE BOWLING CLUB	1/2 DAY ROOM HIRE AND SUPPLY OF COFFEE/TEA 01/08/20	\$ 400.00	
			SPONSORSHIP FOR FINANCIAL YEAR 2020/2021	\$ 24,200.00	\$ 24,600.00
EFT30116	28/08/2020	INSTANT WINDSCREENS	WINDOW REPLACEMENT FOR HACC BUS	\$ 1,570.00	\$ 1,570.00
EFT30117	28/08/2020	LO-GO APPOINTMENTS	FINANCE OFFICER 10/08/2020 -14/08/2020	\$ 2,241.47	
			FINANCE OFFICER 17/08/2020 -21/08/2020	\$ 2,241.47	\$ 4,482.94
EFT30118	28/08/2020	MCLEODS	PROFESSIONAL FEES - LEASE AGREEMENT	\$ 1,418.76	\$ 1,418.76
EFT30119	28/08/2020	SOUTH WEST GROUP	2020-2021 MEMBER COUNCIL CONTRIBUTIONS IN RESPECT OF SWG ADMINISTRATION AND PROJECTS - FIRST INSTALMENT AUGUST 20	\$ 16,089.34	\$ 16,089.34
EFT30120	28/08/2020	ST JOHNS AMBULANCE ASSOCIATION	FIRST AID TRAINING FOR CHSP STAFF MEMBER 13 AUG 2020	\$ 160.00	\$ 160.00
EFT30121		TELSTRA CORPORATION LIMITED	HACC MOBILE PHONE, DEPOT NEXT G BACKUP 03/08 - 03/09	\$ 26.32	
			CEO MOBILE 16/07/2020 -15/08/2020	\$ 86.00	\$ 112.32
EFT30122	28/08/2020	ZIPFORM PTY LTD	2020/21 - RATES NOTICES AND BUDGET NEWSLETTER DISTRIBUTION, PRINTING AND ENVELOPES	\$ 6,606.21	
			FOGO ROLLOUT LETTER MAILING	-\$ 321.48	\$ 6,284.73
EFT30123	28/08/2020	FASTA COURIERS	COURIER SERVICES 01/08/20 - 15/08/20	\$ 56.91	\$ 56.91
EFT30124	28/08/2020	LOCAL GOVERNMENT PROFESSIONALS	LG PRO WEBINAR REGISTRATION	\$ 25.00	
			STAFF MEMBER - AFFILIATE MEMBERSHIP 2020/21	\$ 185.00	\$ 210.00
EFT30125	28/08/2020	HOST DIRECT	CATERING EQUIPMENT FOR CHSP RESPITE CENTRE	\$ 268.40	\$ 268.40
EFT30126	28/08/2020	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	2020/2021 ESL 1ST QUARTER CONTRIBUTION - OPTION B AGREEMENT	\$ 408,327.70	\$ 408,327.70
EFT30127	28/08/2020	WOOLWORTHS SUPERMARKETS	GROCERIES FOR CHSP RESPITE CENTRE 18/08/20	\$ 87.46	
			CATERING - 20 AUGUST 2020	\$ 23.40	\$ 110.86
EFT30128	28/08/2020	RAC BUSINESSWISE	RAC ROADSIDE ASSISTANCE RENEWAL FOR FLEET VEHICLES - 2020/2021	\$ 2,380.00	\$ 2,380.00
EFT30129	28/08/2020	THE PAPER COMPANY OF AUSTRALIA	A4 80GM AONE COPY PAPER 50 REAMS	\$ 247.50	\$ 247.50
	28/08/2020	FOCUS NETWORKS	UPS REPLACEMENT AT DEPOT	\$ 202.40	
			DESKTOP PROJECT (5PC REPLACED BY LAPTOP)	\$ 1,309.00	\$ 1,511.40
EFT30131	28/08/2020	TOWN OF EAST FREMANTLE	20/21 RATES A44960 - PAYMENT OF LICENCE FEE IN LIEU RATES PAYMENT	\$ 3,150.50	\$ 3,150.50
EFT30132	28/08/2020	RACHAEL GARDNER	VEHICLE CLEAN FOR CHSP PHOTO SHOOT	\$ 199.00	\$ 199.00
EFT30133	28/08/2020	LEARNING HORIZONS	CEO PERFORMANCE REVIEW 2020	\$ 4,950.00	\$ 4,950.00

12.2.3 Adoption of Policies

File ref	A/POL1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Purchasing Policy 2. Volunteer Management Policy 3. Contract Variations Policy

Purpose

Council is requested to consider the adoption of the Policies as presented.

Executive Summary

A number of Policy amendments and draft Policies were discussed with Council at the Concept Forum on 8 September 2020. These are now being presented to Council for adoption.

Background

Not applicable.

Consultation

Council Concept Forum 8 September 2020

Statutory Environment

Section 2.7 (b) of the *Local Government Act 1995* identifies that one of the principal roles of Council is to determine the Policies of the local government.

Policy Implications

Council is requested to adopt the Policies as attached to this report.

Financial Implications

There are no financial implications relative to this item.

Strategic Implications

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

Strategic Priority 5: Leadership and Governance

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

5.1 Strengthen organizational accountability and transparency

5.1.1. Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services

Site Inspection

Not undertaken to date.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The absence of Policies impacts governance and the efficiency of decision making/delegated authority	Possible (3)	Moderate (3)	Moderate (5-9)	SERVICE INTERRUPTION Medium term temporary interruption - backlog cleared by additional resources < 1 week	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Extreme
		1	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

- Purchasing Policy** – this Policy has been amended to incorporate the following amendments on the basis of good practice and following advice/discussions with the Office of Auditor General:
 - Introduction of a minimum threshold of \$50k for the requirement for a written contract
 - Guidelines for where a waiver of quotation may be approved
 - Purchasing from legal service providers
 - Buying local
 - Standing Offer Agreements

- Removal of \$500 purchasing delegation to Assistant Coordinator CHSP from the Procedures attachment as this delegation is no longer required.
2. **Volunteer Management Policy** –this draft Policy provides guidance on the management of volunteers including the following:
- Recruitment of volunteers addressing selection and screening processes
 - The Towns’ responsibilities to Volunteers such as insurance and OHS requirements
 - The Volunteers’ responsibilities to the Town of East Fremantle
 - Managing Volunteer Code of Conduct breaches
3. **Contract Variations Policy** – this draft Policy determines the circumstances in which a contract for the procurement of goods and services may be varied. The Chief Executive Officer has an existing delegation (DA7) to approve contract variations and the Policy provides guidelines under which the delegation is exercised.

12.2.3 OFFICER RECOMMENDATION

That Council resolve to adopt the following Policies as presented, and request the Chief Executive Officer to update the Policy Register accordingly:

- **Purchasing Policy**
- **Volunteer Management Policy**
- **Contract Variations Policy**



2.1.3 Purchasing

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

Objective

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

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

Policy Scope

This policy will affect all staff members.

Policy

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

Ethics and Integrity

Code of Conduct

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

Purchasing Principles

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

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

Value for Money

Policy

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

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

Application

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

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

Purchasing Requirements

Legislative / Regulatory Requirements

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

Purchasing that is \$250,000 or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 7 of this Purchasing Policy.

Purchasing that exceeds \$250,000 in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under section 8 of this Policy is not deemed to be suitable.

Purchasing Value Definition

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

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

Purchasing from Existing Contracts

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

Purchasing Thresholds

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

Purchase Value Threshold	Purchasing Requirement
Up to \$5,000 (exc GST)	<p>Purchase directly from a supplier using a Purchasing or Corporate Credit Card issued by the Town, or obtain at least one (1) oral or written quotation from a suitable supplier, either from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Town; or • a pre-qualified supplier on the WALGA Preferred Supply Program (e-Quotes) or State Government Common Use Arrangement (CUA); or

	<ul style="list-style-type: none"> • from the open market. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • value for money criteria, not necessarily the lowest price. • The procurement decision is to be represented using the Brief Evaluation Report Template.
<p>Over \$5,001 and up to \$20,000 (exc GST)</p>	<p>Request at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Town; or • a pre-qualified supplier on the WALGA Preferred Supply Program (e-Quotes) or State Government CUA; or • from the open market. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a written brief outline of the specified requirement for the goods; services or works required; and • value for money criteria, not necessarily the lowest price. <p>The procurement decision is to be represented using the Brief Evaluation Report Template.</p>
<p>Over \$20,001 and up to \$50,000</p>	<p>Request at least three (3) written quotations from suppliers following a brief outlining the specified requirement, either from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Town; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • from the open market. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a written brief outline of the specified requirement for the goods; services or works required; and • value for money criteria, not necessarily the lowest price. <p>The procurement decision is to be represented using the Brief Evaluation Report Template.</p>
<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 suppliers response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>
<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 suppliers response to:</p> <ul style="list-style-type: none"> • a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>

Requirement for Contracts

Purchases over \$50,000 ex GST will require a written contract for the following supply categories:

- Consultants (General Conditions of Contract AS4122-2010)
- Minor Works
- General Goods and Services
- Building and Construction Services
- ICT Services
- Waste Services

A copy of the executed contract must be provided to the Executive Assistant Corporate Services prior to the Purchase Order being released. The contract details will be entered into the Contract Register which has been prepared in accordance with Treasurers Instruction 820 'Register of Contracts'.

Contract Reviews – all contracts established by the Town shall contain a requirement to review the performance of the Contractor/Supplier/Consultant at least annually and prior to the extension, if any, of the Contract term.

Quotation Exemptions

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

Insufficient Suppliers / 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 endeavours 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

2. all other requirements of this policy applicable to that type or value of purchase apply.

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.

Buying Local

Where possible, suppliers operating with the Town of East Fremantle and neighbouring local government areas are to be given the opportunity to quote for goods and services required by the Town. Officers are required to review the local Business Directory when determining possible suppliers. However, it is recognised that not every category of goods or services required by the Town will lend itself to supply by local businesses.

Standing Offer Agreement

This is an agreement where a supplier(s) agrees to provide specified goods (which are considered commodities off the shelf which are readily available from multiple suppliers and frequently purchased), at an agreed price fixed for a set period of time (usually for one year). Standing Offers are a commitment by suppliers to provide agreed products at the fixed price on receipt of a Town Purchase Order. Standing offers do not commit the Town to any minimum volume. A standing offer once accepted by the Town is deemed to have met the quotation process.

Tendering Exemptions

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

- the supply of the goods or services is associated with a ~~state~~State of ~~emergency~~Emergency which has been declared in accordance with section 3 of the Emergency Management Act 2005;
- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;
- the purchase is from a Regional Local Government or another Local Government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise and represents value for money;
- within 6 months of no tender being accepted;
- where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- the purchase is from a pre-qualified supplier under a Panel established by the Town; or
- any of the other exclusions under Regulation 11 of the Regulations apply.

Inviting Tenders under the Tender Threshold

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

If a decision is made to undertake a public Tender for contracts expected to be ~~be~~ \$250,000 or less in value, the Town's tendering procedures must be followed in full.

Sole Source of Supply

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

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

Anti-Avoidance

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

Emergency Purchases

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

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

Record Management

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

For each procurement activity, such documents may include:

- the Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- request for Quotation/Tender documentation;
- copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- copies of quotes/tenders received;
- evaluation documentation, including individual evaluators note and clarifications sought;
- negotiation documents such as negotiation plans and negotiation logs;
- approval of award documentation;
- all correspondence to respondents notifying of the outcome to award a contract;
- contract Management Plans which describes how the contract will be managed; and
- copies of contract(s) with supplier(s) formed from the procurement process.

Sustainable Procurement and Corporate Social Responsibility

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

Local Economic Benefit

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

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;

- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders
- avoid bias in the design and specifications for Requests for Quotation and Tenders
- provide adequate and consistent information to potential suppliers.

Purchasing from Disability Enterprises

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

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

Purchasing from Aboriginal Businesses

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

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

Panels of Pre-Qualified Suppliers

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

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

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

Establishing a Panel

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

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

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

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

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

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

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

Distributing Work Amongst Panel Members

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

- i. obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 20; or
- ii. purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- iii. develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 19 (b).

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

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

When a ranking system is established, the Panel must not operate for a period exceeding 12 months.

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

Purchasing from the Panel

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

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

Recordkeeping

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

For the creation of a Panel, this includes:

- the Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- request for Applications documentation;
- copy of public advertisement inviting applications;
- copies of applications received;
- evaluation documentation, including clarifications sought;
- negotiation documents such as negotiation plans and negotiation logs;
- approval of award documentation;
- all correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- contract Management Plans which describes how the contract will be managed; and
- copies of framework agreements entered into with pre-qualified suppliers.

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

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

[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.

Issuing Purchase Orders where a quotation or tender process has been undertaken will be required to be released by the Manager Finance and Administration , who is required to ensure that all details in the Register of Contracts have been complied with, and that the required number of quotes and the contract have been attached to the purchase requisition.

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
Former Policy No:	4.2.4

Attachment
Purchasing Procedures



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
 - Executive Manager Regulatory Services; Limit \$50,000
 - Principal Environmental Health Officer; Limit \$1,500
 - Operations Supervisor; Limit \$15,000
 - Operations Manager; Limit \$50,000
 - Manager Administration and Finance, Limit \$15,000
 - Communications & Marketing Officer; Limit \$1,500
 - HR Coordinator; Limit \$5,000
 - Senior Ranger; Limit \$2,000
 - Coordinator Capacity Building; Limit \$1,500
 - Executive Assistant Corporate Services; Limit \$1,500
 - Executive Assistant to CEO; Limit \$1000
 - Coordinator Planning and Building; Limit \$500
 - Coordinator CHSP (CHSP related purchases only); Limit \$1,500
 - ~~Assistant Coordinator CHSP (CHSP related purchases only); Limit \$500~~
 - Administration Support Officer – Operations; Limit \$500

or those Officers acting in the positions from time to time;
2. Authority limitations apply to any purchase including signing of contracts in accordance with Delegation DA8 and DA9;
3. An official purchase order must be placed for all goods or services (including consultants' opinions, eg legal, engineering, town planning, etc) ordered;
4. Standing Purchase Order – these are commitments made against a particular supplier for good or services that are regularly procured over a specified period, usually one financial year. The full value of the commitment is restricted to the amount in the approved budget, allowing for a spread over more than one supplier. Standing order numbers will need to be quoted to the supplier for inclusion in their invoice. Do not provide a printed copy of "Standing Purchase Orders" to suppliers. Standing orders will be expedited by Finance at the end of each financial year and will need to be re-established in the new financial year.
5. Emergency Order – emergency orders can only be processed outside the procurement process when any of the following events are likely to occur:
 - Possible cause of injury or loss of life
 - Potential to result in destruction of property
 - Possible loss or disruption to the Town's stakeholders or core functions
 - Will seriously impair the reputation of the Town in the local or wider community

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

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



2.2.8 Volunteer Management Policy

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:	
Policy Amended/Reviewed:	
Former Policy No:	

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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:	
Policy Amended/Reviewed:	
Former Policy No:	

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12.2.4 Proposal to Sell Land to Recover Outstanding Rates

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Sale of Land Checklist 2. Operational Guideline 22 – Possession of Land for Recovery of Rates and Service Charges

Purpose

Council approval is sought to sell land to recover all outstanding rates and charges in accordance with section 6.64(1)(b) of the *Local Government Act 1995*.

Executive Summary

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*.

It is recommended that Council proceeds to sell six (6) properties in rates arrears of 3 or more years and recover from the proceeds of sale the outstanding balances which total \$100,058.31 excluding penalty interest which has not been raised since May 2020.

