



AGENDA

Council Meeting

Tuesday, 17 October 2017 at 6.30pm

Disclaimer

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

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

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

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

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

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

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

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

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on **Tuesday, 17 October 2017** at the East Fremantle Yacht Club, (River Room), Petra Street East Fremantle commencing at 6.30pm and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

1. OFFICIAL OPENING

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Approved Leave of Absence

4. DISCLOSURES OF INTEREST

4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

5.1 Responses to previous questions from members of the public taken on notice

5.2 Public Question Time

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.2 Ordinary Meeting of Council (19 September 2017)

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 19 September 2017 be confirmed as a true and correct record of proceedings.

8.1 Special Meeting of Council (2 October 2017)

8.1 OFFICER RECOMMENDATION

That the minutes of the Special meeting of Council held on Monday, 2 October 2017 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning & Building Committee Meeting (3 October 2017)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 3 October 2017, exercised its delegation in all statutory matters.

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

Consultation

Town Planning & Building Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1 OFFICER RECOMMENDATION

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 3 October 2017 be received.

TOWN OF
EAST FREMANTLE



MINUTES

Town Planning & Building Committee

Tuesday, 3 October 2017 at 6.30pm

Disclaimer

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

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MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING & BUILDING COMMITTEE HELD AT THE EAST FREMANTLE YACHT CLUB, (WARD ROOM), PETRA STREET, EAST FREMANTLE ON TUESDAY 3 OCTOBER 2017.**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member opened the meeting at 6.32pm and welcomed members of the gallery.

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE**3.1 Attendance**

The following members were in attendance:

Cr C Collinson	Presiding Member
Mayor O'Neill	
Cr M McPhail	
Cr A White	
Cr D Nardi	

The following staff were in attendance:

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

3.2 Apologies

Nil.

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil.

5. DISCLOSURES OF INTEREST**5.1 Financial**

Nil.

5.2 Proximity

Nil.

5.3 Impartiality

Nil.

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

Nil.

6.2 Public Question Time

Nil.

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

Nil.

7.2 Deputations

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning and Building Committee (5 September 2017)

8.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

Cr M McPhail moved, seconded Cr White

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 5 September 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

UNCONFIRMED

10. REPORTS OF COMMITTEES

10.1 Community Design Advisory Committee

Prepared by: Andrew Malone Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning & Building Committee

Attachments: 1. Minutes of the Community Design Advisory Committee meeting held on 4 September 2017

PURPOSE

To submit the minutes of the Community Design Advisory Committee meeting held in June for receipt by the Town Planning & Building Committee.

EXECUTIVE SUMMARY

The Committee, at its meeting held on 4 September 2017, provided comment on planning applications listed for consideration at the September and October Town Planning Committee meetings and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

There is no further action other than to receive the minute.

10.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP011017

Cr Nardi moved, seconded Cr White

That the Minutes of the Community Design Advisory Committee meeting held on 4 September 2017 be received.

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)**11.1 Pier Street, No. 36 (Lot 2) – Demolition and Construction of Two Storey Grouped Dwelling**

Applicant	Kensington Design Australia P/L
Owner	V & EJ Silich
File ref	P/PIE36; P075/17
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Documents tabled	Nil
Meeting date	3 October 2017
Attachments	1. Location Plan 2. Photographs 3. Plans dated 20 July 2017

Purpose

This report considers a planning application for demolition of an existing duplex half on a survey strata lot and construction of a two storey grouped dwelling on the north west corner of Pier and Easton Street being No. 36 (Lot 2) Pier Street, East Fremantle.

Executive Summary

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

- Dwelling density: redevelopment of a corner strata lot developed at R20 standards in an R12.5 coded area;
- Street setback: stairs and terrace incursion into setback area;
- Lot boundary setbacks: less than required;
- Open space: below required percentage of site area;
- Building height: external wall height and roof pitch height exceeded;
- Site works: fill/excavation behind building setback line greater than 0.5 metres within 3m of the street alignment;
- Retaining walls: greater than 1.0 metre in height closer than 1.0 metre to the lot boundary;
- Garage width: greater than 30% of lot the frontage;
- Crossover number and width: exceed policy requirements;
- Visual privacy setbacks: reduced visual privacy setbacks for guest bedroom and bedroom 1; and
- Driveway setback: less than required distance from boundary.

While there are a significant number of variations sought they are mostly due to the redevelopment of a sloping corner lot of 420m² that was developed at R20 standards and is now required to comply with R12.5 development standards. The variations, some of which are very minor, are not considered to have a detrimental impact on the amenity of the adjoining strata lot or the surrounding residential area and therefore supported. This support is subject to conditions being imposed in respect to crossover widths, front fencing, street trees and finish of parapet walls.

Background

Nil in regard to this application.

ConsultationAdvertising

The proposed application was advertised to surrounding land owners from 8 to 25 August 2017 and a sign was placed on site for the same period of time. No submissions were received.

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC meeting on 4 September 2017. The following comments were made:

Terms of reference:

- (a) *The overall built form merits;*
- *Is considered to have balance and is reasonable considering the existing character of the area.*
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
- *The Committee does not agree with the second crossover. The Committee has concerns with regard to the immediate area and the crossover on the crest of a hill. The application to be referred to the Operations Manager.*
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- *As per above.*
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- *No significant impact suits the character of the area.*
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- *The committee considers the proposal could have better use of climatically appropriate design to maximise northern light and ventilation.*
- (f) *The demonstration of other qualities of best practice urban design including "Crime Prevention" Through Environmental Design Performance, protection of important view corridors and lively civic places.*
- *The proposal complies through passive surveillance.*

Applicant's response

Further discussion with the applicant in regard to the CDAC comments resulted in the applicant not being required to provide a response to the CDAC comments.

Officer's response

- Easton Street crossover
The Town's Operations Manager has inspected the site in respect to the request for an additional crossover on Easton Street and the CDAC's comments. He has advised he has no concerns from a traffic management or road safety point of view. A crossover providing access to the rear of a lot on the north west corner of View Terrace has already been constructed and the proposed crossover will be adjacent to this crossover, slightly below the crest of the hill. Vehicles already need to exercise caution when exiting this driveway. Also, the footpath is adjacent to the roadway which provides adequate distance between the lot boundary and the roadway so sight lines for cars entering and leaving the site are considered satisfactory.

From a design perspective the additional crossover is not considered to impact the streetscape to any great extent given Easton Street comprises the side lot boundary of houses fronting Pier Street and View Terrace. There is currently a solid brick wall approximately 2 metres in height along this frontage. The reason the additional crossover has been requested is to provide access to a garage as the undercroft garage on the Pier Street frontage has been indicated as a 'workshop' on the plans. The proposal is considered to improve the Easton Street frontage and the garage has been setback 2 metres further than the required distance under the R-Codes. This combined with a well-articulated dwelling facade means the garage does not dominate this frontage of the site, or the dwelling and there is an improvement to the streetscape in this regard. In light of the above the

second crossover to Easton Street is supported subject to the condition that its width does not exceed 5 metres at the widest point.

- Climate, environment and energy efficiency
Maximising views in this location is of importance in the design of a dwelling and the applicant has attempted to balance this objective with maximising energy efficiency and designing for the climate. The corner location also adds an element of difficulty in considering these factors and incorporating private open space on a small lot. In light of the above factors it is considered the applicant has made a satisfactory attempt to address resource efficiency in the design and therefore no further changes to the plans are required.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 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.*

MINUTES OF TOWN PLANNING & BUILDING MEETING
TUESDAY, 3 OCTOBER 2017

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

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

Site Inspection

September 2017

Comment

TPS 3 Zoning: Residential R12.5

Site area: 420m²

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front	7.5m	7.5m	A
Minor incursions	6.5m	2.0m – 5.5m	D
Garage	3.75m	6.0m	A
Secondary Street	2m	4.5m	A
Garage	1.0m	3m	A
Garage (% width of lot frontage)	≤30%	Pier: 21% Easton: 36%	A D
Lot Boundary Setback	1.0m (garage)	Nil	D
Open Space	55%	52.6%	D
Car Parking	2	3	A
Site Works	Excavation or fill behind a street setback line limited by compliance with building height limits and building setback requirements	Existing site levels to be maintained, However, fill and excavation greater than 500mm within 3m of the street alignment and within 1.0m of the lot boundary	D
Visual privacy setback	4.5m (guest bedroom and bedroom 1 window - >500mm above NGL)	1.5m	D
Overshadowing	25%	≤25%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D

MINUTES OF TOWN PLANNING & BUILDING MEETING
TUESDAY, 3 OCTOBER 2017

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

Building Height Requirement	Required	Proposed	Status
Building Height (Maximum external wall height) (RDG)	5.6m	Easton Street - 4.9m – 7.4m Pier Street – 5.9m – 8.2m	D
Building Height (top of pitch of roof) (RDG)	8.1m	Easton Street – 4.9m – 8.6m Pier Street - 8.1m – 10.27m	D

The lot to be developed is a survey strata corner lot which is currently occupied by a 1970s duplex half with an undercroft garage accessed from Pier Street. The built strata was developed under the equivalent of a R20 standard and the lot is now subject to the development standards of R12.5. The original strata lot has been converted to a survey strata and both lots are approximately 400m² in area.

The application proposes the demolition of the duplex half on the corner portion of the parent lot. The site will then be redeveloped with a two to three storey dwelling facing Pier Street, with the single and two storey section of the dwelling facing Easton Street. A garage accessed from Easton Street is also proposed. The undercroft garage accessed from Pier Street is indicated as a 'workshop' on the plans.

There are a number of variations to the R- Codes and the Residential Design Guidelines in respect to this application mostly due to the small size of the lot, the existing ground levels, the upwards slope of the land away from Pier Street and the request for a second crossover from the secondary street. These matters are discussed below.

Dwelling density (redevelopment of survey strata lot)

The current zoning of the area is Residential R12.5. The strata titled lot was developed in a time preceding the current density code and two grouped dwellings were developed on the parent lot to a standard equivalent to R20. The current Planning Scheme contains clause 5.3.3 which addresses this situation and states as follows:

Existing non-complying development:

Where a lot contains an existing authorised development which exceeds the prescribed density coding, the local government may permit redevelopment of the lot up to the same density as the existing development, or of a different form than otherwise permitted, provided that:

- (a) in the opinion of the local government, the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building; and*
- (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the local government, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 9.4.*

This clause, subject to the design and community consultation parameters being met, provides Council with discretion to approve of the redevelopment of the lot at the existing dwelling density despite the proposal's non-compliance with the current density code.

The advertising requirements of clause 9.4 have been met and there have been no objections to the proposal. Redevelopment of the lot at the same density as the proposed development is considered to contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building. The design of the dwelling has street front entries and major openings facing both streets and a low retaining wall which provides an unobstructed view of the dwelling and landscaped front garden from the street.

Furthermore, a redevelopment at this density would be permitted in any case under the corner lot density bonus provision in LPS No. 3, therefore redevelopment under clause 5.3.3 is considered appropriate.