Background

Pursuant to section 6.68 (1) of the *Local Government Act 1995*, a local government is not to exercise its power of sale in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recovery money due to it. That is, local governments must attempt to recover rates in a court of competent jurisdiction. This court action will generally involve a General Procedure Claim in the Magistrates Court, and should the debtor not respond to payment within the timeframes established by the Court, default judgement requested and granted.

The following properties now meet all criteria for Council to consider exercising its power of sale:

Assess No.	Total Rates and Charges in Arrears	No. Years in Arrears	Total Legal Expenses that have been Applied to the Account	Court Action Undertaken	Comment
A13490	\$20,523.25	5+ years	\$2,676.65	Summary Judgement Granted	The Towns' legal agent has written to the Mortgagee notifying each of the judgement granted and to seek a response as to whether each mortgagee wishes to make payment and exercise its own right to take possession of the subject land

A13510	\$12,504.44	3+ years	\$2,676.65	Summary Judgement Granted	See above
A13440	\$14,863.24	4+ years	\$2,676.65	Summary Judgement Granted	See above
A23810	\$15,346.08	4+ years	\$1,857.04	First Judgement Claim filed in 2015. Second Judgement Claim filed in 2017/18 and not responded.	Bankrupt Estate – Trustee Appointed
A31480	\$9,620.41	4+ years	\$1,998.55	General Procedure Claim Served. Default Judgement Requested.	4 payments totaling \$2,200 received since 2016
A51625	\$27,200.89	3+ years	\$6,159.60	General Procedure Claim Served	Letter issued to tenant, who vacated property in March 2020. Letter issued to mortgagee with respect to enquiry of repossession for the purpose of a mortgagee sale. Owners have absconded overseas. Town has satisfied requirements with respect to identifying the owner's whereabouts.
	\$100,058.31		\$18,045.14		

Consultation

McLeod's Barristers and Solicitors
Rates Officer
Executive Group

Statutory Environment

Section 6.64 of the *Local Government Act 1995* states:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*
 - (a) *From time to time lease the land;*
 - (b) *Sell the land;*
 - (c) *Cause the land to be transferred to the Crown; or*
 - (d) *Cause the land to be transferred to itself.*

- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*

- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

Policy Implications

Council's Debt Collection Policy includes the following options to recover rates debt where rates are in arrears for in excess of three (3) years.

- (1) Lodging a Caveat on the Title for Land – the approval of Council is required before this course of action is undertaken.
- (2) Sale of Property – the approval of Council is required to be obtained before this course of action is undertaken.

The Department of Local Government has published Operational Guideline 22 – Possession of Land for Recovery of Rates and Service Charges. This Guideline is appended to this report.

Financial Implications

Total Rates Receivable as at 30 June 2020 amounted to \$320,318. The arrears in the above schedule represent a significant portion of this total, and the sale of land will equate to a decrease in the level of outstanding rates of \$100,058.31.

If section 6.64 of the *Local Government Act 1995* is not utilised to recover the rates outstanding on the above properties, there is little likelihood that these amounts, and rates levied on the properties in future years, will be paid in full. Should Council decide not to sell the subject land, this weakens the Town's Debt Recovery Policy, and inadvertently may lead to an increase in the number of ratepayers who refuse to pay their rates.

Strategic Implications

Town of East Fremantle Strategic Community Plan 2017-2027

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

Corporate Services – to achieve maximum community benefit from the effective use of resources (staff, finances and information technology).

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inadequate debt recovery processes will result in excessive bad debts	Possible (3_	Major (4)	High (10-16)	FINANCIAL IMPACT \$250,001 - \$1,000,000	Accept Officer Recommendation
Inefficient use of staff time and financial resources to pursue bad debts	Possible (3_	Major (4)	High (10-16)	FINANCIAL IMPACT \$250,001 - \$1,000,000	Accept Officer Recommendation
Adverse publicity resulting from Council exercising the power of sale	Possible (3_	Major (4)	High (10-16)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Manage by preparing key messages for any enquiries

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Likelihood	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	12
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

Not applicable.

Comment

There are six (6) properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayers and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance.

The Town has undertaken the following actions to recover rates on the outstanding accounts:

- Issuance of final notices
- Issuance of letters of demand
- Repeated Town correspondence including letters, emails and phone calls
- General Procedure Claim via the Magistrates Court
- Summary Judgement
- Letters of demand issued to Mortgagees
- Notice issued to Tenants for the payment of rates

Significant legal costs and staff time has been consumed in recovery efforts. This matter is now at the stage where all options have been exhausted other than avenues that are available under the *Local Government Act 1995*. These avenues are:

1. Exercise the provisions of section 6.64 of the *Local Government Act 1995* to sell the land.
2. Exercise the provisions of Section 6.74 of the *Local Government Act 1995* and apply to the Minister of Local Government and Communities to have the land re-vested in the Crown in the right of the State; and
3. Exercise the provisions of Section 6.75 of the *Local Government Act 1995* and make an application for the land to be vested in the Town.

Given the high level of the debt, and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply the relevant section of the *Local Government Act 1995* empowering the sale of land provisions in relation to unpaid rates as per the following steps:

Action	Relevant Legislation
Issue Notice Requiring Payment (Form 4) to be served as per the owner's address on the Certificate of Title. Owner is given three months in which to pay and avoid their land being sold.	Section 6.68(3) and Schedule 6.3.1(1)(a) LGA; regulation 74 Form 7 FMR
Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest of the property (to address shown on the title).	Schedule 6.3.1(1)(b) LGA
A copy of the Notice Requiring Payment (Form 4) to be displayed on the Shire's noticeboard for a minimum of 35 days.	Schedule 6.3.1(1)(c) LGA
Serve a copy of Form 2 on the owner	Section 6.64(2) LGA; regulation 72 FMR
Attach a copy of Form 3 to a conspicuous part of the land on order in order to take possession of the land.	Section 6.64(2) LGA; regulation 73 FMR

Town to appoint a time of no less than three months and no more than 12 months after the service of Notice Requiring payment (Form 4) for the public auction. A sale has to occur within 12 months of the date that the land is offered for sale otherwise proceedings lapse.	Schedule 6.3 clause 7 LGA
Issue a State-wide public notice.	Schedule 6.3 clause 2 LGA; regulation 75 Form 5 FMR
Register a Memorial of State-wide public notice at Landgate.	Schedule 6.3 clause 2 (3) LGA
Organise the auction	Schedule 6.3 clause 3 LGA
Attend the auction	Schedule 6.3 clause 3 LGA
Arrange settlement if property is sold	Schedule 6.3 clauses 4 and 5 LGA

A local government is required to apply the proceeds from the sale of land in the manner set out in Schedule 6.3, clause 5 of the *Local Government Act 1995*. This list the priority of payment allocation from the sale proceeds summarised as follows:

Priority	Payment Allocation
1 st	The cost, charges and expenses incurred by the local government in the land sale process.
2 nd	(i) Unpaid rates and service charges for the land; (ii) Costs and other money due or imposed by the Crown or an instrumentality of the Crown (e.g. State agency or department); and (iii) Other amounts due to the local government under the <i>Local Government Act 1995</i> or other written law. Where insufficient funds remain after the first step has taken place, the local government is to distribute the balance of the money remaining, between the Crown, the department, the agency, the instrumentality, and the local government, pro rata with the amounts of their claims, respectively.
3 rd	Vendor's costs and expenses relating to the conferring of title upon the purchaser of the land.
4 th	The discharge of a charge on the land relating to drainage and sewerage connection and fittings.
5 th	The discharge of other mortgages and encumbrances on the land both register and unregistered.
6 th	Within 12 months, payment of any sale proceeds that remain to the person or persons with an entitlement to the land but for the sale.

Should Council not resolve these matters, and through the lapsing of time if further action is not taken, the Magistrate Court may place the matters on the Inactive Case List and dismissed without further notice. Once a matter is dismissed it cannot be reinstated as an active matter in the Court and the Towns right to pursue the matter will be forfeited. To pursue rate recovery, the Town will

then be required to seek further legal representation and follow the debt recovery procedures from the beginning.

12.2.4 OFFICER RECOMMENDATION

That Council:

1. Pursuant to section 6.64 (1) (b) of the *Local Government Act 1995*, proceeds to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$100,058.31 plus penalty interest that has accrued since May 2020.

List of Properties by Assessment Number:

- Assessment 13490
- Assessment 13510
- Assessment 13440
- Assessment 23810
- Assessment 31480
- Assessment 51625

2. Pursuant to section 6.68 (3) (a) of the *Local Government Act 1995*, note that the Town has applied an exemption provided under section 6.68 (2) (b) of the *Local Government Act 1995* in that it has made reasonable efforts to locate the owner (s) of the property relating to Assessment Number 51625 but has been unable to do so. The efforts undertaken to locate the owner include:

The Town has attempted the recovery of rates under section 6.56 of the Local Government Act. Court Proceedings commenced in 2017 and efforts to serve the claim were unsuccessful as the owners were believed to be overseas at the time. Judgement was awarded to the Town in 2018, and the owners did not respond to the Court instructions. The Towns rates officer has continued to make reasonable efforts to physically locate the owners and all attempts have been unsuccessful.

The following efforts have been made by the Town to locate the property owners:

- a) *Obtaining property title records from Landgate for registered addresses*
- b) *Conducting an ABN search*
- c) *Conducting an electoral roll search*
- d) *Phone calls made to mobile numbers and letters issued by post and to email addresses*
- e) *Searches completed by the bailiff as an attempt to serve Court proceedings*
- f) *Conducting searches to services providers and other authorities*
- g) *Letter issued to the mortgagee*
- h) *Letter Issued to the tenant*
- i) *Skip traces have been completed*

Sale of Land Checklist

Once council has resolved to sell land:-

<input type="checkbox"/>	Check the overdue rates (and charges) and "age" of the debt – ensure that there is an amount of rates which has been outstanding for a period in excess of at least 3 years.	Section 6.64(1)
<input type="checkbox"/>	Check that legal action has been attempted at least once in the last 3 years to recover the outstanding rates.	Section 6.68(1)
<input type="checkbox"/>	Order an updated title search.	
<input type="checkbox"/>	Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. Owner is given 3 months in which to pay and avoid his land being sold.	Section 6.68(3) Schedule 6.3 1.(1)(a); FMR r. 74 Form 4
<input type="checkbox"/>	Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property (to the address shown on the title).	Schedule 6.3.1(1)(b)
<input type="checkbox"/>	A copy of the Notice Requiring Payment (Form 4) to be displayed on Council's official noticeboard for a minimum of 35 days. Ensure that the Form 4 is duly stamped with the date first displayed and the date removed – show signature of authorised person plus witness.	Schedule 6.3.1(1)(c)
<input type="checkbox"/>	Serve a copy of Form 2 on the owner.	Section 6.64(2); FMR r.72
<input type="checkbox"/>	And also attach a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.	Section 6.64(2); FMR r.73
<input type="checkbox"/>	Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice of payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.	Schedule 6.3 cl.7
<input type="checkbox"/>	Issue a Statewide public notice.	Schedule 6.3 cl.2; FMR r.75; Form 5
<input type="checkbox"/>	Register at Landgate, a Memorial of the Statewide public notice.	Schedule 6.3 cl.2 (3)
<input type="checkbox"/>	Organise the auction.	Schedule 6.3 cl.3
<input type="checkbox"/>	Attend the auction.	Schedule 6.3 cl.3
<input type="checkbox"/>	If sold at auction, arrange settlement.	Schedule 6.3 cl.4 & 6.3 cl.5

NB: All legislative references are the *Local Government Act 1995* and associated regulations.



Government of **Western Australia**
Department of **Local Government and Communities**

Local Government Operational Guidelines

Number 22 – May 2012

Possession of Land for Recovery of Rates and Service Charges

1. Introduction

Local governments will from time to time face the situation where a person or company does not pay their rates or service charges for a number of years.

The intent of this Guideline is to explain the process required to comply with the legislation governing the taking possession of land in order to recover rates and service charges that are unpaid after three years.

Throughout the guideline there are also references made to Landgate's "Land Titles Registration Practice Manual" as many of the actions detailed have associated "Landgate" requirements.

Local governments may take action to lease or sell the land to recover rates and or service charges outstanding or they may cause the land to be transferred to the Crown or to itself.

Such action should only be considered when all other avenues of inquiry and action (such as the following examples) and where possible, consultation and negotiation for the debt recovery with the person or company, have been exhausted.

- Are the property owner's whereabouts known? Has a Claim (General Procedure) been issued and served? If so, has a Property (Seizure and Sale) Order (PSSO) on Land (Minor Case) been issued through the Magistrates Court 14 days or more after the General Procedure was served?
- If the property owner's whereabouts are not currently known, take steps to locate the owner. Does the owner own any other land anywhere else in Western Australia? Have water rates or land tax been paid by the owner?

What address for the owner does the Water Corporation and/or the Office of State Revenue have?

- Is the property vacant or improved? Is it a rental property? If so, has an order been given to the tenant, under the provisions of section 6.60 of the *Local Government Act 1995* (the Act), to pay rent?
- If it is an improved property, and the owner does not occupy it, check to see where the power supply provider for the property sends its accounts?
- Has the facility of a direct debit or Centrepay payment service (weekly, fortnightly or monthly) been offered?
- Has a title search been done recently to ascertain if there is any current mortgage or caveat over the property?

This guideline sets out the process, step-by-step, so that if followed correctly the legal requirements should be met.

If the before mentioned and any other steps have not produced any result, a report should be prepared for Council. The report should outline the overdue rates or service charge position, and the attempts at debt recovery and owner location.

The report (refer Attachment 1.) may recommend that Council resolves by simple majority to lease or sell the land to recover rates and or service charges outstanding or may recommend that the local government apply to the Minister for Local Government to have the land re-vested in the Crown in right of the State under section 6.74 of the Act or make an application for the land to be transferred to itself, under section 6.75 of the Act.

Note: Section 6.68 of the Act states that a local government is not required to attempt to recover money due to it where;

- (a) it has a reasonable belief that the cost of proceedings will equal or exceed the value of the land; or
- (b) having made reasonable efforts to locate the property owner is unable to do so. Any such decision and the reasons for the decision are to be recorded in the minutes of the meeting at which the decision was made.

There is a legislative process that must be followed to comply with the lease, sell or transfer requirements of the legislation so that any of these actions are legally enforceable.

The Landgate procedures outlined in these Guidelines (highlighted text) are intended as a general guide only and are not a substitute for legal advice. Local governments and other parties should seek their own legal advice in respect of individual transactions.

For further information, the most recent version of Landgate's Land Titles Registration Practice Manual ("Landgate Practice Manual") is available online at www.landgate.wa.gov.au

Please note that references to particular paragraphs of the Landgate Practice Manual in these Guidelines may be subject to change.

2. Legislation

The legislative requirements to take action against land where rates or service charges are unpaid are contained in Part 6, Division 6, sections 6.63 to 6.75 and Schedules 6.2 and 6.3 of the *Local Government Act 1995* (the Act) and Part 5 of the *Local Government (Financial Management) Regulations 1996* (FMR) regulations 72 to 78 and Forms 2 to 7. (Copies of these forms are available as [Attachments 3 to 8](#)).

The legislation relevant to each step of the process is identified in the checklist at [Attachment 2](#).

A question of interpretation has been raised in relation to the meaning of section 6.64(1) of the Act which gives the power to a local government to take possession of land where **any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years**.

Advice received by the Department indicates that irrespective of any payment made towards the unpaid rates which have been outstanding for at least three years the process for taking possession of the land remains valid. It is considered that section 6.64(1) of the Act applies where **any** part of a sum (for rates and/or service charges) is still unpaid three years after it first became due.

3. Matters to Check

3.1 Preliminary

In determining whether the local government can take possession of the land, it must ensure that;

- the land is rateable. Except as provided for in s.6.26 of the Act, all land within a district is rateable.
- any unpaid service charge is not one that is imposed on the occupier of land who is not the owner of that land (s.6.63).
- the total amount of rates or service charges raised and due on the land by the issue of rate notices remain unpaid for at least the last three years. The three years is calculated from the date they became due (s.6.64).

For example, rates are outstanding for 2008/09, 2009/10 and 2010/11. The 2008/09 rates were levied on 10/08/2008; the rate notice was issued on 24/08/2008 and the nominated due date was 30/09/2011, which is the date to be used.

- the rates or service charges outstanding on the land are not deferred under s.33 of the *Rates and Charges (Rebates and Deferments) Act 1992*.
- the local government has the relevant certificate of title details.
- the person listed on the local government's rate record is the same as the owner on the certificate of title for the land, or the person listed on the rate record meets the definition of 'owner' (s.1.4).
- flag the property to prevent payments being received electronically from someone who doesn't have an estate or interest in the land.

3.2 Other matters to check

- Whether the owner's goods and chattels remain on the property. Where the owner has long since vacated the property and their whereabouts are unknown, but they have left their goods and chattels behind, it is suggested that local governments have the ability to proceed with action to dispose of the goods and chattels under the *Disposal of Uncollected Goods Act 1970*.
- Whether there is an inhabitant on the property (other than the owner) that has no legal right of occupation (i.e. a squatter). In this case, this will mean that a person is trespassing on land which the local government has the right to possession. It is understood that the local government would be entitled to take steps to have the person removed (and the premises secured). It is suggested that in the context of a particular case, a local government seek its own legal advice.

3.3 Taking possession of the land

- Prior to taking action to lease, sell or transfer land, a local government must "take possession" of the land.
- A notice, in the form of Form 2, advising that the local government has taken possession of the land, has to be given to the owner of the land (s.6.64(2); FMR r.72 and Form 2) Refer Attachment 3.
- A notice, in the form of Form 3, advising that the local government has taken possession of the land, has to be affixed to a conspicuous part of the land (s.6.64(2); FMR r.73 and Form 3) Refer Attachment 4.

- A local government is to surrender possession of the land if all rates and service charges due on the land are paid within 12 years of the taking of possession (s.6.67(1)).
- A local government does not have to give up possession of the land if it receives a portion only of the rates and service charges due on the land or if it has exercised a power under s.6.64(1)(b) (c) or (d) of the Act and is in the process of selling or transferring the land to the Crown or to itself (s.6.67(1)).
- If all outstanding rates and service charges on the land are paid within 12 years of the taking of possession, and the local government has leased the land under s.6.64(1)(a), possession of the land is to be given up on the expiration of the lease (s.6.67(2)).

Note: In this Guideline, a reference to a Notice being ‘served’ or ‘given’, may be served or given in any of the ways provided for by sections 75 and 76 of the *Interpretations Act 1984*. Refer also to the *Local Government Act 1995*, Part 9 Division 3 - Documents.

3.4 Selling the Land

- The local government must have taken possession of the land (See 3.3).
- The power of sale of the land is not to be exercised unless the local government has made at least one attempt in the last three years under s.6.56 of the Act to recover the outstanding rates or service charges (s.6.68(1)).

Note: Court action must have been initiated.

The local government does not have to initiate recovery for money due on the land if it holds the reasonable belief that the cost of the proceedings under s.6.56 will equal or exceed the value of the land. (s.6.68(2)), or having made reasonable efforts to locate the owner of the property, is unable to do so. The local government is to ensure that such decisions are recorded in the relevant Council minutes.

- Before the power of sale is exercised, a notice in the form of Form 4 has to be served on the owner of the land personally or served by certified mail to the address appearing in the rate record or a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds (s.6.68(3); Sch. 6.3 cl.1.(1)(a); FMR r.74, Form 4) [Refer Attachment 5](#).

- The register kept under the *Transfer of Land Act 1893* can be searched at Landgate.
- A search of certificate(s) of title can be conducted to obtain the address details of the registered proprietor of land under the *Transfer of Land Act 1893*.
- It should be noted that if the search of the certificate of title for the relevant land shows that the land is “subject to dealing” there may be unregistered documents which have been lodged but are yet to be processed. Such unregistered documents may affect the information shown on the title search. A facsimile request is required to obtain a copy of any unregistered document. Please note that because unregistered documents are searched manually, copies of the unregistered documents may take up to 48 hours.

Searches can be ordered through the Landgate website and paid for by credit card or through a Landgate account.

Searches can also be obtained in person or ordered by facsimile on 9250 3187.

For old system land, searches of the Register containing memorials under the *Registration of Deeds Act 1856* to obtain the address and details of the registered proprietor can be conducted at Landgate, Midland upon payment of the prescribed fee:

Landgate
1 Midland Square
Morrison Road (cnr Gt Northern Hwy)
Midland, Western Australia, 6056

Office opening hours:
8.00am - 5.00pm Monday to Friday
Document lodgement:
8.00am - 4.30pm Monday to Friday

For further information on searching the Register under the *Registration of Deeds Act 1856* see Paragraph 10.1.7 of the Landgate Practice Manual, including a schedule of the fees charged for each document searched.

A notice in the form of Form 4 has to be served, on other persons whom records indicate have an estate or interest in the land, personally or served by certified mail to the address appearing in the rate record or a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds. (Sch. 6.3 cl.1.(1)(b); FMR r.74, Form 4)

- In relation to land under the *Transfer of Land Act 1893*, a full title search may be conducted to obtain the details of estates or interests in the land which are registered on or noted against the certificate of title for the land (see above). A list of estates, interests, encumbrances and notifications appears in the second schedule of the certificate of title. Individual documents can be searched by document number.
- In relation to old system land, searches of memorials under the *Registration of Deeds Act 1856* can be conducted at Landgate, Midland (see previous column).
- It should be noted that if the search of the certificate of title for the relevant land shows that the land is “subject to dealing” there may be unregistered documents which have been lodged but are yet to be processed. Such unregistered documents may affect the information shown on the title search. A facsimile request is required to obtain a copy of any unregistered document. Please note that because unregistered

documents are searched manually, copies of the unregistered documents may take up to 48 hours.

A notice in the form of Form 4 has to be posted on the official notice board of the local government for not less than 35 days. (Sch. 6.3 cl.1.(1)(c); FMR r.74, Form 4)

The local government notice requiring payment is to:

- be in writing and dated and signed by the CEO;
- specify the land in respect of which the rates or services charges are owed;
- specify the total amount owing;
- include a statement that in default of payment the land will be offered for sale by public auction upon the expiration of 3 months from the date of the notice, at a time appointed by the local government; and
- be in or substantially in the form of Form 4. (Sch. 6.3 cl.1.(2)(a) to (e)) If no sufficient address can be found appearing in the rate record or a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by
 - the Registrar of Deeds for a person required to be served, the notice, in the form of Form 4, is to be served by the local government giving local public notice, as under s.1.7 of the Act. The notice may include land belonging to more than one person. (Sch. 6.3; FMR r.74 and Form 4).
 - The local government must appoint a time, between 3 and 12 months from the service of the notice(s), at which time the land may be offered for sale by public auction. (Sch. 6.3 cl.1.(4)).

- The local government must advertise the sale by giving Statewide public notice, as required by s.1.7 and 1.8 of the Act, in, or substantially in, the form of Form 5 (Refer Attachment 6). In addition, the notice may be given in other means the local government considers is necessary or desirable, for example on its website. (Sch. 6.3 cl.2.(1) (a)(b); FMR r.75 and Form 5) The notice may include land owned by more than one owner, a description of the land and any improvements on it to convey to persons likely to be interested in the sale, the condition of the land and improvements.
- The local government is to provide to the Registrar of Titles or the Registrar of Deeds (as the case requires) a memorial (a copy of the Statewide public notice) and this is to be registered for each piece of land referred to in the memorial. (Sch. 6.3 cl.2.(3))

See Paragraph 11.4.18.2 of the Landgate Practice Manual.

- A Memorial of the advertisement of the proposed sale by the local government for non-payment of rates must be lodged with the Registrar of Titles in an approved form.

The Memorial of Advertisement must comprise:

- a true copy of the original advertisement certified as such by the Chief Executive Officer of the relevant Local Government. The advertisement must be substantially in the form of the Notice of Sale Form 5 as set out in Regulation 75 of the *Local Government (Finance Management) Regulations 1996*;

- (b) a copy of the full page of the state-wide newspaper containing the Notice of Sale Form 5; and
- a Landgate B2 or B4 form (available from Landgate's website and via the Landgate Practice Manual) as the back page of the Memorial of Advertisement with all preparation and lodgement details completed on the form.
- No registration fees are payable for lodgement of the Memorial of Advertisement.
- A letter is sent by the Registrar of Titles to the relevant Local Government advising that the Memorial of Advertisement has been registered.
- Please note: if the advertisement is not substantially in the form of Form 5, contains errors or does not comply with Landgate's requirements, the Memorial of Advertisement may not be accepted for registration by the Registrar of Titles or the Registrar of Deeds. For example, the Registrar of Titles may request re-advertising if the information contained in the Form 5 is incorrect.

Note: There is also provision for the Governor to rectify omissions and irregularities under section 9.64 of the *Local Government Act 1995*. After the memorial is registered, the Registrar of Titles or the Register of Deeds is prohibited from registering or accepting an instrument affecting the land without the consent of the local government (Sch. 6.3 cl.2.(4)).

- A Memorial of Advertisement remains in force for twelve months from the date of registration and acts as an absolute caveat until it is withdrawn or expires.
- Documents that are not "instruments" for the purposes of the *Transfer of Land Act 1893* may continue to be endorsed on the title to the land by the Registrar of Titles without the consent of the Local Government during the period that the Memorial of Advertisement is in force on the title. This includes such documents as: caveats, applications to amend the name of registered proprietors, surrenders of lease, discharges of mortgage, withdrawals of caveat and notifications.
- Documents lodged in registrable form together with the relevant local government's consent will be processed in accordance with Landgate's usual registration procedures.
- This prohibition covering the registration of the memorial does not extend beyond 12 months from the day on which the memorial is delivered to the Registrar of Titles or Deeds. This prohibition does not apply if a person having an estate or interest in the land, within seven days prior to the notified time of actual sale of the land, pays the local government the outstanding rates and or service charges and the costs incurred to that time in proceedings relating to the proposed sale of the land. (Sch. 6.3 cl.2.(4) and cl.7.; s.6.69)
- Acceptance of payment of the outstanding rates and or service charges by the local government, within the seven days prior to the notified sale, or after the seven days has elapsed on such terms and conditions as agreed

between the parties, puts a stay on the proposed sale proceedings. (Sch. 6.3 cl.2.(4); s.6.69)

As soon as practicable after the acceptance of such a payment, the local government is to deliver to the Registrar of Titles or Deeds, a certificate, signed and dated by the Chief Executive Officer, certifying that all outstanding rates and service charges, costs and expenses have been paid and upon receipt of this certificate, the Registrar of Titles or Deeds will then endorse a memorandum that the land has ceased to be bound by the memorial. (s.6.69; FMR r.76)

A Certificate stating that all outstanding rates and service charges, costs and expenses have been paid is required to be lodged at Landgate and should comprise:

- (a) an original letter from the Chief Executive Officer of the relevant Local Government stating that the rates, costs and expenses have been satisfied; and
- (b) a Landgate B2 or B4 form (available from Landgate’s website) as the back page of the certificate with all preparation and lodgment details completed on the form.

Following lodgement of a Certificate in the appropriate form signed by the Chief Executive Officer of the Local Government, the Registrar of Titles causes to be entered on the relevant title a memorandum that the land has ceased to be bound by the Memorial of Advertisement.

No fees are payable for withdrawal of the Memorial of Advertisement. If after the expiry of twelve months the Memorial of Advertisement has not been removed, it is ignored as an encumbrance.

If a contract for sale has not been entered into within 12 months from the date that the land is offered for sale by public auction notice, in the form of Form 5, the proceedings for the power to sell the land cease to have effect.

Proceedings can however be recommenced after this 12 months period, and the same power of sale of land proceeding requirements apply again for any proposed future sale. (Sch. 6.3 cl.7)

If a contract of sale is entered into within the twelve month period after the date the land is offered for sale pursuant to the power of sale, a Transfer (Landgate Form T5) giving effect to this sale may be accepted for registration by the Registrar of Titles during or after this period unless a dealing has been lodged which prevents registration of the Transfer.

The local government’s power of sale includes:

- the power to sell the land (in whole or in part, together or in lots) by public auction, or by private treaty if the land has been offered, though not sold, by public auction;
- the power to impose terms and conditions the local government thinks fit, for instance payment arrangements, and the fixing of a reserve price;
- the power to vary a contract of sale by agreement and to buy in at the auction;
- the power to rescind a contract for sale on default of the other party, without being answerable for loss occasioned by the rescission and resale; and
- the power to make thoroughfares, grant easements of right-of-way or drainage over the land as the circumstances require, and as the local government thinks fit. (Sch. 6.3 cl.3.(a) to (d)).

Note: An option open to local governments is to obtain an ‘occasional licence’ under the provisions of the *Auction Sales Act 1973* and the *Auction Sales Regulations 1974*. An ‘occasional licence’ authorises the holder to act as and carry out the business of, an auctioneer in relation to the occasion and circumstances specified in the licence.

The application process for an Occasional Licence is summarised as follows:

1. Complete two (2) copies of the Occasional Auctioneers Licence Application Form (Form 3).
2. Obtain three (3) character references in duplicate.
3. Prepare a cheque or money order (payable to the Department of the Attorney General for the amount as specified in the *Auction Sales Regulations 1974*).
4. Lodge the applications, references and payment at the court nearest the applicant’s place of business.
5. If granted the licence will be valid for seven (7) days.

After Sales Matters

- Where a transfer or conveyance of an estate in fee simple is made under s.6.64(1)(a) to (d) of the Act, this matter is not able to be brought to court for prosecution on the grounds;
 - that no case has arisen, or
 - that the proper procedures were not followed, or
 - that the power was otherwise improperly or irregularly exercised (s.6.72).

- Should a person claim that there has been an unauthorised, or improper, or irregular use of the power, there is a remedy open to them in damages against the local government but not against the Crown (s.6.72).
- A sale of land by a local government discharges the land and the owners, present and past, from any liability for rates, service charges or other money due to the local government at the time of sale and secured by a charge over the land, or otherwise recoverable under the Act or another written law (s.6.73(a) to (d)).
- The Local Government is required to apply the proceeds from the sale of the land in the manner set out in Sch. 6.3 cl.5. This lists the priority of payment allocation from the sale proceeds, summarised as follows;

Priority	Payment Allocation
1st	The costs and charges and expenses incurred by the local government in the land sale process.
2nd	(i) Unpaid rates and service charges for the land (ii) Costs and other money due or imposed by the Crown or an instrumentality of the Crown (e.g. State agency or department) (iii) Other amounts due to the local government under the Act or other written law. Where insufficient funds remain after the first step has taken place, Sch. 6.3 cl.5.(b)(iii) provides the detail on how any remaining sale proceeds are to be distributed.
3rd	Vendor’s costs and expenses relating to the conferring of title upon the purchaser of the land.
4th	The discharge of a charge on the land relating to drainage and sewerage connection and fittings.