Street setback

The primary and secondary street setbacks of the dwelling are mostly compliant with the R-Codes as the main building lines meet both the primary and secondary street setbacks. The R-Codes allow for minor incursions into the setback for structures such as verandahs, stairs and architectural features but these elements cannot protrude more than 1.0 metre into the setback area without Council approval.

In this case the entry stairs and the terrace are to be constructed in the 7.5 metre setback area; being setback between 2 and 5.5 metres from the Pier Street frontage. Whilst these structures are further forward than the existing duplex building line the open terrace will have stairs leading to the garden and is visible from the street. It is not enclosed so the structure is not considered to add to building bulk as it presents to the street. It is more than likely that when the other strata lot is redeveloped a similar setback and architectural features will be applied due to the slope of the land and the need to provide stairs to reach the entry level.

Lot boundary setbacks

The lot boundary setbacks do not comply with the R-Codes on the western and northern boundaries.

Northern boundary

A nil setback has been proposed for the garage on the northern boundary (required setback 1.0m). This abuts the access driveway to the property facing View Terrace, so has no impact on residential amenity in that location and a setback would not be warranted. The slope of the land means the impact of the wall is even less as this section of the site is excavated, lower than the access driveway and a retaining wall is already in place. The remainder of the lower floor of the dwelling on this side is setback between 2.2 and 4.0 metres with the upper floor being setback 7.7 metres. This is well within the setback requirements. The nil setback is therefore supported as the 'Design Principles' of the R-Codes as outlined below are considered satisfied.

Western boundary

The required setback on the western side boundary (i.e. 1.6 metres) is also proposed to be less than that required under the R-Codes. The undercroft garage and ground level wall are located on the boundary of the strata lot so a nil setback is proposed. There has been no objection to the nil setback by the adjoining owners and this section of the proposed dwelling abuts the other half of the duplex, as does the existing half, so in effect there is little change with the exception of an additional storey above which has been setback 1.5 metres. The upper floor on this boundary is required to be setback 4.0 metres due to the significant height of the wall at this point. This reduced setback from the existing duplex is not considered to have an impact on amenity as it will appear no higher than a two storey

house given this section of the site already has an undercroft garage. It is also very likely that when the other duplex half is redeveloped that reduced boundary setbacks will also be necessary to maximise floor space on a small lot.

Whilst the 'Deemed to Comply' setback provisions are not met the 'Design Principles' of the R-Codes are considered satisfied in regard to both boundary setbacks, in that the building does not unnecessarily contribute to building bulk on the adjoining lot, provides for adequate sun and ventilation to the adjoining property and open spaces and overshadowing is not a consideration. The proposed reduced garage and first level setbacks are therefore supported.

Site works and retaining walls

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

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

Most of the site works and building levels on the lot are established in that the proposed dwelling will be constructed at almost the same levels as the existing duplex. There will be slightly more retaining and site works in the setback area to allow for construction of the entry stairs and terrace from Pier Street. The ground level will be altered in some sections more than 500mm. This is in excess of the amount of fill and excavation allowed within 3 metres of the street alignment as permitted under the R-Codes, therefore the proposal must be assessed under the 'Design Principles' of the R-Codes which states as follows.

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

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

The redevelopment of this site will utilise the natural slope of the land and the floor levels of the existing dwelling. The proposed dwelling will vary from single to three storeys across the site, however, the three storey section is to be constructed over the lowest ground level section of the site, so for the most part the development will appear as a two storey house on Pier Street and partly single storey on Easton Street. The excavation and fill proposed is not significant and does not impact on the amenity of adjoining sites and is therefore considered acceptable.

Similarly the retaining walls on the site have been established and will not be altered, however, there is some retaining work in the front setback and side boundary areas which will be closer than 1.0 metre to the side boundary with walls greater than 500mm in height as permitted under the R-Codes. The retaining walls in this location are considered to result in land which can effectively be used for the benefit of residents and are not considered to impact residential amenity for the adjoining land owner as required under the 'Design Principles' of the R-Codes.

Building height

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.17.4.1.3 states that:

Where views are an important part of the amenity of the area and neighbours' existing views are to be affected the maximum building heights are as follows:

- 8.1 metres to the top of a pitched roof; and

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

The building height limit of the dwelling is in part compliant, however, there are sections of the building due to the slope of the land and the design of the dwelling that are over height. The sections of the building that do not comply are the undercroft garage section which presents as three storeys to Pier Street and the stairwell tower on the Easton Street frontage. This is due to excavation of the land in the south west corner of the lot and the extra height of the stairwell tower as a focal point of the dwelling.

The above height limits which are lower than the height limits of the R-Codes come into play where views are considered an important part of the amenity of the area. The surrounding land owners have been consulted in this regard due to variations from the R-Codes and the height limits of the Residential Design Guidelines and no submissions on the proposal have been received. This is most likely because the dwellings to the north and east are on higher land and their views are toward the river. The dwellings to the south and west are on lower land and their views are to the ocean and Port to the west and south west. This building sits 'in between' these surrounding dwellings and the height of the proposed dwelling does not appear to impact views in this location.

Non-compliance with the external wall and roof ridge height limit must, however, be assessed in respect to the 'Performance Criteria' of the Residential Design Guidelines as outlined below:

Bulk and Scale of Dwelling and Character of the Area

- The proposed dwelling is designed to mostly sit within the 'building envelope' as determined by the R-Codes and the Residential Design Guidelines. That is, the street front and lot boundary setbacks essentially comply (garage walls excluded) and very close to 55% open space will be provided on the lot;
- Two storey development is permitted in the Richmond Hill Precinct. There are no provisions or restrictions limiting new dwelling development to single storey;
- The overall height of the dwelling is mostly compliant (i.e. most sections of the roof ridge under the height limit of 8.1m from an eastern, south eastern and southern perspective; proposed 4.9m – 8.6m and the wall height limit of 5.6m; proposed 4.9m – 7.4m. The dwelling only exceeds the height limit, with the exception of the stairwell tower (~12m²) in the south western section of the site;
- The dwelling is considered to satisfy Clause 3.7.4.2 (Site Works) of the Residential Design Guidelines in that *where new development is on a significant slope the floor level of the proposed dwelling shall be the average height of the ground floor levels of the two adjacent dwellings* (floor level of proposed dwelling 49. 28RL and the floor level of the new dwelling 49.49RL – the corner site precludes assessment with any other immediately adjacent dwellings); and
- The non-compliance with the external wall height on one part of the lot (as a result of excavation) is inconsequential in relation to the scale and bulk of the overall development as the dwelling sits mostly within the building constraints applying to the site.

The proposed dwelling is not out of character with the area. Most other homes in the Precinct, including surrounding houses are two storeys. As noted above the dwelling is designed within the parameters of the building envelope prescribed by the R-Codes and the Residential Design Guidelines. Solar access is not an issue and there are no privacy issues for adjoining sites.

There appears to be no impact on views and the sections of the dwelling which do not comply with the height provisions are only minor sections, offset by the majority of the walls being significantly lower than the upper height limits (i.e. the single storey and excavated portions to the rear of the site). In this case the over height sections would not appear to be obstructing views as they are below the ridge height of the adjacent roof area and while there might be some impact on views with the main ridge line of the house this ridgeline is relatively short in relation to the overall property width and more significantly is below the maximum height.

In this case, in respect to overall building height it is considered there are no grounds to refuse the application as the requirements of the R-Codes and the Residential Design Guidelines are satisfied. In respect to the variation to the external wall height and roof pitch the non-compliance is supportable for the reasons outlined above.

Visual privacy

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

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

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

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

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

The windows in each case are forward of the front wall of the adjoining dwelling and only overlook the front garden which is in full view of the street in any case. So the visual privacy of the adjoining site is not considered to be compromised, therefore no screening of these windows is required.

Secondary street setback and garage forward of the building line

The proposed building setback of the garage complies with the minimum 1.5 metre secondary street setback as required under the R-Codes and is set back 3.0 metres. However, it does not comply with the Residential Design Guidelines provision that a garage be no further forward of the building line. The

corner lot location, however, provides some scope in this respect for the garage to be positioned slightly forward of the building line because the secondary street setback of the house at 4.5 metres is much greater than the 2 metres required, means the garage is well set back from the secondary street and its visual impact is therefore minimised. In this case therefore the non-compliance with the Residential Design Guidelines is supported.

Vehicular access

The R-Codes specify that driveways shall be no closer than 0.5 metres from a side lot boundary. This is a 'Deemed to Comply' provision in order that the impact of accessways on the streetscape is reduced and safety standards are maintained. In this case there is no change to the existing situation on Pier Street and on Easton Street the driveway will align with the nil setback of the garage. On this frontage it is preferred that the driveway abut the existing retaining wall and crossover to minimise the width of the crossover and so there is no gap between crossovers, as these areas are never adequately maintained.

Open space

Open space is marginally less than the 55% of the site area required under the R-Codes being 52.6%. This has resulted because the lot area is only 420m². A lot of this size in an R20 coded area would require 50% open space. In this circumstance the slight reduction is considered acceptable as the minimum area for outdoor living (30m²) under a R20 code can be provided and there is a large front garden which will be landscaped.

Garage and crossover width

Both crossovers are indicated on the plans as being non-compliant with Council policy in that they are wider than 5 metres. This is not supportable in this case, particularly as the applicant is requesting an additional crossover which adds to the hard surfaces and reduced green landscaping on the streetscape. In this case therefore the crossover widths must not exceed 5 metres at their widest point to minimise the impact on the streetscape. Reducing hardstand is the objective so that streetscape amenity is maintained and on-street parking is maximised. It is also necessary to protect the existing street tree on Pier Street so a condition is recommended which will require the crossover to be constructed no closer than 1.5 metres from the tree.

The garage facing Easton Street is greater than 30% the width of the lot frontage and therefore does not comply with the Residential Design Guidelines in this regard. This is due to the small size of the lot and the corner truncation. In this circumstance and the house will be well set back from the secondary street and the visual impact of the garage is also minimised through strong architectural features on this elevation, as such the non-compliance is supported in this circumstance.

Driveway distance from lot boundary

The R-Codes require a driveway be setback no less than 0.5 metres from a side lot boundary to allow for a landscaping strip. The application proposes the driveway directly abut the retaining wall of the access driveway to the house on View Terrace. In this circumstance a landscaping strip for the length of 3 metres is not considered necessary given it will have little effect in establishing a high quality landscaped feature. The land will be put to better use, in respect to landscaping, on the other side of the driveway so the variation is supported in this case.

Front fence

The applicant has indicated that the front fence/retaining wall will not be replaced with the exception of some retaining work for construction of entry stairs and a dividing fence between the two strata lots. As this is a corner lot the impact of fencing on the streetscape is an important consideration, therefore a condition regarding compliance with the Town's policy in this regard is recommended.

Additional crossover

Comment in regard to the request for an additional crossover has been made in response to the CDAC comments in a previous section of the Report. The additional crossover request is supported as it is not considered to impact residential amenity and is acceptable to the Town's Operations Manager from a traffic management and road safety perspective.

Conclusion

Pier Street and the surrounding area has a range of building heights, scales and built forms. Properties in the area are characterised by a fall from the north on this side of Pier Street with the street sloping from east to west. New dwellings are mostly designed to maximise view corridors and long range views to the river and the ocean and this is the case for the current application. The variations proposed have no direct bearing on loss of views for surrounding land owners and there have been no comments from adjoining neighbours/owners in this regard.