Priority	Payment Allocation
5th	The discharge of other mortgages and encumbrances on the land both registered and unregistered.
6th	Within 12 months, payment of any sale proceeds that remain to the person or persons with an entitlement to the land but for the sale (Sch. 6.3 cl.5.).

Where the local government exercises its power of sale under sections 6.64(1)(b) and 6.68 and Schedule 6.3 of the *Local Government Act 1995*, a Transfer (Landgate Form T5) executed by the local government using its common seal is used for transfers of land under the *Transfer of Land Act 1893*.

If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of the Landgate Practice Manual.

The Transfer (Landgate Form T5) must be supported by a statutory declaration made on the back page of the Form T5 by the Chief Executive Officer, attesting to compliance with the provisions of Part 6 Division 6, Subdivision 6 of the *Local Government Act 1995*.

In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any). The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.

Where a paper title is in existence, a new title is created and registered in the name of the transferee. In the case of a digital title, a new edition of the duplicate digital title is issued.

Please refer to 3.6, on removal of encumbrances.

The issue of a receipt by the local government for money paid on the sale of the land is sufficient discharge. (Sch. 6.3 cl.6.)

Refer to Sale of Land Checklist [Attachment 2](#).

3.5 Leasing the Land

- When rates or service charges are due on rateable land and have not been paid for at least three years, a local government may take possession of the land and from time to time lease the land for a term, not exceeding seven years at one time, with such reservations, exceptions, covenants and conditions as the local government thinks fit. (s.6.65 and Sch. 6.2 cl.1.(1))
- The local government must have taken possession of the land, (See 3.3)
- Where the proposed lease of the land is to exceed 3 years, the local government is to produce the lease to the Registrar of Titles for registration purposes. (Sch. 6.2 cl.1.(2) and s.91 *Transfer of Land Act 1893*)

The following are some of Landgate’s requirements for registration of leases which may apply.

- The consent of any mortgagee or annuitant registered in priority to the lease is required.
- A lease must be prepared on a Landgate L1 Form for a lease of freehold land.
- If the duplicate title is not produced for registration of the lease, the Registrar of Titles may with the consent of the Commissioner of Titles dispense with the duplicate title, but may cause orders and advertisements to be made as are provided for by the *Transfer of Land Act 1893* in the case of a duplicate certificate of title which is lost or not produced (Schedule 6.2 cl.1.(2) (b) of the *Local Government Act 1995*).
- Where the lease relates to a portion of a Lot or Location, it must have a Land Description that is defined by a sketch or an “Interest Only” Deposited Plan. A lease of part of a building may have a narrative land description (see paragraph 2.8.4 of the Landgate Practice Manual).
- The term of the lease must be clearly defined, i.e. must have a commencement date (which may be a past date or up to 21 years in the future) and either a finish date or a finite term.

Please note that this is not an exhaustive list of Landgate’s requirements.

See paragraph 2.8 of the Landgate Practice Manual for further information on registration of leases.

- Land leased by the local government, exercising its power to do so under s.6.64(1)(a) of the Act, does not cease to be rateable land for the local government or prejudice or effect the recovery of rates or taxes due to the State or Commonwealth and their associated departments, instrumentalities and agencies. (s.6.66(1))(2))
- A lessee is entitled to possession as against persons with an estate or interest in the land, but this does not affect the rights of a local government under the lease, public easements that affect the land, or the rights of the State or Commonwealth and their associated departments, and agencies. (s.6.66(3))
- The local government is required to apply the rent or other money from the lease of the land in the manner set out in Sch. 6.2 cl.2. This lists the priority of allocation from the lease proceeds, summarised as follows;

Priority	Payment Allocation
1st	The costs and charges and expenses incurred by the local government in the land lease process.
2nd	Unpaid rates and service charges for the land.
3rd	Costs and other money due or imposed by the Crown or an instrumentality of the Crown (State, agency, department).
4th	Payment of any lease proceeds that remain to the person or persons with an entitlement to the land but for the lease. (Sch. 6.2 cl.2.)

3.6 Transfer of the Land to the Crown or to the Local Government

Where the land has been offered for sale for non payment of rates or service charges and a contract of sale has not been entered into at the expiration of 12 months from the date that the land is offered for sale by public auction notice (Form 5), the land may be transferred in fee simple, to the Crown in right of the State or to the local government. The transfer is subject to the *Transfer of Land Act 1893*, or by deed when it is not covered by the *Transfer of Land Act 1893*. (s.6.71(1); Sch. 6.3)

The local government must have taken possession of the land. (See 3.3)

Upon transfer to the Crown or to the local government, all encumbrances affecting the land are of no further force or effect against the land and the Registrar of Titles or Registrar of Deeds is to remove all encumbrances from the title to the land. (s.6.71(2))

Note: State Land Services (SLS) does assist local governments by accepting transfer of land under s.6.71 of the Act and re-releasing it under the *Land Administration Act 1997 (LAA)*, often with covenants or conditions requiring development within specified timeframes. SLS also actively identifies parcels of Crown land in town sites that may be released for development. However, there are no provisions in the LAA for enforcing development on freehold lots.

- A Transfer (Landgate Form T5) executed by the local government using its common seal is used for transfers of land that is under the *Transfer of Land Act 1893* (to either the Crown under section 6.71(1)(a) or to the local government under section 6.71(1)(b)).
- If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of Landgate Practice Manual.
- The Transfer (Landgate Form T5) must be supported by a statutory declaration made on the back page of the Form T5 by the Shire or Town clerk, attesting to compliance with the provisions of Part 6 Division 6, Subdivision 6 of the *Local Government Act 1995*.
- In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any). The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.
- Where a paper title is in existence, a new title is created and registered in the name of the transferee. In the case of a digital title, a new edition of the duplicate digital title is issued.
- No stamp duty or registration fees are payable in respect of the Transfer.
- Please see below guidelines on removal of encumbrances.

Where a transfer or conveyance of an estate in fee simple is made under s.6.41(1)(b) to (d), this is not able to be brought to court for prosecution on the grounds that no case has arisen or the proper procedures were not followed or the power was otherwise improperly or irregularly exercised. (s.6.72)

Should a person claim that there has been an unauthorised or improper or irregular use of the power there is a remedy open to them in damages against the local government but not against the Crown. (s.6.72)

- When transferring the land to the Crown it is queried whether there is a requirement (referred to in the dot point below) to pay out Crown encumbrances as is stated below?

When transferring the land to the Crown or the local government, the local government is required to pay the sum secured by or payable under a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State. (s.6.71(3))

See Landgate's procedures outlined above.

A transfer or conveyance of land to the Crown or a local government discharges the land and the owners, present and past, from any liability for rates, service charges or other money due to the local government that were at the time of transfer and secured by a charge over the land, or otherwise recoverable under the Act or another written law. (s.6.73(a) to (d))

3.7 Revestment of Land in the Crown

- Where rates and service charges are due and payable on vacant rateable land and have not been paid for at least the last three years, the local government may revest the land in the Crown in right of the State. (s.6.74(1))
- The local government must have taken possession of the land. (See 3.3)
- The local government is to give notice to the land owners at their last known address and to all interest holders shown on the Certificate of Title, of its intention to revest the land if rates, service charges, costs and expenses are unpaid by the date specified in the notice, (at least 30 days from the service date); and cause a copy of the notice of intent to be published in the Government Gazette. The notice of intent is to contain a statement that the person to whom the notice is issued may lodge an objection to the revestment within 30 days of the date of the notice. (s.6.74; FMR r.77(1)(a) (b) and (2))
- The local government is required to consider all objections received to the intention to revest notice. (s.6.74; FMR r.77(3))
- The next step is for the local government to make an application to the Minister, in the form of Form 6 (refer Attachment 7), to have the land revested in the Crown. Form 6 requires the Chief Executive Officer to confirm by completing, signing and dating the form certifying that the land meets the criteria for revestment and that the legislative process requirements to allow for the land to be considered by the Minister for revestment have been complied with. (s.6.75; FMR r.78(1))

- The Minister may grant the application and authorise the revestment to the Crown by completing a Form 7 (refer Attachment 8) and submitting it, together with a transfer or conveyance of the land, to the Registrar of Titles or the Registrar of Deeds for registration. (s.6.74; FMR r.78)

- Where rates and taxes have been outstanding for a period of three years, section 6.74 of the *Local Government Act 1995* allows the local government to have the land re-vested in the State of Western Australia. There is no requirement under this section for a local government to have attempted to sell the land.
- If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of the Landgate Practice Manual.
- Revestment is achieved by the lodgement of a Transfer (Landgate Form T9) if the land is under the *Transfer of Land Act 1893* executed by the Minister for Local Government and the Minister for Lands by appropriate delegation.
- The Transfer attracts no registration fees and no stamp duty.
- In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any).

The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.

- If the land is under the *Transfer of Land Act 1893* the Registrar of Titles will cancel the certificate of title to the land and remove it from operation of the Transfer of Land
- Please see below guidelines (see 3.9) on removal of encumbrances.
- All rights benefiting the land being re-vested continue and are automatically brought forward onto the new Crown title.

3.8 Vestment of Land in the Local Government

- The local government must have taken possession of the land (See 3.3)
- Where 12 years have expired from the date of taking possession of the land under s.6.64 of the Act, and all outstanding rates and service charges have not been paid, the land has not been sold, or transferred to the Crown or to the local government, the fee simple in the land is to be transferred to the local government. (s.6.75(1)(a)(b))
- If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of the Landgate Practice Manual.
- A Transfer (Landgate Form T5) executed by the Local Government using its common seal is used for a transfer of land that is under the *Transfer of Land Act 1893*.

- The Transfer (Landgate Form T5) must be supported by a statutory declaration made on the back page of the Form T5 by the Local Government's Chief Executive Officer, attesting to compliance with the provisions of Part 6 Division 6, Subdivision 6 of the *Local Government Act 1995*.
- In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any). The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.
- Where a paper title is in existence, a new title is created and registered in the name of the transferee. In the case of a digital title, a new edition of the duplicate digital title is issued.
- No stamp duty or registration fees are payable in respect of the Transfer.
- Please see below guidelines on removal of encumbrances.

- The transfer of the land to the local government is free from encumbrances other than being subject to;
 - easements in favour of the public that affect the land,
 - the rights of the Crown in right of the State, or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth, and
 - rates and taxes (other than local government rates and taxes) due on the land. ((s.6.75(1)(c)(d)(e) (2); and Sch. 6.3)

3.9 Removal of Encumbrances under the *Local Government Act 1995*

3.9.1 Transfers to a Local Government or third parties (other than the Crown)

Upon registration of the Transfer (T5) by the Registrar of Titles, encumbrances other than encumbrances which fall into the statutory exceptions set out in sections 6.75(1)(c), (d) or (e) of the *Local Government Act 1995* are automatically removed from the title to the land.

The statutory exceptions are:

1. easements in favour of the public which affect the land;
2. the rights of the Crown in right of the State or Commonwealth or a department or agency or instrumentality in right of the State or Commonwealth; and
3. rates and taxes (other than local government rates and service charges) due on the land.

Depending on their nature, these encumbrances may be shown as encumbrances on page 2 of the Transfer or withdrawn by the relevant department or agency to permit registration of the Transfer and then (if necessary) re-lodged.

With the exception of caveats which fall into the statutory exceptions in section 6.75(1) (c)-(e) of the *Local Government Act 1995*, caveats (including "absolute caveats") are automatically removed upon registration of a Transfer (Landgate Form T5) by a local government exercising its power to sell or transfer the land to a third party or itself for non-payment of rates under the Act.

As a general rule Registrar's Caveats (lodged by the Registrar of Titles at the direction of the Commissioner of Titles under section 188(iii) of the *Transfer of Land Act 1893*) are removed by the act of registration of a transfer by a local government to a third party or itself under the Act (as indicated above). However, where the purpose of a Registrar's Caveat is to protect a right of the State or its agency, department or instrumentality, for example, in the case of an error or wrong description in the land or fraud the Registrar's Caveat is required to be removed by the Registrar of Titles at the direction of the Commissioner of Titles. **Please note:** there may be other exceptions to this rule.

Where a paper title is in existence, a new title is created and registered in the name of the transferee free from encumbrances except those referred to in section 6.75(1),(c), (d) or (e). In the case of a digital title, a new edition of the duplicate digital title is issued.

3.9.2 Transfers to the Crown

Where land is transferred to or transferred and revested in the State of Western Australia by a local government under sections 6.71(1)(a) or 6.74 of the Act respectively, encumbrances of every kind including all caveats (and Registrar's Caveats) are automatically removed from the title to the land.

Note: If the land is (or is designated to become) part of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor under the Dampier to *Bunbury Natural Gas Pipeline Act 1992*, other statutory provisions do not apply without approval of the DBNGP Land Access Minister.

Attachment 1

Rates – Sale of Land

Ward	All
File Ref:	RV/DR/2
Date	3 March 2011
Ref	JEAH
Responsible Manager	Manager Financial Services

In Brief:

- Sale of Land – recovery of rates in arrears for a period of three (3) or more years.
- Recommendation is that Council proceeds to sell (4) arrears of 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$26,095.87.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Corporate Services: – to achieve maximum community benefit from effective use of resources (staff, finances and information technology).

Legislation Implications – S6.64 of the *Local Government Act 1995* states:

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –

- from time to time lease the land;
- sell the land;
- cause the land to be transferred to the Crown; or
- cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Council Policy/Local Law Implications

With reference to F43/92 dated 4 March 1992, Council resolved as part of the procedures to be employed for the collection of outstanding rates to review on an annual basis those properties where despite all efforts made to obtain payment on the overdue charges, rates arrears that had accrued and become in arrears by three or more years.

Those properties would then become the subject of recovery procedures, which with the approval of Council, would involve the implementation of action under the relevant sections of the *Local Government Act*, to sell the properties in order to recover the overdue rates.

Budget/Financial Implications

The sale of this land will equate to a decrease in the level of outstanding rates of \$26,095.87.

Consultation

Nil

Background

Analysis

There are currently 4 properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayers and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance.

The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

Minor Case Claim*	MCC (ne General Procedure)
Property Sale & Seizer Order*	PSSO (ne Warrant of Execution)
Direct Debit Request Form	DDR/CPR
Centrepay*	

(*refer last page of this attachment for explanation of terms)

1.		2.	
Ward	North	Ward	South
Assessment	22391	Assessment	92449
Type / Zoning	Residential R12.5/R25	Type / Zoning	Residential R15/R25
Period Outstanding	2007/08 – 2010/11	Period Outstanding	2007/08 – 2010/11
Amount Outstanding	\$5,871.47	Amount Outstanding	\$5,623.15
Payment	10 July 2007 \$1,350.43	Payment	6 March 2007 \$936.75
Recovery Action	Jan 08 Intention to MCC letter Feb 08 MCC 232/08 Sept 08 Intention to PSSO Nov 09 Intention to MCC letter Jan10 MCC 90/2010 Feb 10 MCC Served Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell S6.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011	Recovery Action	Jan 08 Intention to MCC letter Feb 08 MCC 373/08 Sept 08 Intention to PSSO Nov 09 Intention to MCC letter Jan10 MCC 90/2010 Feb 10 MCC Served Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell S6.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011
Response	The owner has not responded to recent notices or correspondence.	Response	The owners have not responded to recent notices or correspondence.

3.		4.	
Ward	East	Ward	West
Assessment	92980	Assessment	94885
Type / Zoning	Residential R15/R25	Type / Zoning	Residential R15/R25
Period Outstanding	2007/08 – 2010/11	Period Outstanding	2007/08 – 2010/11
Amount Outstanding	\$5,596.63	Amount Outstanding	\$9,004.62
Payment	27 December 2006 \$655.98	Payment	2 October 2008 \$2,000.00
Recovery Action	Jan 08 Intention to MCC letter Feb 08 MCC 374/08 Aug 08 Accepted DDR all payments dishonoured Sept 08 Intention to PSSO Nov 09 Intention to MCC letter Jan 10 MCC 90/2010 Feb 10 MCC Served Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell S6.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011	Recovery Action	Nov 05 Intention to MCC letter May 06 MCC 649/06 Oct 06 Intention to PSSO Jan 10 Intention to MCC letter May 10 MCC 1012/2010 Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell S6.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011
Response	The owner has not responded to recent notices or correspondence.	Response	The owners have not responded to recent notices or correspondence.

A summary of the owners of the properties referred to above is contained in a confidential attachment to this Agenda.

(Refer to Attachment “B-2” – Summary of Attachments as circulated with the Agenda.)

Details Of Proposal

It is proposed to sell the land to recover outstanding rates and charges in excess of 3 years, in accordance with

Section 6.64(1)(b) of the *Local Government Act 1995*.

Comment

Options

Option 1 – Exercise the provisions of Section 6.64 of the *Local Government Act 1995*

- given the high level of the debt, and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply the relevant section of the *Local Government Act 1995* empowering the sale of land provisions in relation to unpaid rates and charges.

Option 2 – Exercise the provisions of Section 6.74 of the *Local Government Act 1995*

- apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3 – Exercise the provisions of Section 6.75 of the *Local Government Act 1995*

- make application for the land to be vested in the local government.

Conclusion

It is suggested that Council apply the provisions of Section 6.64 of the *Local Government Act 1995* and sell the land in respect of the unpaid rates and charges, which are in arrears for a period of excess of 3 years.

CS24/3/11 Recommendation

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$26,095.87.

List of Properties by Assessment Number

Assessment 22391

Assessment 92449

Assessment 92980

Assessment 94885

Moved Cr Buck

Motion Carried (7-0)

* Explanation of Terms

Minor Case Claim (MCC) –

This is a process for recovering minor debts in the local Magistrate's Court. It is for the recovery of amounts of \$10,000 or less and is aimed at parties to generally come to an agreement without lawyers.

Property Sale and Seizure Order (PSSO) –

A Property (Sale and Seizure) Order authorises a Bailiff to seize and sell as much of your real or personal property as necessary to pay the judgement debt.

Direct Debit Request Form

Centrepay (DDR/CPR) –

Centrepay is a free bill-paying service offered to customers receiving payments from Centrelink. It can be used to pay bills (such as rent, gas, water and electricity) through a series of regular deductions from a recipient's Centrelink payments.

Attachment 2

Sale of Land Checklist

Once council has resolved to sell land:-

<input type="checkbox"/>	Check the overdue rates (and charges) and “age” of the debt – ensure that there is an amount of rates which has been outstanding for a period in excess of at least 3 years.	Section 6.64(1)
<input type="checkbox"/>	Check that legal action has been attempted at least once in the last 3 years to recover the outstanding rates.	Section 6.68(1)
<input type="checkbox"/>	Order an updated title search.	
<input type="checkbox"/>	Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner’s address shown on the Certificate of Title. Owner is given 3 months in which to pay and avoid his land being sold.	Section 6.68(3) Schedule 6.3 1.(1)(a); FMR r. 74 Form 4
<input type="checkbox"/>	Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property (to the address shown on the title).	Schedule 6.3.1(1)(b)
<input type="checkbox"/>	A copy of the Notice Requiring Payment (Form 4) to be displayed on Council’s official noticeboard for a minimum of 35 days. Ensure that the Form 4 is duly stamped with the date first displayed and the date removed – show signature of authorised person plus witness.	Schedule 6.3.1(1)(c)
<input type="checkbox"/>	Serve a copy of Form 2 on the owner.	Section 6.64(2); FMR r.72
<input type="checkbox"/>	And also attach a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.	Section 6.64(2); FMR r.73
<input type="checkbox"/>	Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice of payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.	Schedule 6.3 cl.7
<input type="checkbox"/>	Issue a Statewide public notice.	Schedule 6.3 cl.2; FMR r.75; Form 5
<input type="checkbox"/>	Register at Landgate, a Memorial of the Statewide public notice.	Schedule 6.3 cl.2 (3)
<input type="checkbox"/>	Organise the auction.	Schedule 6.3 cl.3
<input type="checkbox"/>	Attend the auction.	Schedule 6.3 cl.3
<input type="checkbox"/>	If sold at auction, arrange settlement.	Schedule 6.3 cl.4 & 6.3 cl.5

NB: All legislative references are the *Local Government Act 1995* and associated regulations.

Attachment 3

Form 2

[reg. 72]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notification of taking possession of land under section 6.64 of the *Local Government Act 1995*

TO: ⁽¹⁾

Notice is hereby given that the sum of \$ ⁽²⁾ having been unpaid to the ⁽³⁾ Shire/Town/City of ⁽⁴⁾ for a period of 3 years for ⁽³⁾ rates/ service charges in respect of the land situated at ⁽⁵⁾

and being ⁽⁶⁾

the local government has taken possession of the land pursuant to section 6.64 of the *Local Government Act 1995*, and in accordance with that section intends to

- ⁽³⁾ (a) lease the land;
- ⁽³⁾ (b) sell the land;
- ⁽³⁾ (c) cause the land to be transferred to the Crown;
- ⁽³⁾ (d) cause the land to be transferred to the local government.

Signed for and on behalf of the ⁽³⁾ Shire/Town/City of ⁽⁴⁾

this ⁽⁷⁾ day of, 20.....

.....
CEO

(1) insert name of owner of land or }owner of (5)~
 (2) insert amount
 (3) delete the one that does not apply
 (4) insert name of local government
 (5) insert address or other details sufficient to identify land
 (6) insert title particulars of land
 (7) insert date

Attachment 4

Form 3

[reg. 73]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notice to be affixed on land on taking possession under section 6.64 of the *Local Government Act 1995*

TO: ⁽¹⁾

The ⁽²⁾ Shire/Town/City of ⁽³⁾ has taken possession of this land situated at ⁽⁴⁾

and being ⁽⁵⁾

in accordance with section 6.64 of the *Local Government Act 1995*, and will in accordance with that section

- ⁽²⁾ (a) lease the land;
- ⁽²⁾ (b) sell the land;
- ⁽²⁾ (c) cause the land to be transferred to the Crown;
- ⁽²⁾ (d) cause the land to be transferred to the local government.

Signed for and on behalf of the ⁽²⁾ Shire/Town/City of ⁽³⁾ this ⁽⁶⁾ day of, 20.....

.....
CEO

- (1) insert name of owner of land or }owner of (4)~
- (2) delete the one that does not apply
- (3) insert name of local government
- (4) insert address or other details sufficient to identify land
- (5) insert title particulars of land
- (6) insert date

Attachment 5

Form 4

[reg. 74]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notice pursuant to Schedule 6.3 of the *Local Government Act 1995* requiring payment of outstanding rates or service charges

TO: ⁽¹⁾

Notice is hereby given that the sum of \$ ⁽²⁾ has been owing to the ⁽³⁾ Shire/Town/City of ⁽⁴⁾ for a period of 3 years for ⁽³⁾ rates/service charges in respect of the land described below

and unless payment is made of the sum of \$ ⁽²⁾ within 3 months from the date of this notice the local government will, pursuant to section 6.64 of the *Local Government Act 1995*, offer the land for sale by public auction at a time and place appointed by the local government.

Signed for and on behalf of the ⁽³⁾ Shire/Town/City of ⁽⁴⁾
this ⁽⁵⁾ day of, 20.....

.....
CEO

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
⁽⁶⁾	⁽⁶⁾

- (1) insert identity or description of person to whom notice is being served
- (2) insert amount
- (3) delete the one that does not apply
- (4) insert name of local government
- (5) insert date
- (6) insert details

Attachment 6

Form 5

[reg. 75]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notice pursuant to Schedule 6.3 of the *Local Government Act 1995* of sale of land for non-payment of outstanding rates or service charges

Notice is hereby given that, under section 6.64 of the *Local Government Act 1995*, as ⁽¹⁾ rates/service charges have been owing for a period of at least 3 years the ⁽¹⁾ Shire/Town/City of ⁽²⁾ is to offer for sale by public auction at ⁽³⁾ on the ⁽⁴⁾ day of, 20..... the land described below.

Signed for and on behalf of the ⁽¹⁾ Shire/Town/City of ⁽²⁾ this ⁽⁴⁾ day of, 20.....

.....
CEO

Description of Land etc.

Description of land and lot or location number	
Plan or Diagram Number	
Title reference	
Area	
Street	
Description of improvements, if any	
Name of Owner	
Name of other persons appearing to have an estate or interest	
Rates/service charges outstanding	
Other charges due on the land	

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert details
- (4) insert date

Attachment 7

Form 6

[reg. 78(1)]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Application to the Minister for land to be revested in the Crown
Local Government Act 1995 Application under s.6.74

TO: The Hon. Minister

The ⁽¹⁾ Shire/Town/City of ⁽²⁾ requests that the Minister approve the revestment in the Crown of the land described below pursuant to section 6.74 of the *Local Government Act 1995*, by the reason that the land is;

- (a) rateable land;
- (b) vacant; and
- (c) land in respect of which ⁽¹⁾ rates/service charges have been unpaid for a period of at least 3 years.

I the undersigned certify that, in respect of the stated land;

- (d) 30 days' notice of intent was delivered to the last known address of the owner(s) of the land;
- (e) 30 days' notice of intent was issued to the last known address of all persons who are noted on the certificate of title to the land as having an interest in the land (by way of encumbrance or otherwise);
- (f) a copy of that notice was published on page of the Government Gazette of ⁽³⁾; and
- (g) after 30 days

⁽¹⁾ no objections were received

⁽¹⁾ objections were received from ⁽⁴⁾ people and duly considered by the local government.

(Copies of the objections and associated council resolutions are attached).

Signed for and on behalf of the ⁽¹⁾ Shire/Town/City of ⁽²⁾

this ⁽³⁾ day of, 20.....

.....

CEO

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert date
- (4) insert number of persons

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
(1)	(1)

(1) insert details

Attachment 8

Form 7

reg. 78(2)]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notification by Minister of grant of application for revestment of land in the Crown
Local Government Act 1995 – Ministerial approval under s.6.74

I, being the Minister charged for the time being with the administration of the *Local Government Act 1995*, grant the application submitted by the ⁽¹⁾

Shire/Town/City of (2)

on the ⁽³⁾ day of 20....., and authorise the land described below to be revested in the Crown.

.....
Minister

Date ⁽³⁾

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
⁽⁴⁾	⁽⁴⁾

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert date
- (4) insert details

These guidelines are also available on the Department's website at www.dlgc.wa.gov.au



Government of **Western Australia**
Department of **Local Government and Communities**



Local Government Advisory Hotline
1300 762 511
Email: lghotline@dlgc.wa.gov.au
8.30am–5.00pm, Monday to Friday

About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

Department of Local Government and Communities

Gordon Stephenson House, 140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone: (08) 6551 8700 Fax: (08) 6552 1555

Freecall (Country only): 1800 620 511

Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

Translating and Interpreting Service (TIS) – Tel: 13 14 50

12.2.5 Revised Rent Methodology – Swan Yacht Club

File ref	R/RSB8
Prepared by	Bron Browning, Executive Assistant to Executive Manager, Corporate Services
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date:	15 September 2020
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose and Executive Summary

This report is seeking endorsement to an alternate rent review proposal for the Swan Yacht Club.

Background

The Swan Yacht Club current lease requires a market valuation be conducted every 7 years (item 5), with a review currently due. The lease commenced on 1st September 2012, for a period of 21 years (expiry date 31 August 2033).

Item 5: Review Date for Rent

- (a) CPI – Each anniversary of the Commencement Date during the Term with the Exception of the Market Review Dates specified in Item 5(b).
- (b) [Market – Every 7 years during the Term]

Consultation

Concept Forum 10 March 2020.

Statutory Environment

Local Government Act 1995

Policy Implications

There are no Council Policies relevant to this item.

Financial Implications

The estimated cost of the revaluation from a licenced valuer is \$10,000. The fees and expenses in respect of any valuation is to be paid equally by the Lessor and Lessee. The acceptance of a revised rent methodology will result in savings.

Current rent paid is **\$44,574 (GST exclusive)**

Current annual Rates **\$88,168**

Total payment to TOEF **\$132,742**

Strategic Implications

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

N/A

Risk Implications

There are no significant risks associated with this item.

Comment

In light of the current economic climate and substantial renovations recently completed (over \$5 million), the Swan Yacht Club has requested that an alternative rent increase be considered. The following request has been received:

The current lease was agreed in 2012, with the initial rent set at \$40,000 ex GST, which was prior to the SYC renovations being done and hence didn't contemplate the current situation.

Since the renovations, the club has grown its membership, level of activities and financial performance and hence we've got capacity to pay a reasonable rent increase.

Our suggestion for a rent increase mechanism is that it could be based on a revenue growth basis ie we compare the revenues the club was generating at the beginning of the lease term, to what we're doing now, calculate the % increase and apply that as a pro rata increase to the rent.

The Club has indicated that there has been a 39% increase in revenue since 2012, being the commencement date of the lease. They have therefore requested that the lease fee, effective from the 1 September 2019, be calculated on the basis of a 39% increase on the lease fee from 2012. Calculations are provided as follows:

Lease Fee 2012	Lease Fee 2019	Proposed Lease Fee (in Lieu of Market Valuation – 39% increase on 2012)	Increase in Lease Fee from 2019
\$40,000 Ex GST	\$48,000 Ex GST	\$55,584 Ex GST	15.8%

The proposed rent calculation methodology results in a 16% increase in the lease fee from 2019. This is a favourable outcome for the Town in terms of an increase in income, and an acceptable outcome for the Swan Yacht Club due to associated savings with not obtaining a market valuation.

12.2.5 OFFICER RECOMMENDATION

That Council, with respect to the lease agreement with the Swan Yacht Club:

- 1. endorse the revised methodology for rent assessment, resulting in a lease fee of \$55,584 plus GST, to be effective from the lease anniversary date.**
- 2. approve a “Deed of Variation” to the lease to encapsulate the above change and authorise the Mayor and Chief Executive Officer to affix the Common Seal to the Deed of Variation.**

12.3 GOVERNANCE

12.3.1 Proposal to Dispose of Property (by way of Lease) – Sumpton Green

File ref	R/RSH3
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Floor Plan – Sumpton Green

Purpose

The State Government has requested a formal tenure agreement for the East Fremantle Child Health Clinic located at Sumpton Green, 44 Moss Street, East Fremantle.

Executive Summary

The Child and Adolescent Health Service (CAHS) has advised that as part of appropriate governance, CAHS is required to have in place documentation for its tenure/occupancy within various Local Government Authorities throughout the metropolitan area.

CAHS have a requested a lease over the floor area of Sumpton Green depicted in the attached diagram.

Background

The East Fremantle Child Health Clinic has been operating out of the building known as Sumpton Green for many years. The facility has historically been provided rent free with CAHS responsible for the payment of utilities. The Town maintains appropriate building insurance cover.