Although there are a number of variations from the R-Codes and the Residential Design Guidelines this is mostly as a result of the redevelopment of a site that was developed at R20 standards (i.e. 420m² lot) and is now subject to assessment under R12.5 development standards. Nonetheless, the redevelopment proposal is for a well-articulated building that addresses both streets and contributes positively to the scale and character of the streetscape. The design encompasses staggered setbacks to the street frontages and the detailed roof elements that minimise the impact of the bulk of the building on surrounding residences. The development addresses both street fronts well, uses existing ground levels and maintains existing boundary retaining walls which also reduces the impact of a new development on adjoining properties.

In light of the above the variations from the R-Codes and the Residential Design Guidelines are considered acceptable. The applicant has, despite the non-compliance, met the requirements to also satisfy the 'Design Principles' and the 'Performance Criteria' for access, built form, streetscape and residential amenity. The application is recommended for approval subject to conditions regarding use of the workshop indicated on the plans as well as fencing, crossovers, street trees and parapet walls.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP021017

Cr Nardi moved, seconded Cr White

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

- (i) Clause 5.1.2 - Street Setback of the Residential Design Codes of WA to permit a street setback of less than 7.5 metres;**
- (ii) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a northern lot boundary setback of less than 1.0 metre (ground floor) and a western lot boundary setback of 1.6 metres (ground floor) and 4.0 metres (upper floor);**
- (iii) Clause 5.1.4 - Open Space of the Residential Design Codes of WA to permit less than 55% open space on site;**
- (iv) Clause 5.3.5 - Vehicular Access of the Residential Design Codes of WA to permit a driveway less than 0.5 metres from a side lot boundary;**
- (v) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to allow excavation and fill within 3 metres of the street alignment and excavation and fill greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary;**
- (vi) Clause 5.3.8 - Retaining Walls of the Residential Design Codes of WA to permit a retaining wall greater than 0.5 metres in height less than 1.0 metre from the boundaries;**
- (vii) Clause 5.4.1 - Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback from the western boundary for the bedroom windows on the western elevation of less than 4.5 metres;**

- (viii) Clause 3.7.14 - Footpaths and Crossovers of the Residential Design Guidelines to allow more than one crossover per lot;
- (ix) Clause 3.7.16.3.2 Garages, Carports and Outbuildings of the Residential Design Guidelines to allow the width of the garage to exceed 30% of the lot frontage;
- (x) Clause 3.7.17.3.3 - Garages, Carports and Outbuildings of the Residential Design Guidelines to allow a garage forward of the building line; and
- (xi) Clause 3.7.17.4.1.3 - Building Height, Form, Bulk and Scale of the Residential Design Guidelines to permit an external wall height greater than 5.6 metres and a roof ridge height of greater than 8.1 metres,

for the construction of a two storey grouped dwelling at No. 36 (Lot 2) Pier Street, East Fremantle, in accordance with the plans date stamped received on 20 July 2017, subject to the following conditions:

- (1) The workshop indicated on the plans date stamped 20 July 2017 not to be used for any purpose other than garaging of vehicles or storage without further Council approval.
- (2) All fencing within the street setback area to be in compliance with the Residential Design Guidelines 2016 and comply with Australian Standards in respect to sight lines (refer to Footnote 1).
- (3) The width of the crossovers on Pier and Easton Street are not to exceed 5.0 metres at the widest point and are to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016.
- (4) The crossover on Pier Street is not to encroach any closer than 1.5 metres from the existing street tree and the tree is not to be pruned or removed.
- (5) All parapet walls/building structures to the adjacent property faces on the western and northern boundaries are to be finished by way of agreement between the property owners and at the applicant's expense.
- (6) If requested by Council within the first two years following installation, the Colourbond roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (7) 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.
- (8) The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (9) 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.
- (10) The proposed alterations and additions are not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (11) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (12) 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.

- (13) 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.
- (14) In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
- (15) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *any proposal to alter or erect street front fencing in the front setback area on Pier and/or Easton Street may be subject to further Council development approval. Enquiries should be made with the Town's Planning Services to determine if a development approval application is required to be made.*
- (ii) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (iii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iv) *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 provide 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.*
- (v) *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.*
- (vii) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

11.2 Dalgety Street No. 82B (Lot 2) – Demolition and Construction of Single Storey Grouped Dwelling

Owner	T Jelenich & M Burgess
Applicant	Arken Developments
File ref	P/DAL82B; P084/17
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date	3 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location Plan 2. Photographs 3. Plans dated 9 August 2017

Purpose

This report considers a development application for demolition of the existing grouped dwelling (fronting Dalgety Street) and construction of a new single storey dwelling on the same survey strata lot at No. 82B (Lot 2) Dalgety Street, East Fremantle.

Executive Summary

The application proposes demolition of the existing 1980s duplex half fronting Dalgety Street and construction of a new single storey residence. The existing dwelling is single storey, however, the other duplex half (strata Lot 1) has already been redeveloped with a two storey dwelling. Both strata lots are irregularly shaped with one having a wider street frontage and the other having a wider rear yard. The lot the subject of the current application has the narrow frontage to the street with a width of 8.4 metres.

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

- Dwelling density: redevelopment of a strata lot (developed at a density the equivalent of R20) in a R12.5 coded area;
- Street setback: minor incursion into setback area;
- Lot boundary setbacks: less than required;
- Garage width: greater than 30% of the lot frontage; and
- Roof pitch: less than required.

While there are a number of variations sought they are mostly due to the redevelopment of a very narrow lot and development being required to meet R12.5 standards. It is considered the variations are mostly of a minor nature, or result in minimal change to existing site circumstances and built form. The application is therefore recommended for approval subject to conditions being imposed in respect to landscaping, garage door details, crossover width, front fencing, finish of parapet walls and roof reflectivity.

Background

19 July 1980 – Built strata plan approved.

2 April 1997 – Building Licence issued for a garage.

2001 – Survey strata plan created.

Advertising

The plans were advertised to surrounding land owners from 16 August to 4 September 2017 and a sign was placed on the site for the same length of time. No submissions were received. The owners to the north, south and east of the subject lot have viewed the plans (provided by applicant) and the applicant has submitted their written endorsement of the plans with the application.

Community Design Advisory Committee (CDAC)

This application was considered by the CDAC at its meeting on 4 September 2017. The Committee's comments are provided below with the applicant's comments provided in italics following each of the terms of reference:

Terms of Reference:

- (a) The overall built form merits;
- The overall built form merit is very low. The building has limited interaction with the street.
 - *The building structure is setback in line with existing streetscape and provides no intrusions or interruptions to the existing streetscape as a whole. This is compliant with 3.7.7.3 pg. 21*
 - *As per parking requirements for Woodside Precinct 3.7.15.2.1 (pg40) it reflects the necessity for the single crossovers, driveways and garages to be maintained where possible. It also reflects the necessity for garage doors to be removed from the streetscape with parking located to the rear.*
 - *As it is impossible to locate the garage to the rear of the lot due to its narrow width of 8.4m frontage, the proposed location removes the garage door as the dominant structure in the streetscape and provides an architectural solution of integrating the cladding façade of the garage into the fabric of the building.*
 - *If the structure was to be more dominating or interacting with the street it would need to be a two storey structure set forward with a building line similar to the adjacent southern property. If this was a viable solution the proposal would have major difficulties complying with overshadowing calculations, loss of amenity and natural light to the southern existing home. It would also not be in line with massing and bulk of the street which is predominantly single storey with only one of the 2 storey structures being the southern neighbour.*
- (b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;
- The proposal is single storey and will have minimal impact to the streetscape and limited relationship to the adjoining development.
 - *Please see comments above for point (a)*
- (c) The relationship with and impact on the broader public realm and streetscape;
- The proposed design is considered to have a façade that does not interact with the street and has no public realm from the front facade.
 - *Please see comments above for point (a)*
- (d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;
- As above.

- *Please see comments above for point (a)*
- (e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;
- The proposal is compact and attempts to integrate the design to address a resource efficient design and respond to the climatic appropriateness for environmental sustainability.
 - *The building has a high level of solar passive components and provides natural light and passive cooling through the use of courtyards and high ventilation windows. If the building design was to use a more traditional design methodology it would be very difficult to achieve good natural light and cross ventilation to the southern side of the house. Through high windows facing north and internal courtyards, all rooms including southern areas have good sun and natural breeze patterns.*
- (f) The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.
- The proposal has no consideration of passive surveillance.
 - *The proposed design is compliant with the Residential Design Codes of Western Australia and 5.2.3 Street Surveillance.*
 - *C3.1 street elevation of the dwelling addresses the street and has clearly defined entry points and access from the street.*
 - *C3.2 One major opening from the master suite bedroom (habitable room) provides passive surveillance of the driveway, street and main entry point to the house.*

Officer Comment

In light of the applicant’s response above and with respect to the Committee’s views it is considered the dwelling will sufficiently address the streetscape given the significant site constraints. Redevelopment of the lot with a single storey dwelling will significantly reduce the impact on the adjoining lots and the streetscape which is predominantly single storey. Redevelopment of the lot with a two storey structure would have significant overlooking and overshadowing issues for the surrounding lots.

The incorporation of a garage on the site is problematic due to the lot width, however on such a narrow lot reducing the number of vehicles in view of the street is considered preferable. The applicant has provided a considerable street setback for the garage of 13.7 metres, so it is not the dominant feature of the house or the façade as it faces the street. The entry has been designed so it is visible from the street. There is also a window facing the street and the majority of the frontage will be a feature landscaped wall and decorative front gates and letterbox. This is considered to be an alternative façade treatment to the heritage buildings and one that will add architectural interest to the streetscape, without attempting to match the design elements of the original surrounding heritage properties, or the adjoining two storey contemporary dwelling. This is extremely difficult because of the width of the lot and the need to meet the provisions of the Residential Design Guidelines and the R-Codes. The applicant has made every attempt to provide a connection with the street and avoid imposing structures or front boundary fencing. This has included incorporation of landscaping and a mixture of building materials within the built structure. A number of conditions are recommended to be imposed to ensure the construction materials and landscaping are installed as indicated on the plans as these treatments contribute markedly to the integration of the façade with the streetscape.

Given the above the design is considered satisfactory and therefore no further change to the plans is considered necessary.

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

Financial Implications

Nil.

Strategic Implications

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

Built Environment

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

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

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

3.1.2 *Plan for a mix of inclusive diversified housing options.*

3.2 *Maintaining and enhancing the Town's character.*

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

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

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Site Inspection

September 2017

**MINUTES OF TOWN PLANNING & BUILDING MEETING
TUESDAY, 3 OCTOBER 2017**

Comment

LPS 3 Zoning: Residential R12.5

Site area: 511m²**Statutory Assessment**

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policy. 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 (Note: based on R20 standards)

Design Element	Required	Proposed	Status
Street Setback	7.5m	7.5m	A
Street Setback Minor Incursion	6.5m	5.9m	D
Lot Boundary Setback – north	1.5m (min)	Nil – 1.2m (min)	D
Lot Boundary Setback – south	1.5m (min)	Nil – 1.2m (min)	D
Open Space	50%	59%	A
Site Excavation	Max 0.5m	<500mm	A
Car Parking	2	2	A
Overshadowing	25%	24.37%	A
Drainage	On-site	On-site	A

Local Planning Policy Assessment

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

Building Height Requirement	Required	Proposed	Status
Building Height (external wall) (R-Codes)	6.0m	3.1m	A
Building Height (pitched roof) (R-Codes)	9.0m	3.1m – 3.5m	A
Building Height (concealed roof) (R-Codes)	7.0m	4.0m	A

The lot to be developed is a survey strata titled lot which faces Dalgety Street and is currently occupied by a duplex half constructed in the early 1980s prior to the implementation of the R-Codes. The duplex was developed at the equivalent of a R20 standard and the title was converted to a survey strata title in 2001.

The lot is now subject to Clause 5.3.3 of the Planning Scheme in regard to the redevelopment of lots which do not comply with current dwelling density controls. The lot is approximately 511m² in area. The remaining part of the parent lot, also facing Dalgety Street, has been redeveloped in recent times with a two storey grouped dwelling. The applicant is now requesting approval for the construction of a single storey grouped dwelling. There are a number of variations to the R- Codes and the Residential Design Guidelines in respect to this application mostly due to the narrow frontage of the lot. Notwithstanding the development at R20, the proposal is mostly compliant if assessed at R12.5 standards.

The outdoor living areas are proposed on the northern side and at the rear of the lot. The existing topography of the site is essentially unchanged, so there is little change to privacy for the adjoining developments with redevelopment of the site. The applicant is providing garaging for only one vehicle (as required under the R-Codes) so the impact of a garage on a narrow frontage is reduced as much as possible. Space for an additional vehicle is provided behind the front setback area.

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

Dwelling density (redevelopment of subdivided lot)

The current zoning of the area is Residential R12.5. The parent lot was developed in a time preceding the current density code (c1981). The current Planning Scheme contains clause 5.3.3 which addresses this situation and states as follows:

Existing non-complying development: *Where a lot contains an existing authorised development which exceeds the prescribed density coding, the local government may permit redevelopment of the lot up to the same density as the existing development, or of a different form than otherwise permitted, provided that:*

- (a) in the opinion of the local government, the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building; and*
- (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the local government, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 9.4.*

This clause, subject to the design and community consultation parameters being met, provides Council with discretion to approve of the redevelopment of the lot at the same density. The streetscape and advertising requirements of clause 9.4 have been met and as noted above no submissions on the proposal were received. Redevelopment of the lot at the same density as the proposed development is considered to contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building.

Street setback

The street setback of 7.5 metres is compliant (proposed dwelling setback of 7.5m – and garage setback of 13.7m) with the exception of the minor incursion of a nib wall extending from the front of the

dwelling and sitting alongside the southern boundary (~300mm in width and 1.5m in length). This wall will house the meter box. It has no impact on the amenity of the streetscape or on the adjacent lot and as such is supported.

Lot boundary setback

Northern boundary

The lot boundary setbacks of the proposed dwelling do not comply with the 'Deemed to Comply' requirements of the R-Codes. Single storey development on a narrow lot has resulted in a long narrow building with some sections of the building being constructed up to, or close to the lot boundary. The required garage setback is 1.0 metre, however, a nil setback has been proposed. The adjoining neighbour has not objected to the setback and the nil setback is not considered to impact on the amenity of the lot to the north. The southern elevation of this house is built up to the boundary for the full length of the building, so there will be no privacy or building bulk impacts.

The remainder of the northern boundary setbacks for various sections of the dwelling meet the R-Code setback requirements, with the exception of the bedroom sections which are required to be setback 1.5 metres (proposed: 1.2 metres with no major openings). For the reasons outlined above the reduced setbacks can be supported.

Southern boundary

The southern boundary setback under the R-Codes, in part, is non-compliant. At present part of the existing duplex (i.e. the garage) comprises a parapet wall on the southern boundary and this wall will be replaced with a wall of similar dimensions, although slightly longer, for the master bedroom suite of the new dwelling. This is not considered to impact the amenity of the adjoining property as the northern elevation of that dwelling has no major openings and also has a minimal setback to the lot boundary. Also, the owner has not expressed any objection to the proposal.

The remainder of the wall is compliant with the exception of the kitchen/living/dining room section which is required to be setback 1.5 metres, but is proposed to be set back 1.2 metres. The non-compliance is supported on the basis that the variation is minor and another section of the wall has a greater setback and comprises a landscaped courtyard.

Crossover and garage width

The crossover indicated on the plans is compliant with Council policy in that the hard paved section is not wider than 3 metres. However, as the lot is only 8.4 metres wide it is important that the remainder of the setback area and the verge are landscaped and the driveway width does not exceed 3 metres. A condition of approval restricting the width of the crossover and the driveway to no greater than 3 metres is therefore considered necessary for this lot.

The garage is greater than 30% the width of the lot frontage (proposed: 41.6% of the width) and therefore does not comply with the Residential Design Guidelines in this regard. This is due to the lot having a frontage of 8.4 metres. The non-compliance is supported in this circumstance as the applicant has attempted to reduce the impact of the garage by only accommodating one vehicle and setting the garage back a further 6.0 metres. It is considered the materials and the design of the garage door in this circumstance will be important to the overall appearance of the house from the street. It is important that it does not present as a blank and monotonous frontage that emphasises the garage over the remainder of the facade. It is therefore recommended that the details of the materials and finish of the garage door be to the satisfaction of the Chief Executive Officer and be submitted for final approval at Building Permit application stage.

Roof pitch

The non-compliance with the roof pitch (i.e. required: minimum of 28°; proposed: flat roof with central pitched section of 20° providing skylight windows) is considered acceptable in this case because it is an alternative roof design intended to provide additional light for the dwelling. To try and achieve a pitched roof between 28° – 36° on a narrow lot would not have been appropriate and would have created a greater degree of overshadowing for the lot to the south. Given the shape of this lot an alternative design to the original roof forms in the area will provide an interesting architectural roof detail and is considered acceptable.

Conclusion

Dalgety Street between Canning Highway and Marmion Street mostly comprises heritage properties with wide frontage lots and landscaped gardens. Redevelopment of 1970s/80s duplexes on odd shaped lots which reflect the initial design of the duplex can be problematic. The expectation of land owners is to develop large family homes to modern standards. These development applications must then be assessed under more stringent development provisions relative to the density at which they were developed. It is not realistic to expect that the redevelopment of the lot will or should be of the same 'heritage' character as lots developed in the early part of last century, just as the duplex development of the 1980s were not in character with the predominant form of housing in the area. In this case the development of an 8.4 metre wide lot with an alternative modern design that attempts to balance neighbour amenity with surveillance of the street and visual interest from a streetscape perspective is considered acceptable.

Overall the variations proposed are not considered major and will result in an improved presentation to the street. At present the view from the street is of a garage door and large shrubbery in front of a high brick wall covering the entry to the dwelling. This completely obstructs a view of the dwelling from the street. The new design is considered to be an improvement to the streetscape and will sit reasonably well within the streetscape with far less impact on the amenity of adjoining lots than a two storey development.

On this basis it is recommended the application be supported subject to a number of standard planning conditions which will ensure landscaping and architectural features are installed as indicated on the plans and that no further fencing of the site is to occur. The crossover and driveway are not to exceed 3 metres to preserve as much green landscaping of the front setback and verge as possible and all other structures are to remain low and open so as much of the front of the dwelling as possible is visible from the street.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP031017

Cr Nardi moved, seconded Cr M McPhail

That Council exercise discretion in granting planning approval to vary:

- (i) Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a setback of less than 7.5 metres;**
- (ii) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit a setback of less than 1.5 metres on the northern boundary and 1.5 metres on the southern boundary;**
- (iii) Clause 3.7.15.3.2 Garages, Carports and Outbuildings of the Residential Design Guidelines to allow the width of the garage to exceed 30% of the lot frontage; and**
- (iv) Clause 3.7.8.3 of the Residential Design Guidelines 2016 to allow a roof pitch of less than 28°,**

for construction of a single storey grouped dwelling at No. 82B (Lot 2) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 9 August 2017, subject to the following conditions:

- (1) The automated gate to be constructed and installed as indicated on the plans date stamped received 9 August 2017.
- (2) Landscaping of the front setback area to be in accordance with the landscape plan date stamped received 9 August 2017.
- (3) No further fencing in the street setback area is permitted.
- (4) The letterbox structure is not to exceed a height of 1.2 metres.
- (5) The details of the colour, materials and finish of the garage door to be to the satisfaction of the Chief Executive Officer and the details to be submitted for final approval at Building Permit application stage.
- (6) The crossover is not to exceed 3.0 metres in width and any solid paved section of the driveway is not to exceed 3 metres in width for the full length of the driveway and the crossover. The crossover is to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016.
- (7) In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
- (8) All parapet walls/building structures to the adjacent property face are to be finished by way of agreement between the property owners and at the applicant's expense.
- (9) If requested by Council within the first two years following installation, the metal roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (10) 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.
- (11) The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (12) 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.
- (13) The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (14) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (15) 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.
- (16) 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.

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

Footnote:

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

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.***
- (iii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.***
- (iv) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.***
- (vi) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".***

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

11.3 George Street No. 77 (Lot 700) – Minor Additions and Alterations to Existing Restaurant

Applicant	Nakara Nominees P/L
Owner	W M Anderson
File ref	P/GEO77; P081/2017
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple majority
Documents tabled	Nil
Meeting date	3 October 2017
Attachments	1. Location Plan 2. Photographs 3. Plans date stamped received 3 August 2017

Purpose

This report considers a development approval application for minor alterations and additions to the rear and along the Sewell Street frontage of Limones restaurant. The site is a place entered in the Planning Scheme Heritage List (Municipal Heritage Inventory - category A) and is situated at No. 77 (Lot 700) George Street, East Fremantle.

Executive Summary

The application proposes minor alterations and additions (kitchen additions and ablutions) to the existing restaurant which occupies a heritage listed building situated on the south eastern corner of George and Sewell Street.

The issues relevant to the determination of this application are:

- Plot ratio increase; and
- Impact on streetscape and heritage listed buildings.

It is considered the non-compliance with plot ratio (permitted 0.5:1; proposed 0.65:1) is a minor variation with no impact on the streetscape, heritage elements or adjacent residential lot. The alterations and additions can therefore be supported subject to conditions relating to final approval of construction materials. It is also recommended the applicant be advised that any proposals for signage, or any other alterations to the building, will be subject to the submission of a further development approval application(s) for Council's consideration.