Under regulation 30 of the *Local Government (Functions and General) Regulations 1996*, a disposition of land (including a lease) is exempt from section 3.58 of the Act if the land is disposed to a department or agency or instrumentality of the Crown.

Consultation

Sally Lee – Manager Property and Land – Child and Adolescent Health Service

East Fremantle Playgroup – the playgroup advise that they use Sumpton Green for generally two sessions a day between 9.00am-11.00am and 3.00pm-5pm. They use of all the outside play area, the designated space for the indoor playgroup, kitchen, toilets, and locked indoor storage room. As such, it is recommended that the playgroup also be granted shared access of the waiting room/multi-purpose room and this be communicated to CAHS.

Statutory Environment

Section 3.58 of the *Local Government Act 1995* outlines the requirements with regards to the disposal of property.

3.58. Disposing of property

(1) *In this section –*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

***property** includes the whole or any part of the interest of a local government in property, but does not include money.*

- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Ministerial approval will be required to a lease of land comprised in a managed reserve in accordance with section 18 of the *Land Administration Act 1997*.

Policy Implications

There are no Council Policies relevant to this matter.

Financial Implications

CAHS has requested that the Town provide a peppercorn rent and pay for the building insurance as this is a historic child health arrangement on the understanding that the Town provides a building and the Health Service provides the child health service to the constituents of the Town of East Fremantle free of charge.

Strategic Implications

Town of East Fremantle Strategic Community Plan 2017-2027:

1.1 Facilitate appropriate local services for the health and wellbeing of the community.

Site Inspection

Not undertaken to date.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That child health services be discontinued in East Fremantle	Possible (3)	Moderate (3)	Moderate (5-9)	SERVICE INTERRUPTION Prolonged interruption of services - additional resources; performance affected < 1 month	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
		1	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

CAHS have provided the Town with the Standard Government Form of Lease prepared by the State Solicitor's Office. CAHS advise that the document is a starting point for most other CAHS occupations.

CAHS also advise that because of the nature of CAHS business with clientele being babies and children, exclusive use of designated areas is required.

The following are proposed terms for the lease schedule:

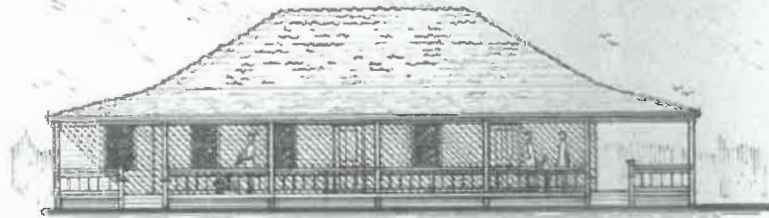
- Peppercorn rental \$1 payable on demand
- 5 year term with 5 year option
- CAHS to cover the following costs; refuse collection, emergency services levy, water rates, utility charges, non-structural maintenance, cleaning, public liability and contents insurance
- The Town to cover the following costs; building insurance and structural maintenance
- Insertion of a redevelopment clause which will allow the Town to terminate the lease in the event that East Fremantle Oval is redeveloped
- CAHS require exclusive use of the Work Room, Clinic Room and Waiting Room/Multi-purpose room. It is however recommended that the East Fremantle Playgroup be granted shared access to the Waiting Room/Multi-Purpose Room
- CAHS require shared use of the Male, Disabled and Female toilets
- Each party to pay their own legal costs associated with the lease agreement

CAHS understand the position regarding a redevelopment clause and is considering the ongoing need for all of its facilities, particularly those owned by LGA's. CAHS advises that it is moving to a Hub and Spoke health service provision, which may result in the East Fremantle clinic being relinquished, however, this is not the intention at the current time.

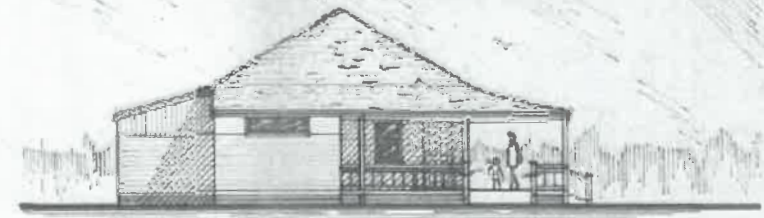
12.3.1 OFFICER RECOMMENDATION

That Council:

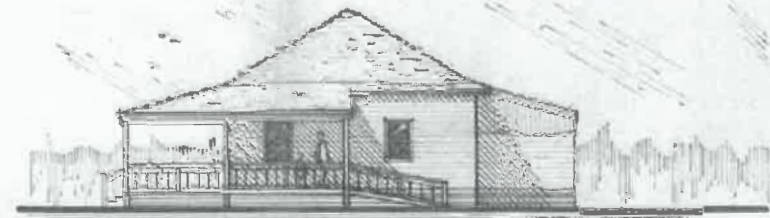
- 1. delegate authority to the Chief Executive Officer to dispose of part of the property known as Sumpton Green, 44 Moss Street, East Fremantle (Lot 6229 on Diagram 1243 and being part of the land in Certificate of Title Volume LR 3017 Folio 75) by way of lease, to the Child and Adolescent Health Service (CAHS) on the terms and conditions detailed below:**
 - Peppercorn rental \$1 payable on demand
 - 5-year term with 5-year option
 - CAHS to cover the following costs; refuse collection, emergency services levy, water rates, utility charges, non-structural maintenance, cleaning, public liability and contents insurance
 - The Town to cover the following costs; building insurance and structural maintenance
 - Insertion of a redevelopment clause which will allow the Town to terminate the lease in the event that East Fremantle Oval is redeveloped
 - CAHS require exclusive use of the Work Room, Clinic Room and Waiting Room/Multi-purpose room. It is however recommended that the East Fremantle Playgroup be granted shared access to the Waiting Room/Multi-Purpose Room
 - CAHS require shared use of the Male, Disabled and Female toilets
 - Each party to pay their own legal costs associated with the lease agreement
- 2. authorise the Mayor and Chief Executive Officer to affix the Common Seal to the lease agreement once Ministerial approval has been granted for the lease as required in accordance with section 18 of the *Land Administration Act 1997*.**



(FRONT) NORTH ELEVATION
1:100



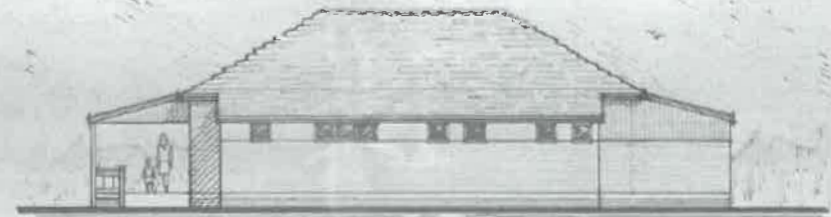
EAST ELEVATION
1:100



WEST ELEVATION
1:100



FLOOR PLAN
1:100



SOUTH ELEVATION
1:100

EAST FREMANTLE CHILD HEALTH CENTRE

LOCKE PARK



BRIAN ADCROFT ARCHITECT
45 FRANCIS STREET NORTHBRIDGE WA 6000
PHONE: (08) 227 5253 FAX: (08) 227 6128



SK I
JOB No. 93-115-A

12.3.2 Reconciliation Action Plan Working Group Expressions of Interest Review

File ref	A/RAP1
Prepared by	Linda McNab, HR Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Summary of applicants for Reconciliation Action Plan Working Group

Purpose

The purpose of this report is for Council to consider the Expressions of Interest submitted for the Reconciliation Action Plan Working Group and to endorse the membership for the RAP.

Executive Summary

The Town of East Fremantle has allocated funds (\$25,000) in the current budget (2020/2021) to facilitate the initial development of a Reconciliation Action Plan (RAP).

The RAP Working Group is an informal working group appointed by the Council and is responsible to that body. The Working Group does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Working Group does not have any management functions and cannot involve itself in management processes or procedures.

Background

In May 2018 a discussion paper was presented to Council recommending the establishment of a Reconciliation Action Plan Working Group (RAPWG) to assist with the development of the RAP, and to assist the Town in its journey towards Reconciliation.

At a Council Meeting on 15 May 2020, a resolution was passed to work in conjunction with Reconciliation Australia (RA) towards establishing the Town's first "*Reflection Reconciliation Action Plan*"; and to establish a Reconciliation Action Plan Working Group (RAPWG) comprising of the following membership:

- i) Four elected members (Mayor or Deputy Mayor and three other elected members) being Cr M McPhail, Cr Collinson, Cr Harrington and Cr Natale.
- ii) CEO and/or Representative
- iii) Four community members (including an aboriginal member)

Consultation

In June 2020, following the delivery of Cultural Awareness training for elected members and all staff at the Town, quotes were sought to engage consultants to establish the RAPWG, facilitate and coordinate all meetings to determine content of Reflect RAP, draft Reflect RAP, facilitate the review of the draft RAP by the RAPWG and submit the draft RAP to Reconciliation Australia for review and endorsement. Tim Muirhead and Danny Ford of Kambarang Services were appointed as the consultants.

In July 2020, advertisements were placed on the Town's website, Facebook page, LinkedIn, Fremantle Instagram and the Fremantle Herald, the monthly E-News seeking expressions of interest from community members to be members of the RAPWG. The EOI's were open for 3

weeks, closing on 20 August 2020. Four written applications were received, and a further three names were put forward by Danny Ford of Kambarage Services.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

A meeting fee will be paid for cultural advisors (Elder) only. It is anticipated there will be three meetings in total. Up to a maximum cost of \$2,250.

Strategic Implications

Town of East Fremantle Strategic Community Plan 2017-2027:

Strategic Priority 1: Social – “A Socially connected and Safe Community”

1.3.3 *“Enrich identify, culture and heritage through programs, events and celebrations.”*

Site Inspection

Not applicable.

Comment

In 2018 EOIs were sought with only one application submitted. The Terms of Reference developed in May 2018 states community members (including an aboriginal member), however the consultants feel that a broader group will assist in developing a robust RAP, which may move during the process from REFLECT to INNOVATE.

If all nominees are approved the community members will consist of two East Fremantle residents (non-Aboriginal), one East Fremantle resident (Aboriginal), one non-East Fremantle resident (prior resident with very relevant experience), and 3 elders (non-East Fremantle).

Note: Elders will be paid a sitting fee for each attendance.

12.3.2 OFFICER RECOMMENDATION

That Council:

- 1. accept and appoint the following seven applicants as members of the Reconciliation Action Plan Working Group:**
 - James Back
 - Geoff Addison
 - Margaret King
 - Mike Pforr
 - Farley Garlett
 - Gladys Yarran
 - Malcolm Champion
- 2. instruct the CEO to advise the seven applicants of their appointment to the Reconciliation Action Plan Working Group.**



Reconciliation Action Plan Working Group – Summary of Applicants

1. James Back

- Local Resident, and previous sole applicant in 2018.
- Previous CEO of Reconciliation WA.
- Long standing and deep relationship with the Martu people of the Western Desert and the Noongar people in the Southwest.
- Strong interest in reconciliation and the reconciliation process.

2. Geoff Addison

- Local Resident 16 years.
- Descendent of the traditional custodians of the Perth area, Mother, Grandmother, Aunty.
- Language group – Nyamal.
- Strong interest in reconciliation and the reconciliation process.

3. Margaret King

- Local Resident
- Community Development Coordinator, City of South Perth.
- In consultation with local Noongar people developed the City's Aboriginal Engagement Strategy, and more recently the City's draft Innovate RAP.
- Worked closely with the Wadjuk Noongar people for more than 10 years, especially Aunty Dot Winmar (deceased), and her daughter Aunty Kerry-Ann Winmar,
- Deep connection and respect for Aboriginal people passed down from Father who was partially brought up by the Yindjibarndi and Martu people in the Pilbara.
- Strong connection to East Fremantle through Mother whose family have lived in the Town for four generations.

4. Mike Pforr

- Lived in the Town of East Fremantle and the suburb of Bicton for past sixteen years.
- Family play sport in the Town, including Henry Jeffrey Oval and Shark Park, and currently coaching junior sport.
- Keen interest in the Swan River Foreshore/Derbarl Yerrigan for social and recreational pursuits.
- Masters of Population Health, working predominately with hard to reach groups in rural and urban settings from a community focussed capacity building setting.
- Recently worked as a Community Development Coordinator at the City of Fremantle, responsible for Aboriginal engagement, establishment of the Walyalup Aboriginal Cultural Centre, working with Aboriginal staff, the Aboriginal community and Elected Members. Bilingual signage representing Noongar language, events such as NAIDOC week, employment of Aboriginal contractors, and strengthening relationships through Traditional owners (Wadjuk) and Indigenous Action Working Groups;

5. Farley Garlett

- Elder
- Member of the Fremantle RAP group and the Elders Group for City of Perth.
- Ex ATSIC Commissioner, with great deal of coordination and partnership experience and approaches.

6. Gladys Yarran

- Elder, part of Fremantle group.
- Worked for organisations working with homeless people.
- Strong advocate for Aboriginal women's issues.
- Very experienced.

7. Malcolm Champion

- Lives outside East Fremantle, Gladys's partner (she would be more comfortable if he is also part of this group).
- Works for SWALSC.
- Strong interest and knowledge of land and heritage.

12.3.3 Fraud & Corruption Policy and Control Plan

File ref	C/POL1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, CEO
Meeting Date	15 September 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Fraud & Corruption Policy 2. Draft Fraud & Corruption Control Plan 3. Draft Whistleblower (Public Interest Disclosure) Policy

Purpose

For elected members to consider the adoption of the following documents:

1. Fraud & Corruption Policy
2. Fraud & Corruption Control Plan
3. Whistleblower (Public Interest Disclosure) Policy

Executive Summary

The adoption of the submitted documents will demonstrate the Town is committed to ensuring it promotes a high standard of integrity and accountability.

Background

In 2019 the Office of the Auditor General conducted a review of local governments entities on appropriate steps to prevent fraud, through the following lines of inquiry:

- Have entities implemented a coordinated approach to manage fraud risks?
- Do entities have adequate controls for preventing and detecting fraud?
- Do entities respond appropriately to suspected fraud?

The purpose of the audit was to review systems in place not to seek to identify instances of fraud. The audit included a sector wide questionnaire on entity approaches to managing fraud risks. A more detailed review was conducted of the following five entities that had not been part of recent audits and were of varying size, from both metropolitan and regional areas:

- Shire of East Pilbara
- Shire of Katanning
- City of Nedlands
- Shire of Serpentine-Jarrahdale
- City of Vincent

The review concluded that local government entities could do more to prevent fraud. The questionnaire revealed that many entities had not assessed their fraud risks or created a plan to deal with fraud. The responses highlighted gaps in prevention and detection approaches. Many entities could do more to raise staff awareness of fraud, improve their screening processes, and strengthen protections for informants.

The detailed review of the five local governments confirmed these results. They had core integrity policies in place but none had assessed all their fraud risks, and implemented a coordinated approach to manage them.

Consultation

Presented to elected members at September Concept Forum

Statutory Environment

Local Government Act 1995

Corruption, Crime and Misconduct Act 2003

Public Interest Disclosure Act 2003

Local Government (Rules of Conduct) Regulations 2007 Australian National Audit Office

Policy Implications

The attached Fraud & Corruption and Whistleblowers (Public Interest Disclosure) Policies are recommended for adoption.