Background

LPS 3 Zoning: Mixed Use
Site area: 764m²

ConsultationAdvertising

The application was advertised to surrounding land owners from 14 to 29 August 2017. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was considered by the CDAC at its meeting of 4 September 2017. The Committee supported the proposal and its comments were as follows:

Terms of reference:

- (a) *The overall built form merits;*
 - *Built form remains relatively unchanged.*
 - *The building has merit.*
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
 - *The proposal appears to have minimal streetscape impact.*
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - *The use of the building may be increased therefore positively impacting on the public realm and streetscape.*
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - *The proposal is consistent with the overall built form of the area and as an overall design will increase the use of the building.*
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
 - *No comment.*
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*
 - *No comment.*

Statutory Environment

Planning and Development Act 2005
Town of East Fremantle Local Planning Scheme No. 3 (LPS 3)
LPS No. 3 - Heritage List

Policy Implications

Municipal Heritage Inventory – Category ‘A’
Fremantle Port Buffer Zone – Area 2

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

- 3.1 *Facilitate sustainable growth with housing options to meet future community needs.*
 - 3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*
 - 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.2 *Maintaining and enhancing the Town’s character.*
 - 3.2.1 *Ensure appropriate planning policies to protect the Town’s existing built form.*

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Site Inspection

September 2017

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3. A summary of the assessment is provided in the following table.

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

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

General Standards	Development	Required	Proposed	Status
Building setbacks	Mixed Use: Aligned with front and other property boundaries		Nil – up to street front boundary on Sewell Street	A
	Residential interface: 1.0m		6.39m	A
Building height		Overall: 8m	3.4m	A
		Walls: 5.5m	3.4m	A
Plot ratio		0.5:1	0.65:1	D
Design and landscaping		Landscaping plan	N/A	N/A
Car parking and vehicular access		Schedule 10 and 11 of LPS 3	No change to seating area floor space therefore no additional car parking required	A

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Location of car parking	On-site	N/A	N/A
On-street parking	On-street may be acceptable	N/A	N/A

The application proposes a refurbishment of the kitchen and new ablutions which will result in the building being extended to the south into the courtyard area along the same building setback line that presently exists on Sewell Street. The increased floor space does not require any additional car parking to be provided. The resultant increase in floor space will, however, increase the plot ratio of the site to 0.65:1.0 which is marginally greater than that permitted of 0.5:1.0. The additions to the rear will result in a small building addition of approximately 2.5 – 3.5 metres in length, with an overall height of 3.4 metres. This is not considered to visually impact on the streetscape or on the surrounding residential area and is considered an improvement to the existing additions to the rear of the building.

The existing building is listed in the Planning Scheme Heritage List (category 'A' on the Municipal Inventory). The applicant is seeking a variation to Scheme provisions with regard to the plot ratio of the site. For Council to consider such a variation, it is required to be satisfied that the proposed development complies with clause 67 (Deemed Provisions) and the provisions of Clause 5.6.3 (b) of the Scheme Text which states as follows:

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

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

The following sub-clauses to clause 67 of LPS 3 (Deemed Provisions) are considered of particular relevance:

- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; and*
- (n) the amenity of the locality.*

Plot ratio

Clause 5.8.3 of LPS 3 specifies that for buildings in the Commercial Zones (Mixed Use) maximum plot ratio is 0.5:1. The additional floor space results in an overall plot ratio for the entire site (all tenancies included) to 0.65:1. The increase in building area is minor and therefore not considered to add considerable bulk to the building where it will impact on the streetscape, the heritage elements of the site or result in overshadowing for the residential property to the south. The non-compliance with plot ratio is therefore supported in this circumstance.

Heritage

The addition to the rear of the building is considered to be a sensitive and compatible approach that will have minimal impact on the heritage fabric of the site. The CDAC have supported the proposal and have made the following comments:

- *Built form remains relatively unchanged.*
- *The building has merit.*
- *The proposal appears to have minimal streetscape impact.*
- *The use of the building may be increased therefore positively impacting on the public realm and streetscape.*

Conclusion

In summary, it is considered the heritage significance of the site and the amenity of the area will not be impacted by the additions to the side and rear of the site. Most of the work will be internal and it is considered the additions and internal improvements will make a positive contribution to the Sewell Street frontage and the appearance of the restaurant.

A condition is recommended which excludes any signage, advertising or building name of any sort to be attached to the building or erected on the property without the further planning approval consent of the Council.

- Mr John Kirkness (architect) addressed the meeting and is supportive of the officer's recommendation.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP041017

Mayor O'Neill moved, seconded Cr White

That Council exercise discretion in granting planning approval to vary:

- (i) Clause 5.8.3 of Local Planning Scheme No. 3 to permit the plot ratio of the site to exceed 0.5:1.0,

for alterations and additions to an existing restaurant at No. 77 (Lot 700) George Street, East Fremantle, in accordance with the plans date stamped received on 3 August 2017, subject to the following conditions:

- (1) Details in respect to the colour and type of construction materials to be used for the additions and alterations to be to the satisfaction of the Chief Executive Officer and submitted with the Building Permit application for final approval by the Chief Executive Officer.
- (2) No signage, advertising or building name/lettering of any sort to be erected on-site. A separate development approval application is required to be submitted for Council's consideration in respect to all proposed signage on the site.
- (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 storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.

- (7) 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 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) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (iv) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”.*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer’s recommendation, pursuant to Council’s decision regarding delegated decision making made on 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

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

Applicant/Owner	A & D Malecky
File Ref	P/HAB4; P077/2017
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Meeting date	3 October 2017
Attachments	<ol style="list-style-type: none"> 1. Location Plan 2. Photographs 3. Applicant's and Neighbour's signed agreement 4. Plans dated 18 September 2017

Purpose

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

Executive Summary

The modified application proposes additions and alterations to the existing multi-level single dwelling, including a gatehouse, front fencing, pool and deck and extension of rear living areas and balconies at No. 4 Habgood Street, East Fremantle. The application was considered by the Town Planning and Building Committee on 5 September 2017. The application was deferred to allow further discussions between the applicant and affected neighbours to be undertaken. A signed agreement by both parties has been submitted to Council for consideration.

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

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

The development assessment as per the 'Performance Criteria' of the Residential Design Codes and the Residential Design Guidelines is outlined below. It is noted that the proposed modification require Council to exercise more discretion to the 'Deemed to Comply' provisions as outlined below.

The proposed development is recommended for approval subject to conditions.

Background

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

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

A new application was submitted and assessed by administration. The application was presented to the 5 September 2017 Town Planning and Building Committee meeting. Submissions were presented to the Councillors and the development application was deferred to allow for discussions to be undertaken by the applicant and the adjoining neighbour. The applicant and the neighbour have reached an agreement (attached) and the neighbour is supporting the development application.

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

Consultation**Advertising**

The proposed application is a revised proposal from the original (march application). Further amended plans were submitted by the applicant on 18 September 2017. These plans have not been advertised. The applicant and the most affected neighbours have reached an agreement with regard to the development. The neighbours subject to the agreed modification have agreed to the plans. The proposed modification only impact on the immediate neighbour and therefore do not require further advertising.

The initial application was advertised to surrounding land owners from 17 March to 3 April 2017. This application period was extended to 10 April 2017 for the immediately adjoining owners to the south who were the most impacted by the proposal to allow further time in which to assess the proposal and make a submission.

Six (6) submissions were received objecting to the proposal on various grounds, but primarily focussed on building height, building setbacks from lot boundaries, privacy/overlooking and overshadowing issues. The applicant submitted an amended set of plans with the view to addressing the concerns raised in the submissions. An amended set of plans date stamped received 1 May 2017 was subsequently advertised to the same landowners and there were two submissions received in the comment period which extended from 1 to 16 May 2017. This application was withdrawn in writing and the new development application was advertised to the same landowners from 3 to 21 August 2017. One submission was received from the landowner immediately to the south at 16 Woodhouse Road.

Only the submission relating to the signed agreement/ support letter relevant to the current proposal (plans date stamped 18 September 2017) has been included in the report (attachment) as the other submissions are no longer relevant to the current plans or the issues raised have remained unchanged.

Please see the report to the 5 September 2017 Town Planning and Building Committee meeting for a full discussion of the issues raised by the adjoining neighbour.

Community Design Advisory Committee (CDAC)

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

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

The applicant has responded as follows:

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

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

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

Statutory Environment

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Financial Implications

Nil.

Strategic Implications

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

Built Environment

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

- 3.1 *Facilitate sustainable growth with housing options to meet future community needs.*
 - 3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*
 - 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.2 *Maintaining and enhancing the Town’s character.*
 - 3.2.1 *Ensure appropriate planning policies to protect the Town’s existing built form.*

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

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Site Inspection

July 2017

Comment

LPS No. 3 Zoning: Residential R17.5

Site area: 736m²

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback (building line of dwelling)	6.0m	9.12m – 6.2m	A
Undercroft (terrace and wall)	6.0m	1.9m	D
Gatehouse/stairs	6.0m	1.8m	D
Garage Boundary Wall	9.0m length	9.54m length	D
Lot Boundary Setback	Various	Various (conditioned)	A
Open Space	50%	56%	A
Outdoor Living	36m ²	>36m ²	A
Car Parking	2	>2	A

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Site Works	Excavation or fill behind a street setback line limited by compliance with building height limits and building setback requirements	Existing level at the rear of existing dwelling on site is not being altered.	A
Visual privacy setback	Pool deck (stairs): 7.5m Rear balcony: 7.5m Side setback (balcony): 7.5m	2.8m 6.44m 1.6m	D D D
Overshadowing	25%	16% (108 ²)	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

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

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

The applicant is seeking Council discretion with regard to several requirements of the R-Codes and the Town's Residential Design Guidelines. The proposed amendments as agreed with the adjoining neighbour has resulted in a greater number of variations to the 'Deemed to Comply' provisions of the R-Codes, than the last set of plans. These matters are discussed below.

Street setback and building incursions

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

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

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

P2.2 Buildings mass and form that:

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

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

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

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

Buildings on the Boundary

The proposed garage boundary wall has been relocated to the boundary at the request of the adjoining neighbours. The relocation of the garage will facilitate a future application from 16 Woodhouse Road to alter the ground level of that property. The garage is proposed to be constructed on the boundary. Buildings can be constructed on the boundary for a maximum 'Acceptable Development' length of 9 metres and to an overall height of 3.0 metres constructed on one boundary only, however the proposed garage is approximately only 1.3 metres (2.6 metres with fixed screening included) in height on the boundary and 9.54 metres in length on the boundary. Therefore the garage boundary wall does not comply with the design requirements for structures on the boundary. The required setback of the 'Deemed to Comply' provisions for the western boundary is required to be a minimum of 1.0 metre from the boundary.

The LPP RDG Element 3.7.7 provides performance criteria by which to assess proposed variations to the setback requirements. This is summarised below.

- P1.1 The primary street setback of new developments or additions to non-contributory buildings is to match the traditional setback of the immediate locality.

There are no specific planning implications with regard to the front or street setback for this proposal. The relocation of the garage does not have any implications to the remaining setbacks of the dwelling. The garage boundary wall has been supported by the effected neighbour.

- P1.2 Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.

The existing dwelling is not listed on the Town's Heritage List. There are no significant implications to the heritage character of the dwelling or surrounding locality.

- P1.3 Developments are to have side setbacks complementary with the predominant streetscape.

The proposed garage is 9.54 metres in length on the eastern boundary (exceeds the 'Deemed to Comply' provisions by 0.54 metres), to an overall height of 1.3 metres (2.6 metres with fixed screening included). The structure is not significantly visually dominant from the street. The applicant in consultation with the neighbours has varied the proposed material and moved the garage to the boundary to facilitate the future redevelopment of that property.

The overall height of the structure complies with the length requirements for buildings on the boundary. The overall length of the structure exceeds to 'Deemed to Comply' provisions of the R-Codes. The garage, including the proposed screen is considered acceptable, as supported by the adjoining neighbours.

Lot boundary setback

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

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

Site works

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

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

In the central portions of the site the proposed excavation is in excess of the 'Deemed to Comply' provisions. The ground level is proposed to be excavated 716mm from natural ground level for the new garage.

The modification to the proposed design, in consultation with the adjoining neighbour has resulted in the external courtyard being filled (removal of steps and passageway due to garage on the boundary) by 700mm. Additional boundary wall heights are proposed to ensure this location is adequately screened.

The proposed fill and the non-compliance with external wall height permitted under the Residential Design Guidelines (i.e. 6.5m) therefore requires assessment of this variation under the 'Design Principles' of the R-Codes. The R-Codes state as follows in respect to the 'Design Principles'.

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

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

The proposed fill of approximately 700mm located at the courtyard eliminates the requirements for steps. The garage relocation to the boundary deletes the side passageway from the courtyard to the rear of the lot. Therefore no steps are required. The fill enables the small courtyard to have a level finished ground level. Stepping this small courtyard would comprise the functionality of the space. As the area is being filled, additional boundary wall height is required to provide appropriate visual screening to the neighbour's property. The proposed fill has been supported by the adjoining neighbour. The proposed fill is considered to add some bulk to the proposed boundary wall heights, but when considered as an overall design with the proposed boundary garage wall, the overall impact is not significant.

The proposed excavation of 716mm does respond to the overall gradient of the site. The additional garage area is located in this area of the site and will have no impact to the streetscape. There will be height issues relating to the overall building height due to a continuation of existing finished floor levels, however this will be discussed in the next section of this report.

The proposal does respect the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.

Building height

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.17.4.1.3 states that:

In localities where views are an important part of the amenity of the area and neighbours' existing views are to be affected, or the subject site is a 'battleaxe' lot, then the maximum building heights are as follows:

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

The overall external wall height of the dwelling is not compliant (i.e. permitted 6.5m to the top of an external wall). Non-compliance with the external wall height limit ranges from 7.029 metres at the street front (note: the height of the dwelling is being reduced from the street front perspective from an overall height of 10.75 metres at the highest point of the roof above ground level), 9.772 metres at the centre and northern section of the site (located on the existing dwelling) and 9.5 metres to centre of the lot (new additions).

The existing dwelling is non-compliant and whilst recognised as forming part of the scale and bulk of the overall development it has not been assessed for the purposes of height for these additions and alterations. It is noted that the existing roof will be reduced by 1.0 metre and 1.5 metres respectively.

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

- approximately 9.5 metres to the new section of roof over the family / dining room (centre of the lot) to 7.5 metres at the boundary (as per amended plans roof height has increased to facilitate a reduced roof height in another section, to improve view corridors).
- approximately 8.4 metres to the balcony (centre of the lot) (height reduced as per neighbour's signed agreement) to 7.5 metres on the boundary.

The proposed dwelling (as amended) has been modified from the previous proposal on four occasions to assist in maintaining the view corridors of the neighbours. Walls have been scaled back, building heights reduced at the front of the dwelling and view corridors attempted to be opened up, however views are still impacted and will be discussed later in this report. An agreement with the neighbours further modifies the dwelling to minimise adverse impacts.

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

The Residential Design Codes state:

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

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

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

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

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

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

The applicant has undertaken design modifications, most recently in consultation with the adjoining neighbour, and included design measures to minimise the impact of the building on the streetscape and to the viewing vistas of adjoining neighbours to the south and across the street, however due to the orientation of the adjoining lot, views currently enjoyed by the neighbours will be reduced. The applicant has attempted to minimise impacts to view corridors by minimising the roof pitch, increasing setbacks and reducing the height of the building and deleted/ altered privacy screens.

The topography of the subject lot slopes approximately 3.0 metres from south to north. It is considered the topography of the site and the existing non-compliant dwelling makes the design of a development that complies with the Acceptable Development Provisions difficult unless it is further designed as a split level, which the house is already designed as. The applicant has factored in the topography of the site into the design of the dwelling, and with the exception of building height and impact to view corridors the remaining assessments under the Performance Criteria provisions are considered to be relatively minor (as conditioned).

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

It is considered the proposed modifications (outlined in the applicant's/ neighbours agreement submission) to the building does attempt to address Council's previous concerns and the neighbour's previous objections. The deferral by Council facilitated discussions to be undertaken, and agreement to be reached with regard to the overall impact of the dwelling (additions and alterations). The overall height of the additions still requires Council to consider the application under the Performance Criteria provisions of the RDG. The applicant is utilising existing finished floor levels of the property. The existing dwelling is being retained and altered. Lowering the entire rear additions cannot be undertaken, as the applicant is utilising the existing undercroft garage, and upper levels. Lowering the dwelling further would compromise the gradient of the undercroft garage, and render it difficult to use the proposed garage. The proposed building design has been discussed with the adjoining neighbour and as previously stated the neighbour has signed a document of support for the proposed modifications.

The top balcony at 16 Woodhouse Road is at a height of R.L 40.29. The top of roof to the first highest point (located near the existing building: building height 8.3 metres R.L 43.60) is R.L 42.99 (top of skillion roof), therefore views will be impeded, however this view corridor is at an oblique angle to the balconies located at 16 Woodhouse Road. The applicant has lowered the roof over the balcony by 100mm to RL 41.762. Therefore at this point the roof is approximately 1.47 metres over the finished floor level of the balcony at 16 Woodhouse Road. At 1.47 metres, views over the roof to Mosman Park will be significantly maintained by a person standing on the balcony at 16 Woodhouse Road.

The overall height of the structure is being reduced to Habgood Street, reducing overall bulk and scale. An agreement has been reached with the adjoining neighbour with regard to outcome to lessen any potential impact the proposed development may have. The lot orientation and dwelling location of 16 Woodhouse Road is such that the rear of the property is located to face a northerly direction and therefore across the rear of the subject site. The height of the additions are considered to address the performance provisions of the Guidelines. Accordingly, the design of the dwelling and proposed height can be supported by Council.

Loss of Views

Clause 3.7.17.4.1.3 states that:

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

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

Whilst the proposed dwelling does require an assessment under the Performance Criteria of the Guidelines, the dwelling (additions) is considered to impact on the view shed from neighbouring properties through to the north and east of the proposal, but view corridors have been attempted to be maintained through to North Fremantle/ Mosman Park from the first floor balcony (reduced by a further 100mm as per the agreement).

The applicant and representatives of the applicant have had considerable liaison with the Town. The deferral of the application by the Town Planning and Building Committee enabled discussions between the applicant and the adjoining neighbour. These discussions have resulted in further amendments and an agreement regarding the proposal has been reached between both parties. The proposed modifications clarify building heights and materials to minimise bulk and scale issues and to improve viewing corridors. It is considered the proposed front of the dwelling has been designed in such a manner as to carefully consider and reduce the bulk and scale of the development to the streetscape and the viewing vistas of adjoining neighbours. It is noted that the applicant has attempted to minimise the impact of the height of the dwelling to the rear of the property. Privacy screens have been removed to improve viewing corridors thereby requiring further Council discretion.

It is considered the amendments and agreement with the neighbour demonstrates that viewing vistas have been considered by the applicant and the neighbour, however views through the lot in a north easterly direction will be impacted. Viewing vistas through to North Fremantle/ Mosman Park will still be partially retained from the second storey of the neighbouring balcony over the roof of the subject design (balcony). It is considered the proposed dwelling can be supported in respect to its impact upon views.

Visual privacy

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

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

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

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

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

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

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

Solar access for adjoining sites

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

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

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

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

Conclusion

In light of the deferral of the previous application by Council, the applicant has engaged with the immediate adjoining neighbours. Modifications to the plans have been included in new plans submitted to Council and a letter of agreement signed by the concerned parties has been included.

The modifications and conditions applied to the development has resulted in a better design outcome for the neighbours. The proposed variations have been listed and addressed above. The overall building height of the development is being reduced by 1.0 and 1.5 metres respectively (at the street frontage) reducing the overall scale and bulk of the development from Woodhouse Road and Habgood Street. The modifications to the plans also change the proposal to ensure a better outcome for the neighbours.

As per the assessment above the building height is considered to comply with the Performance Criteria of the RDG, as the height limitations of the Guidelines are provided to protect views. In this instance the views of the eastern neighbour are impacted, however the scale of the impact is as a result of site orientation. Significant views will be maintained from the balconies of 16 Woodhouse Road. The dwelling is of a scale, bulk and design that is consistent with the prevailing streetscape and the rear setbacks are compliant with the density coding for the area, therefore the development as a whole cannot be described as out of scale with the prevailing scale, bulk and character of the area. It is considered viewing vistas are protected where practical and as such, the proposed modified development can be supported and is recommended for approval.

- Andre Malecky (owner) addressed the meeting and is supportive of the officer's recommendation.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP051017

Cr M McPhail moved, seconded Cr Nardi

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

- (i) **Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a setback of less than 6.0 metres from the front boundary to the gatehouse (terrace is existing);**
- (ii) **Clause 5.1.3 – Building on the Boundary; Setback of structure from boundary of the Residential Design Codes of WA: required setback 1.0 metre. Proposed setback nil;**
- (iii) **Clause 5.3.7 - Site Works of the Residential Design Codes of WA to permit excavation behind a street setback line that is not within external wall height limits;**
- (iv) **Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines 2016 to permit the external wall height to exceed 6.5 metres;**
- (v) **variation to variation to Element 5.4.1 of the Residential Design Codes – Visual Privacy**

for alterations and additions to the single dwelling at No. 4 (Lot 5017) Habgood Street, East Fremantle, in accordance with the plans date stamped received on 18 September 2017, subject to the following conditions:

- (1) **The window to the kitchen (north facing) is to comply with the Deemed to Comply provisions of variation to Element 5.4.1 of the Residential Design Codes Visual Privacy (eastern neighbour).**
- (2) **The view corridor located at the balcony through from the kitchen is to comply with the Deemed to Comply provisions of variation to Element 5.4.1 of the Residential Design Codes Visual Privacy (eastern neighbour).**
- (3) **The three light-wells located on the balcony adjoining Bedroom 2 and the Kids Study (currently 1200mm frosted glazing) is to comply with the Deemed to Comply provisions of variation to Element 5.4.1 of the Residential Design Codes Visual Privacy (eastern neighbour).**
- (4) **The terrace fencing located within the front 6 metre setback zone at the front of the dwelling is to remain 60% visually permeable. The fence treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- (5) **The treatment of the structure behind the gatehouse is to remain 60% visually permeable. The screen treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- (6) **Boundary pier for the architectural awning located on the terrace (south eastern corner of the lot) to be setback 1.2 metres from the boundary in line with the proposed scullery.**
- (7) **The crossover width not to exceed 5.0 metres and be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016. All redundant crossovers are to be removed and the verge and footpath reinstated to the satisfaction of the Chief Executive Officer. The existing treatment to create a mountable kerb on Habgood Street is to be removed.**

- (8) All parapet walls/building structures to the adjacent property face on a boundary are to be finished by way of agreement between the property owners and at the applicant's expense.
- (9) If requested by Council within the first two years following installation, the Colourbond roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (10) Pool/Spa filter and pump equipment to be located a minimum distance of 1.0 metre away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
- (11) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (12) The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit is issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (13) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (14) The proposed alterations and additions are not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (15) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (16) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (17) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (18) In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
- (19) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*

- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

11.5 Canning Highway No. 12 (Lot 5 and 6) East Fremantle – Additions and Alterations to Existing Dwelling

Applicant	Vision Felix P/L T/AS Construction West
Landowner	Paul Hawkins
File ref	P/CAN 12
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting Requirements	Simple Majority
Meeting Date	3 October 2017
Attachments	<ol style="list-style-type: none"> 1. Location Plan 2. Photographs 3. Applicant's Heritage Report 4. Plans received 31 July 2017

Purpose

This report considers an application for planning approval for additions and alterations to the existing dwellings at 12 Canning Highway (frontage to Riverside Road), East Fremantle.