Financial Implications

N/A

Strategic Implications

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

Strategic Priority 5: Leadership and Governance – A Proactive, approachable Council which values community consultation, transparency and accountability

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

Site Inspection

Not applicable.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not have a framework in place creating greater potential for fraud and corruption	Possible (3)	Major (4)	High (10-16)	REPUTATIONAL Substantiated, public embarrassment, high impact, high news profile, third party actions	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	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)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	12
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

Policy

The objective of the Policy is to articulate the Town's commitment to the prevention, detection, response and monitoring of fraud and corrupt activities.

Plan

The objectives of the 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.

The 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 related to these four stages include but are not limited to:

- Training and awareness;
- Pre-employment screening;
- Risk assessment;
- Internal and external audit;
- Whistleblowing; and
- Investigation procedures.

It is considered the Fraud and Corruption Policy and 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 best practice guidance as set out in the *Fraud and Corruption Control Standards (AS 8001-2008)*.

12.3.3 OFFICER RECOMMENDATION

That Council resolve to adopt the following Policies and Plan:

- **Fraud & Corruption Policy**
- **Fraud & Corruption Control Plan**
- **Whistleblower (Public Interest Disclosure) Policy.**



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 (AS8001-2008)*;
- 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:	
Policy Amended/Reviewed:	



FRAUD & CORRUPTION CONTROL PLAN (DRAFT)



Adopted by Council _____ 2020

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Fraud and Corruption Control Plan

Forward

The Town of East Fremantle (Town) is committed to ensuring it promotes a high standard of integrity and accountability by:

- demonstrating professional behaviour consistent with our role and values, and
- operating in an environment of openness, probity and accountability in all aspects of its operations.

The objectives of the Fraud and Corruption Control Plan (the 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.

The purpose of this Fraud and Corruption Control Plan is to provide direction on the strategies adopted by the Town for implementing and monitoring fraud and corruption prevention, detection and response initiatives and activities.

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.

The Plan has been developed referencing the Australian Standard AS8001-2008 Fraud and Corruption Control and forms an integral part of the Town's Risk Management Framework, and is intended to support Town of East Fremantle staff, contractors and service providers engaged by the Town to assess risk as well as prevent, detect and report fraud.

Gary Tuffin
Chief Executive Officer

Town Values

<p>RESPECT</p> 	<p>Being courteous at all times and valuing the views and opinions of others by having due regard to their rights and responsibilities</p>
<p>INTEGRITY</p> 	<p>Holding oneself to consistent standards exemplified by being honest and having a strong moral code, upholding the reputation of the organisation</p>
<p>TEAMWORK</p> 	<p>Working together to achieve agreed outcomes by building and sustaining a high performance work environment underpinned by trust and commitment</p>
<p>EMPATHY</p> 	<p>Willing to develop an understanding of someone's concerns and consider their needs and feelings in working with them to address work related issues and solve problems</p>

Fraud and Corruption Control Plan

Introduction

The Town of East Fremantle (the Town) is committed to the highest possible values of respect, excellence, accountability and leadership.

The Town has a zero tolerance to fraud and corruption. Suspected fraud and corruption will be dealt with in accordance with Town policies, processes and the *Corruption, Crime and Misconduct Act 2003*.

All workers share in the collective responsibility to assess the risk of fraud and corruption in the activities undertaken by the Town, behave ethically and promote a culture of integrity in the workplace.

This plan has been developed based on four components;



Meeting legislated requirements provides entities with some level of fraud control (Appendix 1), particularly around council decision-making processes.

What is the purpose of a Fraud and Corruption Control Plan

The Fraud and Corruption Plan (the Plan) details the Town's intended action in monitoring fraud and corruption; and implementing prevention, detection and response initiatives.

The Plan has been developed in line with Australian Standard AS8001-2008 Fraud and Corruption Control and the Town's Fraud and Corruption Policy, and it forms an integral part of the Town's Risk Management Framework.

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 moneys 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 includes any practice that involves deceit or other dishonest means by which a benefit is obtained by:

- Workers (known as 'internal' or 'workplace' fraud).
- Persons external to the Town, either with or without assistance from workers (known as 'external' or 'customer' fraud).

Fraud can take many forms, including (but not limited to):

- theft or obtaining property, financial advantage or any benefit by deception;
- providing false or misleading information, or failing to provide information where there is an obligation to do so;
- causing a loss, or avoiding or creating a liability by deception;
- making, using or possessing forged or falsified documents;
- unlawful use of computers, vehicles, telephones and other property or services; or
- manipulating expenses or salaries.

Fraud and Corruption Control Plan

Corruption is defined by Australian Standard AS8001-2008 as:

"Dishonest activity in which an employee, or contractor of an 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 conduct that is improper, immoral or fraudulent and may include (but not limited to):

- serious conflict of interest;
- dishonesty using influence;
- blackmail;
- failure to disclose gifts or hospitality;
- acceptance of a bribe; or
- unauthorised release of confidential, private information or intellectual property.

(Misconduct)

Serious misconduct as defined by the *Corruption, Crime and Misconduct Act 2003* is when a public officer:

- acts corruptly or corruptly fails to act in the course of their duties; or
- corruptly takes advantage of their position for the benefit or detriment of any person; or
- commits an offence which carries a penalty of two or more year's imprisonment.

Minor misconduct as defined by section 4(d) of the *Corruption, Crime and Misconduct Act 2003* occurs if a public officer engages in conduct that:

- adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
- constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
- constitutes or involves a breach of trust placed in the public officer by reason of his or her office or employment as a public officer; or
- involves the misuse of information or material that the public officer has acquired in connection with his or her functions as the public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person

and constitutes, or could constitute;

- a disciplinary offence providing reasonable grounds for termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

Fraud and Corruption Control Plan

Planning and Resourcing

Program for Planning and Review

The Town's values and culture, governance and risk management framework and controls, work together to prevent, detect and respond to potential or actual fraudulent or corrupt conduct.

This Plan details the Town's approach to fraud and corruption prevention, detection and response.

Resource and Responsibilities

Chief Executive Officer

The Chief Executive Officer (CEO) has overall accountability for the effective and economical use of Town resources and for determining appropriate controls in managing fraud and corruption risks.

This accountability is appropriately delegated to the Executive and Business Unit Managers as detailed in the Town's Delegations Register.

Under the *Corruption, Crime and Misconduct Act 2003*, the CEO is required to notify the Public Sector Commission of suspected minor fraud or corruption, or the Corruption and Crime Commission (CCC) if serious fraud or corruption is suspected.

Executive Leadership Team and Managers

Are responsible for the effective implementation of this Plan within their division, business unit and teams, in particular they must be:

- providing leadership, guidance and support to employees in preventing fraud and corruption and modelling ethical behaviour;
- setting/enforcing disciplinary standards;
- identifying high fraud and corruption risk areas;
- identifying specific sources of fraud or corruption risk;
- participating in fraud and corruption risk assessment reviews;
- implementing remedial action to address issues identified by the fraud and corruption risk assessment reviews;
- assessing the cost/benefit of introducing anti-fraud and corruption procedures;
- developing/modifying practices to reduce fraud and corruption risk;
- monitoring the continued operation of controls to prevent fraud and corruption;
- receiving reports of suspected fraud or corruption from employees and taking appropriate steps to address concerns reported;
- reporting suspected fraud and corruption promptly and maintaining confidentiality; and
- ensuring the protection of complainants who report fraudulent or corrupt activities.

Workers

Have a responsibility to contribute to the prevention of fraud and corruption by acting ethically; complying with controls, policies and processes, and reporting suspected incidences of fraudulent or corrupt behaviour.

To be able to actively and positively contribute to fraud and corruption prevention all workers should:

- embrace an ethical work-place culture;
- recognise the value and importance of personally contributing to fraud and corruption prevention;
- develop an understanding of good work practices, systems and controls; and

Fraud and Corruption Control Plan

- report suspected incidences of fraudulent or corrupt conduct in accordance with policies and processes.

The Town will provide support and protection to any worker who reports incidences of fraud and corruption.

Public Interest Disclosure officers

Will investigate information disclosed, or cause that information to be investigated, and take action following the completion of the investigation in accordance with the relevant provisions of the *Public Interest Disclosure Act 2003* (PID Act).

Note: The PID Act facilitates the disclosure of public interest information, and provides protection for those making such disclosures and those who are the subject of disclosures. The PID Act provides a system for the matters disclosed to be investigated and for appropriate action to be taken.

Human Resources

- Play a major role in both the management of complaints and the disciplinary process in accordance with the Town's Code of Conduct and Managing Unsatisfactory Performance and Workplace Behaviours Procedures.

Audit Committee

Is responsible for:

- reviewing risk management frameworks and associated processes for the effective identification and management of fraud risks;
- overseeing development and implementation of the Plan, and to provide assurance that the Town 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.

Fraud and Corruption Control Plan

Prevention

This stage of the Plan outlines the systems, frameworks and processes the Town has in place to support the prevention of fraud and corruption. The Town demonstrates these by;

- Endorsing a workplace Code of Conduct which reinforces a commitment to promoting a high standard of integrity and accountability by demonstrating professional behaviours that are consistent with the Town's role and values.
- A commitment from senior management to be role models and demonstrate ethical and accountable behaviour by their actions.
- Ensuring all employees participate in and complete the mandatory Induction Program and Accountability and Ethical Decision Making Training.
- Establishing effective reporting mechanisms and protection for employees making disclosures about fraud and corruption activities. The Town has published Public Interest Disclosure (PID) Guidelines to document this process.
- Promoting, practising and adhering to risk management policies and procedures, ensuring risk assessments are conducted and treatment plans developed to address identified risks as required.

Policies and Processes

The Town has a range of policies and processes in place that govern and support its day-to-day operations and decision making.

Fraud and corruption prevention and detection controls are embedded in various policies and processes including (but not limited to):

- Fraud & Corruption Policy (Appendix 2)
- Acceptable Use of Computing and Communications Facilities Management Practice
- Code of Conduct (Councillors and Workers)
- Credit Card Policy
- Leave Management Practice
- Managing Unsatisfactory Performance and Workplace Behaviours Procedures
- Managing Issues & Grievances Policy & Procedures
- Workplace behaviours Policy & Procedures
- Acceptable Internet Use
- Purchasing Policy
- Recruitment Management Practice
- Risk Management Policy and Framework
- Social Media Policy
- Travel and Accommodation Guideline

The Town's policies and documents are available on the Policy and Corporate Document Register intranet page.

Legislation Relevant

Legislation includes (but not limited to):

- *Corruption, Crime and Misconduct Act 2003*
- *Fair Work Act 2009*
- *Local Government Act 1995*

Fraud and Corruption Control Plan

- *Public Interest Disclosure Act 2003*
- *State Records Act 2000*

Internal Control Systems

All business processes, especially those identified as having higher risk of fraud and corruption, are subject to a rigorous system of internal controls that are documented, reviewed and update regularly, and understood by relevant workers.

Strong internal controls are important in protecting against fraud and corruption. In many cases where fraud and corruption are detected, it is possible to identify a fundamental control weakness or failure that either allowed the incident to occur or failed to detect it quickly after it occurred.

Managers are responsible for ensuring appropriate work systems, including internal controls, are established and maintained.

Managers are to participate in regular control assurance reviews which may include compliance testing.

Risk Assessment

Each business unit must systematically identify, assess and review fraud and corruption risks in line with the Risk Management Policy and Framework.

The most important outcome of the fraud and corruption risk assessment process is the development of a treatment plan that specifically addresses the risks identified.

These measures should be monitored for effectiveness over time.

Employment Screening

Pre-employment screening to validate applicants' qualifications, transcripts and other certificates is part of the recruitment process

A 100 point check is undertaken to confirm the preferred applicant's identity.

A National Police Clearance must also be obtained by the successful applicant.

Additionally, all employees with an actual, perceived or potential conflict of interest must inform their Manager in line with the Managing Conflict of Interest process.

Supplier and Customer Integrity

While fraud and corruption is often instigated by persons internal to an organisation, it is important to consider that the Town may be susceptible to externally instigated fraud or corruption. The risk of fraud and corruption is reduced when external providers dealing with the Town are made aware of relevant policies.

Suppliers are expected to declare actual or perceived conflicts of interest as soon as they become aware as outlined in the "Statement of Business Ethics" (Appendix 3).

When procuring goods and/or services, employees are required to understand and adhere to the Purchasing Policy.

Concerns regarding a supplier's identity or its representation are to be raised with the relevant Manager.

Fraud and Corruption Control Plan

Detection

This stage of the Plan outlines strategies in place to detect or expose fraud and corruption.

The Town relies on a variety of strategies to minimise the opportunity for fraud and corruption or its non-detection, including (but not limited to):

- Observation and awareness by all employees - Through the Town's Code of Conduct and training, staff have the knowledge and understanding of how to respond if fraud and corrupt activity is detected or suspected.
- Internal Audit – provide assurance to the Chief Executive Officer/ Council that the financial and operational controls designed to manage the Town's risks are effective, by undertaking by Internal Audit activities to identify weaknesses in the fraud and corruption control environment.
- External Auditors - Australian auditing standards provide for auditing procedures so that the audit will be more likely to detect a material misstatement in financial statements due to fraud or corruption (or error).

Mechanisms for reporting

It is mandatory to report known or suspected fraud and/or corruption through one or more of the channels outlined below:

- Reporting should, in the first instance, be to an officer's immediate manager, or the next level senior officer if more appropriate.
- However, an officer may feel more comfortable reporting their suspicions to the relevant Executive Manager or a Public Interest Disclosure Officer, as identified on the Town's intranet.
- Staff may also report directly to the Corruption and Crime Commission if desired. The Corruption and Crime Commission does not require callers to provide their personal details or reveal their identity, but anonymous reports are difficult to assess and will be treated with scepticism until supporting evidence is gained through a preliminary independent investigation.

Public Interest Disclosure (Whistle-Blower Protection)

The *Public Interest Disclosure Act 2003* facilitates the disclosure of public interest information, enabling anyone to make disclosures about improper or unlawful conduct within the State Public Sector, local government and public universities without fear of reprisal. The *Public Interest Disclosure Act 2003* also provides protection for those who are the subject of a disclosure (refer to policy "Whistleblower (Public Interest Disclosure), Appendix 4).

Fraud and Corruption Control Plan

Response

This stage of the Plan outlines the processes for responding to fraud and corruption within the Town and the channels for ensuring improvements for exposed or potential fraud and corruption are made.

Investigation and Disciplinary Procedures

All reports of suspected fraud or corruption will be investigated according to Town policies and processes or referred to an external investigative agency as appropriate.

Appropriate action will be taken which may include disciplinary action or referral to an external agency such as the CCC or the WA Police.

The Audit Committee will be informed of all instances of alleged fraud and the status of investigations to consider and ensure controls are appropriately designed and implemented.

Confidentiality

Confidentiality will be maintained throughout any investigative process.

Internal Control Review

In each instance where fraud or corruption is detected, a control assurance review will be required to reassess the adequacy of internal control systems, particularly those directly relating to the fraud or corruption incident, and recommend improvements if required.

Appendix 1 - Summary of Legislated responsibilities

Entities are required to meet a number of legislated responsibilities that help control fraud risks. A summary of key elements are listed below. This list is not exhaustive.