Executive Summary

The proposal has a number of variations and are noted as follows:

- Heritage
- Retaining: Fill and excavation exceeds 0.5 metres
- Setback from the Boundary
- Front fence height – 1.2 metres solid limestone blocks (existing) with infill panels to an overall height of 2.2 metres.
- Overlooking: variation to Element 5.4.1 of the Residential Design Codes Visual Privacy

Background

Zoning: R 20/ R40

Date application received: 31 July 2017

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

No recent development applications are applicable to the subject sites.

Consultation**Advertising**

The application was advertised to surrounding neighbours for a two week period between 15 August 2017 and 29 August 2017. No submission was received by Council.

Community Design Advisory Committee

This application was referred to the Committee on 27 March 2017, the following comments were made:

- (a) The overall built form merits;
 - Built form is considered to have merit.
- (b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;
 - The additions are considered to have minimal impact on the heritage significance of the building.

- (c) The relationship with and impact on the broader public realm and streetscape;
 - Passive surveillance of the building is considered a positive and adds to the general amenity of the locality.
- (d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;
 - The proposal is considered to be a positive to the area.
- (e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;
 - No comment.
- (f) The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.
 - No comment.

Due to the positive nature of the comments, the comments were not sent to the applicant for a response.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 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.

**MINUTES OF TOWN PLANNING & BUILDING MEETING
TUESDAY, 3 OCTOBER 2017**

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Site Inspection

18 September 2017

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Open Space	50%	65.9%	A
Outdoor Living	24sqm	>24sqm	A
Car Parking	2	2	A
Site Works	Less than 500mm	Exceeds 500mm	D
Overshadowing	25%	<25%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.15-20 Precinct Requirements	A

Heritage

The dwelling is categorised as category 'B' on the Municipal Inventory and Council's Town Planning Scheme Heritage List. Category 'B' can be described as:

Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement is required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.

As a B category building listed on the Town's MHI, the dwelling has heritage significance at a local level, however it is acknowledged that alternations have occurred to the building.

The applicant is proposing to alter the front garden of the subject lot to include terraced gardens, new pedestrian access and a swimming pool, with deck and pool equipment storage room. A studio is also proposed set back behind the Riverside Road elevation of the dwelling. The additions and alterations are considered not to be significant and the overall heritage value of the dwelling is significantly maintained.

Site Fill

The existing lot levels are proposed to be altered to facilitate new lawn area, improved pedestrian access and swimming pool. The existing front garden is proposed to be retained at various heights. Most significantly the retaining is already existing and therefore new retaining will only be altering the location of existing limestone retaining to enable greater usability of the front garden. The front garden will require some excavation and fill to facilitate the proposal, however the works are consistent with the existing levels and therefore has limited streetscape impact.

The proposed excavation and fill (existing and proposed) does not adhere to the 'Deemed to Comply' provisions of the R-Codes.

The Design Principles of the R-Codes with regard to Element 5.3.7 Site Works states:

- P7.1 *Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- P7.2 *Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.*

It is proposed to alter the existing retaining walls, terracing the front garden to facilitate swimming pool area, lawn and decking, with three primary levels established RL 2.6, RL 4.2 and RL 5.73. These levels are consistent with the existing levels. The proposed fill is considered to have no significant impact on the scale and bulk of the front landscaped garden/ dwelling.

New steps are proposed through the centre of the front garden, with new terraced garden beds. To the eastern boundary a new swimming pool, deck and pool equipment store is proposed, with access from the top terraced area at RL 5.73. New limestone stairs are proposed with concrete retaining walls.

There is no significant impact to the eastern and western neighbour. The height of the retaining is consistent with existing levels. Whilst there is a deck proposed over the pool equipment store, which does require assessment for overlooking (discussed later), it is considered the eastern neighbours

already have significant views over the subject lot, with any potential overlooking from the deck being minor. No structures are proposed to the rear garden.

The fill does not negatively impact on the streetscape and has no significant negative impact to the amenity of the neighbours. The design of the retaining wall as viewed from Riverside Road will be consistent with the existing retaining and will improve the overall view of the dwelling.

The overall proposed retaining walls will therefore retain the visual impression of the existing ground level of the site as viewed from the street and neighbour's property, due to the stepped design of the retaining and the garden beds. The proposed development is considered to comply with the Design Principles of Element 5.3.7 Site Works and therefore can be supported.

Front Fence

The solid component of the base of the fence (existing retaining wall), as it appears from the street, is 1.2 metres. With the additional height of the proposed brick piers and infill panels at 1.0 metre to ensure some barrier is created with the street, the overall height of the retaining and fencing exceeds the Town's policy with regard to front fence height. The proposed retaining and fence will be 2.27 metres from the street, 0.47 metres higher than that permitted by Council's Policy.

The existing retaining wall has no street barriers to secure the site and therefore is a potential safety risk. The existing front retaining, particularly with a solid component at 1.2 metres high does not detract from the existing garden or dwelling. The outlook in respect to the streetscape, will be significantly as existing. This section of front garden is proposed with landscaped gardens and a new swimming pool. The RDG state that less permeable fences above 1.2 metres may be approved if a number of performance criteria can be addressed, in this instance a higher fence at 2.27 metres does address the existing retaining on site and still maintains an 'open' appearance to the streetscape.

In the Riverside Precinct the streetscape significantly contributes to local character of the area and high front fences are very uncommon, particularly abutting the river. Walls in front gardens are generally low and primarily constructed for retaining purposes, as is the case with this dwelling. The visually permeable nature of the proposed fence at an additional 1 metre in height does not contribute to any significant bulk and scale issues. The fencing on top of the retaining is open comprising of brick piers with infill panels. In order to enhance the streetscape the dwelling maintains a strong connection and relationship to the street. Apart from the character of an area, residents expect to maintain their outlook, have security and passive surveillance, landscape and shade, open space, and an attractive setting. The provision of the additional height to the retaining wall will assist in improving the amenity to the above, without comprising on the heritage character of the existing building.

Fencing Materials and Permeability

The fencing materials of limestone (existing), brick piers and infill panels are considered acceptable and to ensure these materials are used a condition will be imposed to ensure visual permeability of at least 60% is maintained to maintain the openness for the length and area of the fence. The materials are considered consistent with the existing material of the heritage dwelling.

Boundary Setbacks

The proposed studio is located on the western boundary. Buildings can be constructed on the boundary for a maximum 'Acceptable Development' length of 9 metres and to an overall height of 3.0 metres constructed on one boundary only, however the proposed studio is approximately 3.5 metres (to top of parapet wall) in height and therefore does not comply with the design requirements for structures on the boundary. It is also noted the existing garage is also located on the boundary. The required setback

of the 'Deemed to Comply' provisions for the western boundary is required to be a minimum of 1.0 metre from the boundary.

The LPP RDG Element 3.7.7 provides performance criteria by which to assess proposed variations to the setback requirements. This is summarised below.

- P1.1 The primary street setback of new developments or additions to non-contributory buildings is to match the traditional setback of the immediate locality.

There are no specific planning implications with regard to the front or street (Riverside Road) setback for this proposal. There are no significant modifications to the front of the dwelling. The studio is set back 25 metres from Riverside Road and a minimum of 8 metres from Canning Highway. A high boundary wall to Canning Highway will obstruct all views of the structure. The studio does not detract from the character of the dwelling, as it is fully detached from the heritage dwelling. There are no scale or bulk issues associated with the studio as it is single storey.

- P1.2 Additions to existing contributory buildings shall be setback so as to not adversely affect its visual presence.

The existing dwelling is listed on the Town's Heritage List as a B category dwelling. There are no significant implications to the heritage character of the dwelling, as all additions and alterations are separate to the existing dwelling. The proposed rear studio is located on the western boundary approximately 5 metres behind the heritage dwelling. The proposed additions do not impact on the visual appearance of the heritage dwelling. There is a clear and distinct differentiation between the existing old and proposed new elements.

- P1.3 Developments are to have side setbacks complementary with the predominant streetscape.

The proposed studio is 9.0 metres in length on the western boundary, with a portion of the studio set back off the western boundary approximately 1.1 metres for a length of 2.16 metres. It is also noted a "Fence top screen to Comply with R-Codes Visual Privacy" is also proposed on the western boundary. The structure is not significantly visually dominant and is significantly obscured due to its location by the garage, located in front of the structure.

The overall length of the structure complies with the length requirements for buildings on the boundary. The overall height of the structure is 0.5 metres above the Acceptable Development height requirements, however the natural ground level does fall towards Riverside Road from Canning Highway. The studio has a height of between 3.1 and 3.5 metres from natural ground level, so the additional height in the studio is required to compensate for the ground level change.

The studio, including the proposed privacy screen is considered acceptable. The proposed development is consistent with maintaining the general impression of the character of the area and the streetscape (Riverside Road).

Overlooking

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

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

The 'Design Provisions' of 5.4.1 allows for:

- 1 *Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*
 - *building layout, location;*
 - *design of major openings;*
 - *landscape screening of outdoor active habitable spaces; and/or*
 - *location of screening devices.*
- 2 *Maximum visual privacy to side and rear boundaries through measures such as:*
 - *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
 - *building to the boundary where appropriate;*
 - *setting back the first floor from the side boundary;*
 - *providing higher or opaque and fixed windows; and/or*
 - *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

Western Elevation: It is noted that a passageway windows from each of the floors of the neighbouring multiple dwellings does overlook the subject site. The foyer / lobby area is not a habitable room as defined by the R-Codes (defined below):

- *a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio;*

But excludes

- *a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods.*

Therefore the windows on the northern elevation of the neighbouring lot are not assessed for overlooking purposes but do have a perceived impact. The construction of the studio will improve the amenity of the property as experienced by the owner and will reduce overlooking from the neighbouring lot.

The proposed studio (floor plan) includes a privacy screen that is considered to address the 'Deemed to Comply' provisions of the R-Codes. Notwithstanding this the proposed studio overlooks a pedestrian access leg/ passageway down the side of the neighbouring property and does not overlook habitable areas. The screening is considered acceptable and has been included as a condition in the Officer's Recommendation.