Legislation	Fraud related requirements
<i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • disqualifies individuals from becoming elected members due to insolvency, criminal convictions, or misapplication of funds • councils must believe that a person is suitably qualified for the position of CEO, and CEOs must believe that staff are suitably qualified for their positions • all employees must be selected in accordance with the principles of merit and equity • mandates a general need for good government and the creation of a Code of Conduct • council members, the CEO and designated staff members must disclose financial interests' • employees must disclose any interests when they are advising or reporting to council • an audit committee must be formed • sets out penalties for improper use of information
<i>Local Government (Rules of Conduct) Regulations 2007</i>	<ul style="list-style-type: none"> • requires council members to act ethically, be open and accountable • forbids council members from influencing employees or using their office for personal advantage • council members must declare any interests in matters being discussed at council or audit committee meetings • sets out restrictions on gifts and travel contributions to councillors and requirements for records to be kept
<i>Local Government (Financial Management) Regulations 1996</i>	<ul style="list-style-type: none"> • CEOs are to establish efficient systems and procedures for collection and custody of money owing to the entity
<i>Local Government (Audit) Regulations 1996</i>	<ul style="list-style-type: none"> • describes the function of the audit committee • Regulation 17 requires a CEO to review appropriateness and effectiveness of systems and procedures relating to risk management, internal control and legislative compliance. This is then reported to the audit committee
<i>Local Government (Administration) Regulations 1996</i>	<ul style="list-style-type: none"> • sets out information on disclosure of financial interests • provides detailed information on what value of gifts must be reported and which are prohibited • requires a register of gifts to be publicly accessible • requires Codes of Conduct to contain information on gifts, travel contributions and disclosing interests
<i>Local Government (Functions and General) Regulations 1996</i>	<ul style="list-style-type: none"> • entities must develop a policy for purchases less than, or equal to, \$250,000 • purchases worth more than \$250,000 must be conducted through tender • sets out requirements for pre-qualified suppliers
<i>Public Interest Disclosure Act 2003</i>	<ul style="list-style-type: none"> • entities must <ul style="list-style-type: none"> ○ publish internal procedures for reporting a PID ○ designate at least 1 PID officer to receive reports. They must comply with the Public Sector Commissioner's minimum standards of conduct and integrity

Source: OAG

Appendix 2 - Fraud & Corruption Policy



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 5.1. <i>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

Fraud and Corruption Control Plan

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;

Fraud and Corruption Control Plan

- 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

Fraud and Corruption Control Plan

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:	15/9/20
Policy Amended/Reviewed:	

Appendix 3 - Statement of Business Ethics



Statement of Business Ethics

Overview

The Statement of Business Ethics provides guidance for all sectors of the community when conducting business with the Town of East Fremantle. It outlines the Town's ethical standards and its expectation that goods and service providers will comply with these standards in all their dealings with the Town. This Statement also outlines what goods and service providers can expect of the Town.

Our key business principles

Ethics and integrity

The Town and its employees shall observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner. All parties will be treated equitably, consistently, impartially and fairly.

Best value for money

The Town will procure goods and services that offer the best value for money. Best value for money does not automatically mean the lowest price. Rather the Town will balance all relevant factors including initial cost, whole-of-life cost, quality, reliability and timeliness in determining true value for money.

Transparency and accountability

All purchasing activities shall comply with relevant legislation, regulations and the Town's policies and be free from bias. Full documentation and accountability will be taken for purchasing decisions to ensure the efficient, effective and proper expenditure of public monies.

Sustainability

The Town is committed to sustainable procurement and where appropriate shall endeavour to design tenders and quotations to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations will be balanced against best value for money outcomes.

What you can expect from the Town

The Town will ensure that all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent with industry leading practice and the highest standards of ethical conduct.

Our employees are bound by the Town's Code of Conduct and purchasing policy. When doing business with the private sector, Town employees are accountable for their actions and are expected to:

- Use public resources effectively and efficiently.
- Deal with all individuals and organisations in a fair, honest and ethical manner.
- Avoid any conflicts of interests (whether real, perceived or potential).
- Town will provide Purchase Order Numbers when engaging suppliers
- Never seek to gifts or personal benefit, whether directly or indirectly, from the Town's procurement processes or any other aspect of the Town's operations.

Fraud and Corruption Control Plan

In addition, all Town procurement activities are guided by the following core business principles:

- All suppliers (whether invited to make a submission through tender or through direct quotation process) will be treated with impartiality and fairness and given equal access to information to assist with quotations, tendering or supply.
- All procurement activities and decisions will be fully and clearly documented by the Town to provide an efficient audit trail and to allow for an effective performance review of contracts.
- All contracts that involve services to the public will be undertaken in a manner consistent with the Town's Disability Access and Inclusions Plan (DAIP) 2016-2020.
- Energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible taking into account best value for money considerations.
- Tenders will not be called unless the Town has a firm commitment to proceed to contract although the Council reserves the right not to proceed with any tender or quotation so advertised.
- The Town will not disclose confidential or proprietary information.

What we ask of you

The Town requires all private sector providers of goods and services to observe the following principles when doing business with the Town:

- Comply with all Australian Laws.
- Act ethically, fairly and honestly in all your dealings with the Town
- Gain an understanding of the Town's policies, guidelines and procedures relating to purchasing, including an understanding of this Statement (all available on the Town's website).
- Provide accurate and reliable advice and information when invited or required.
- Declare actual, perceived or potential conflicts of interests as soon as you or your employees become aware of the conflict.
- Take all reasonable measures to prevent the disclosure of confidential Town information.
- Do not engage in any form of collusive practice, including offering Town employees or Elected Members inducements or incentives designed to improperly influence the conduct of their duties.
- Do not discuss Town business or information in the media.
- Assist the Town to prevent unethical practices in business relationships by reporting such practices.

Why is compliance important?

By complying with the Town's Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Town suppliers of goods and services are required to comply with this Statement, compliance will not disadvantage you in any way.

You should also be aware of the consequences of not complying with the Town's ethical requirements when doing business with the Town. Improper or unethical conduct could lead to termination of contracts or loss of future work with the Town. Overall any business reputation can also be detrimentally effected if corrupt and criminal behaviour is made public.

Complying with the Town's business principles will also prepare your business for dealing with the ethical requirements of other local governments and public sector agencies should you choose to do business with them.

Guidance notes

Incentives, gifts and benefits

The Town's employees and Elected Members do not expect to receive, or be the recipients of gifts, benefits or incentives as a result of our business relationship with goods or service providers. Goods and service providers are requested to refrain from offering such incentives, gifts or benefits to employees or Elected Members. The Town's Code of Conduct provides for the type of incentives, gifts and benefits that can be received by Elected Members and employees. If wanting to give a gift, please check with the proposed recipient as to whether a gift can be accepted, or alternatively view the Town's Code of Conduct.

Conflicts of interest

All Town employees and Elected Members are required to disclose any real or potential conflicts of interest. The Town extends this requirement to all Town business partners, contractors and suppliers.

Confidentiality

All Town information must be treated as confidential unless otherwise indicated. The Town will maintain appropriate confidentiality and not disclose propriety information unless legally obligated to do so.

Safety

The Town of East Fremantle strives for continuous improvement while creating a strong safety and health culture within all aspects of Town activities. This commitment to safety is the Town's highest priority and will not be compromised. All employees, including volunteers and contractors, are required to take all reasonable care to ensure their own safety and that of others in the workplace.

Communication between parties

All communications should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship. Canvassing of Elected Members during a tender process will disqualify bids from further consideration and contact with Elected Members during work for the Town is prohibited unless expressly authorised by the Town.

Use of Town equipment, resources and information

All Town equipment, resources and information should only be used for its proper official purpose.

Contracting employees

All contracted and sub-contracted employees are expected to comply with this Statement. If you employ sub-contractors in your work for the Town, you must make them aware of this Statement. All contractors and sub-contractors will be required to undertake an annual induction process prior to commencing business with the Town.

Secondary Employment

Employees are not permitted to engage in private work with any person that has an interest in a proposed or current contract with the Town.

Intellectual property rights

In business relationships with the Town, parties will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

Who to contact?

If you have any questions regarding this Statement or to provide information about suspected corrupt conduct, please contact the Town either directly by letter, phone, fax or email at the following or through the Town's website at www.eastfremantle.wa.gov.au:

Chief Executive Officer

Town of East Fremantle
 PO Box 1097
 East Fremantle WA 6959



Phone (08) 9339 9339

Persons reporting corrupt behaviour or misconduct are protected by the Corruption and Crime Commission Act 2003 and other "Whistleblower" protection laws such as the Public Interest Disclosure Act 2003. These laws protect persons disclosing corruption-related matters from reprisal or detrimental action and ensure disclosures are properly investigated and dealt with.

Appendix 4 – Whistleblower (Public Interest Disclosure) Policy



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

Fraud and Corruption Control Plan

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:	

DRAFT

Document Control

Document Approvals:			
Version #	Council Adoption		
1.	Ordinary Meeting of Council - _____ - adopted Plan		
Document Responsibilities			
Custodian:	Chief Executive Officer	Custodian Unit:	Governance
Document Management:			
Risk Rating:	3	Review Frequency:	Biennial
Next Review:	2020	ECM Ref:	
Compliance Requirements:			
Legislation:	Local Government Act 1995 Local Government (Rules of Conduct) Regulations 2007 Corruption, Crime and Misconduct Act 2003 Public Interest Disclosure Act 2003		
Industry:	AS 8001 - 2008 Fraud and Corruption Control AS 8003 - 2003 Good Governance Principals Australian National Audit Office		
Organisational:	Fraud and Corruption Control Plan Risk Management Policy and Framework Code of Conduct Gifts, Benefits and Conflict of Interest Policy and Procedures		
Strategic Community Plan:	5.1. Strengthen organisational accountability and transparency		

DRAFT



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:	
Policy Amended/Reviewed:	

DRAFT

12.3.4 Memorials in Public Places Policy

File ref	R/RSV4
Prepared by	Andrew Malone Executive Manager Regulatory Services
Supervised by	Gary Tuffin Chief Executive Officer
Meeting Date:	15 September 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Memorials in Public Places Policy

Purpose

The purpose of this report is to present Council with the proposed Memorials in Public Places Policy for Council's consideration, endorsement to advertise and adoption.

Executive Summary

Town staff have developed the Memorials in Public Places Policy because of the number of requests received for memorials and to ensure Council has an appropriate policy to govern the assessment of such requests.

The Memorial in Public Places Policy will assist in guiding the assessment, approval and operational requirements of memorials throughout the Town.

Background

Following on from the October 2019 Council Forum, officers drafted a policy regarding the erection and installation of memorial plaques within the Town. Council at the February OCM resolved:

That Council:

- (1) accept this report as the basis for justification of the introduction of the Memorials in Public Places Policy;*
- (2) advertise this proposed Memorials in Public Places Policy in accordance with the Town's advertising and consultation policies;*
- (3) present the proposed Memorials in Public Places Policy (with any required amendments) at a future Council meeting for final endorsement.*

Footnote:

- (i) the Memorials in Public Places Policy to be extensively advertised throughout the Town of East Fremantle*
- (ii) a sign to be placed at the Merv Cowan Park, advertising the Memorials in Public Places Policy
advertising to include diagram/dimensions of the proposed memorial & its location*

The draft policy has not been advertised because of the detailed planning, operational requirements and criteria required for the use of Merv Cowan Park as a memorial space. It was considered Merv Cowan Park was not an appropriate area for the concentration of memorials. The Town requires a policy to provide best practice in local governance and to give the Town the authority to assess and manage these installations so that they are done tastefully, with restraint, for the benefit of the local community and importantly for the protection of the character of any public open space, but specifically the river foreshore area, which is where the Town receives most requests for.

Due to changing circumstances, public open space upgrades and a reassessment of the previously proposed policy, officers have redrafted the proposed policy to ensure better governance and assessment criteria for the policy.

Consultation

Consultation was undertaken internally and with elected members on several occasions.

Should Council agree to adopt this Policy, it will be advertised for 28 days to allow for community input.

Statutory Environment

Local Government (Uniform Local Provisions) Regulations 1996.

Policy Implications

This policy applies to the governance of all private memorials in public places within the Town of East Fremantle.

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.

Financial Implications

The costs associated with the plaque including 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.

Risk Implications

No significant risk identified.

Strategic Implications

Strategic Priority 1: Social

- 1.2 Inviting open spaces, meeting places and recreational facilities.
- 1.3 Strong community connection within a safe and vibrant lifestyle.

Strategic Priority 4: Natural Environment

- 4.1 Conserve, maintain and enhance the Town's open spaces.
 - 4.1.2 Plan for improved streetscapes parks and reserves

Site Inspection

Nil

Comment

The Town has received many requests from local residents (and from non-residents who have or whose family have a connection to East Fremantle) for some kind of memorial to mark the passing of a loved one or the commemoration of a significant event. Indeed, the Town also receives many requests from people whom have no connection with the area but, for instance, may have enjoyed time in the area along the river foreshore. The Town currently allows memorials to be

placed on park benches within the Town, on a per application basis, however this is not guided by a policy or managed according to a procedure, and issues regarding use of public open space, maintenance, damage and replacement of such infrastructure are not currently catered for.

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.

However, 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 with memorials, maintenance, installation costs, damage and controlling the style of memorial.

The draft policy will guide the assessment for such memorials. 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. Approval will only be granted if Council so determines the memorial is appropriate, practical and that the individual being memorialised has been a long-standing resident or worker (40 + continuous years) in the Town and has contributed in a positive way to the Town.

Risk

While the idea of permitting such memorials in an ad hoc manner is well-intentioned, there is a risk that a preponderance of public spaces is given over to such purposes, specifically the river foreshore area, which is enjoyed by many.

There has been some public criticism too that making so much public space available for these purposes is inappropriate. Given that the look and unique style of the Town is one of its main features, the protection of the character of the Town's public open spaces and river foreshore is an important consideration.

This policy will guide the assessment of such memorials and will provide the specifications and requirements for their installation.

Rationale

Formulating and agreeing upon a policy and enforcing it will give clarity for our community to manage their expectations for such requests and give Council clarity in how to assess a memorial when such requests are made. The provisions of the policy set specific criteria for Council to assess each application, the most important of which is a person to be memorialised has been a long standing resident of or worker (40 + continuous years) in the Town and has contributed in a positive way to the Town.

To assist the Town managing resources, costs, maintenance, and the Town's public spaces and infrastructure, it is proposed that Council would not permit memorials, unless assessed and approved by Council and only for a person who has lived/worked in the area and made a significant contribution to the Town. This will set clear guidelines for the assessment of each memorials.

Generally, plaques and memorials are requested in scenic areas, specifically the largest number being requested for Riverside Road, which may detract from the enjoyment of those places, and may have a detrimental impact. Given the Town has undertaken significant works at Niergarup Track, the river foreshore, John Tonkin foreshore area and park among others, it is now considered such areas are no longer appropriate for the proliferation of memorials.

In light of the recent upgrades to public spaces and the existing criteria regarding the pioneers of the Town, it was important to set the criteria for memorials such that it is a honour to be approved a memorial and a memorial is reserved for those that have contributed to the Town. Due to these changing circumstances administration has redrafted the proposed policy to ensure better governance and assessment criteria for the policy.

Council is requested to review the attached new policy for memorials in public places.

12.3.4 OFFICER RECOMMENDATION

That Council:

- 1. authorise the advertising of the draft Memorial in Public Places Policy for 28 days prior to formally considering the Policy;**
- 2. notes a further report will be provided at the completion of the public submission period for Council's consideration.**



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:	
Policy Amended/Reviewed:	
Former Policy No:	

- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 16. NEW BUSINESS OF AN URGENT NATURE**
- 17. MATTERS BEHIND CLOSED DOORS**
- 18. CLOSURE**