Eastern Elevation (Swimming Pool Deck): Again it is noted that the neighbouring property to the east overlook the front garden and proposed swimming pool/ deck area. The proposed deck is raised above 0.5 metres from natural ground level. There is a 1.2 metre wall separating the two properties, however

this does not comply with the 'Deemed to Comply' requirements of a 1.6 metre wall separating properties. Notwithstanding the 1.2 metre wall, the existing verandah of the dwelling overlooks the same area as the deck to a greater extent than the deck will, therefore it is considered any overlooking from the deck can be supported as it will not significantly increase to an adverse extent any overlooking of the eastern neighbour. Any overlooking from the deck will generally be from oblique angles into habitable areas of the neighbours property (neighbours dwelling is also elevated above the subject deck and dwelling).

The proposed overlooking is considered supportable based on the applicant addressing the 'Deemed to Comply' provisions and 'Performance Criteria' provisions as noted above.

Conclusion

The proposed additions, whilst requiring some minor variations to the 'Deemed to Comply' provisions of the R-Codes and the Acceptable Development provisions of the RDG, are considered acceptable, as detailed above.

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. The proposed development has minimal impact to the existing heritage dwelling. Whilst the application does seek some minor variations as discussed above, these are considered to be minor and do not impact the streetscape and adjoining neighbours.

Based on the above, it is considered the proposal merits approval subject to appropriate conditions.

11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP061017

Mayor O'Neill moved, seconded Cr White

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

- (a) variation to side setback lot boundary setback of the Residential Design Guideline and R-Codes – Studio – Required setback 1.0 metre, proposed setback nil;
- (b) variation to Element 5.3.7 Site Works of the Residential Design Codes;
- (c) variation to front fence Local Planning Policy – Front fence height – 1.2 metres solid limestone blocks (existing) with infill panels to an overall height of 2.2 metres; and
- (d) Overlooking: variation to Element 5.4.1 of the Residential Design Codes Visual Privacy

for alterations and additions at No. 12 (Lots 5 and 6) Canning Highway, East Fremantle, in accordance with the plans date stamped received 31 July 2017, subject to the following conditions:

- (1) Where applicable all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face or by way of agreement between the property owners and at the applicant's expense.
- (2) 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.
- (3) The swimming pool deck to remain unroofed and open on three sides at all time. Any enclosure of the deck will require Council's further approval.
- (4) The studio not to exceed a maximum height of 3.5 metres at any point from natural ground level as measured at the boundary of the subject lot.
- (5) The existing retaining wall located at the front boundary not to exceed a height of 1.270 metres at the maximum height above natural ground level at the verge.

- (6) The overall height of the fence not to exceed 2.270 metres above natural ground level at the verge.
- (7) The vertical infill panels and the side access gate are to be of the design indicated on the plans submitted and are to be visually permeable for the entire length and area of the fence with at least 60% visual permeability.
- (8) The proposed fence top screening located at the studio as indicated on the submitted plans to comply with the visual privacy requirements of the R-Codes where required.
- (9) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (10) The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (11) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (12) All 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.
- (13) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (14) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (15) Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
- (16) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”.*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer’s recommendation, pursuant to Council’s decision regarding delegated decision making made on 20 June 2017 this application deemed determined, on behalf of Council, under delegated authority.

UNCONFIRMED

12. REPORTS OF OFFICERS (COUNCIL DECISION)

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 6:46pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning & Building Committee of the Town of East Fremantle, held on 3 October 2017, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

UNCONFIRMED

12.1 PLANNING REPORTS

12.1.1 Adoption of Wood Encouragement Policies

File ref	C/POL1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Policy 3.1.7 Wood Encouragement Policy – Council 2. Policy 3.1.8 Wood Encouragement Policy - General

Purpose

The purpose of this report is to:

- consider adopting Policy 3.1.7 Wood Encouragement Policy – Council
- seek Council authorisation to advertise draft Policy No 3.1.8 Wood Encouragement Policy – General for a period of 21 days.

Executive Summary

Draft Policy 3.1.7 has been developed to clearly articulate how the Town will encourage the use of wood in the construction and fit out of Council buildings and infrastructure.

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

Council has expressed a desire, where possible and practical, to develop an environmental and built form policy that encourages the sustainable use of wood as a construction material within East Fremantle.

Background

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

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

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

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

Consultation

No consultation is proposed for Policy 3.1.7 which relates to Council buildings and infrastructure.

Policy 3.1.8 relating to the use of wood in the construction and fit out of new dwellings, and additions and alterations of existing dwellings to be advertised for a period of 21 days. Any submissions received will be collated and presented with the report to Council for final adoption.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Priority 3: Built Environment - Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Strategic Priority 4: Natural Environment - Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Site Inspection

Not applicable

Comment

Policy 3.1.7 - Wood Encouragement Policy – Council

This Policy aims to encourage the increased use of responsibly sourced wood as a building material in Council projects where feasible for the development of buildings and infrastructure in the Town. A key part of this initiative to encourage the increased use of responsibly sourced wood is the development and adoption of this Wood Encouragement Policy. The Policy requires responsibly sourced wood to be considered, where feasible, as the primary construction material in council building and fit out projects.

Policy 3.1.8 - Wood Encouragement Policy – General

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

A key part of this initiative to encourage the increased use of responsibly sourced wood is the development and adoption of the Wood Encouragement Policy. The Policy requires responsibly sourced wood to be considered as a building material, where feasible, as the primary construction material in building and fit out projects being undertaken within the Town. This policy does not in any way mandate the use of wood in new dwellings or additions and alterations, only that wood is at least considered as a preferred choice of material for construction and fit out in any development or redevelopment of a property.

General

There are currently two regional and seven local councils that have adopted similar policies in Australia.

Currently the only Council in Western Australia that has formally adopted a Wood Encouragement Policy is the Shire of Nannup, although PlanetArk are in the advanced stages of discussion with a number of other councils in Western Australia to introduce such policies.

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

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

Council recognises the importance of the timber and forestry industries to the broader Western Australian community. These policies address Council's desire to be environmentally and ecologically sustainable.

12.1.1 OFFICER RECOMMENDATION

That Council:

- 1. adopts Policy 1.3.7 "Wood Encouragement Policy – Council"**
- 2. advertises draft Policy 1.3.8 "Wood Encouragement Policy – General" for public comment for a period of 21 days.**

WOOD ENCOURAGEMENT POLICY - COUNCIL

Policy Number:	3.1.7
Type:	Built and Natural Environment
Legislation:	N/A
Delegation:	N/A
Other Related Document:	ToEF Residential Design Guidelines Policy

Objective

- a) To encourage the use of wood in the construction and fit out of Council buildings and infrastructure
- b) To recognise all of the benefits that make wood a smart choice for Council buildings and infrastructure
- c) To demonstrate local and national leadership by enacting the Wood Encouragement Policy on Council buildings and infrastructure

This Wood Encouragement Policy for the Council has been developed to clearly articulate how the Town of East Fremantle will encourage the use of wood in the construction and fit out of Council buildings and infrastructure.

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

Policy Scope

The Policy relates specifically to any Council owned building/ infrastructure.

Policy

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

This Policy does not in any way mandate the use of wood, only that wood is at least considered as a suitable material for construction and fit out in any development or redevelopment of a Council building/ infrastructure.

Council recognises the importance of forestry and the timber industry to the broader Western Australian region. Central to Council's desire to be environmentally and ecologically sustainable is supporting the broader Australian timber industry, whilst also to give wood a preference where practical as it has a substantially lower carbon impact than other building materials.

Council will encourage the increased utilisation of wood in Council assets by:

- Ensuring that all briefs for new Council projects consider the requirement to use wood as a material for both construction and fit out purposes, where wood is deemed a suitable material for the proposed application

- Endeavour to seek those who can find, practical, efficient, versatile and cost-effective building and design solutions using wood when sourcing design and architectural expertise
- Where possible, sourcing locally (West Australian) produced wood products for construction and fit out purposes

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

- Facilitating the promotion of using sustainable wood as a construction and fit out material in the Local Government area in any development/ redevelopment
- Where possible/ practical utilise locally (West Australian) produced and sourced wood products for construction and fit out purposes
- Encouraging designers/ architects/ engineers or similar professions to use new, innovative wood products/ materials and manufacturers to work with the existing built environment to enhance the urban fabric of the Local Government Area
- Ensuring that it represents value for money

In using wood as a construction material for Council infrastructure, Council will have regard to:

- The utilisation of wood products that meet the Australian Forest Standard, Program for the Endorsement of Forest Certification and/or Forest Stewardship Council certifications
- Maintenance required throughout the life of the project
- Pest and fungus protection
- Using wood only when it is the right material for the selected application (i.e. there are no technical reasons for it not to be used)
- Ensuring that it represents value for money

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

WOOD ENCOURAGEMENT POLICY – GENERAL

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

Objective

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

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

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

Policy Scope

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

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

Policy

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

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

3.7.9.1 Statement

Residences in the Policy Area are predominantly of timber, brick and limestone construction with corrugated iron and Marseille tiled roofs. Face brick, rendered brick

and painted brick finishes are evident throughout the Policy Area. Some corrugated iron roofs have been replaced with Colorbond or Zinalume.

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

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

3.7.9.2 Desired Development Outcomes

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

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

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

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

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

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

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

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

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 30 September 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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

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

Background

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

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

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (as amended)

Policy Implications

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

Financial Implications

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

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

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

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

Site Inspection

Not applicable

Comment

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

Revised Budget Forecast

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

Operating YTD Actuals (compared to the YTD Budget)

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

Operating Revenue 101%; is \$64,000 more than the YTD budget. (Favourable)

Operating Expenditure 84%; is \$437,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$573,000 more than the YTD budget (Favourable).

Operating Revenue is 1% Favourable to the year to date budget.

The significant areas of favourable variations for operating revenue include:

- General Purpose Funding
There are favourable year to date budget timing variances for; Rates Administration Fees \$34,000 and Rates Instalment Interest Charges \$24,000 which will be offset during the year.

- Governance
Sundry Income has a favourable year to date budget timing variance amounting to \$20,000, which is mainly attributable to the transfer of Long Service Leave entitlements, which as per the Local Government Long Service Leave Regulations, are to be received from other Local Governments, for former and current employees.
- Community Amenities
Commercial Service charges has a favourable year to date budget timing variance amounting to \$88,000 which will be offset in October.
- Recreation & Culture
The Swan Yacht Club Rental has a favourable year to date budget timing variance amounting to \$43,000 which will be offset in November.

The significant areas of unfavourable variations for operating revenue include:

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

Operating Expenditure is 16% Favourable to the year to date budget.

The significant areas of favourable variations for operating expenditure include:

- Governance
Communications, Advocacy and Public Relations has a favourable year to date budget timing variance amounting to \$37,000 as the projects are in their early stages.
Employee Costs has a favourable year to date budget timing variance amounting to \$39,000 which will be offset during the year.
- Education & Welfare
There is a favourable year to date budget timing variances for HACC Salaries \$29,000 which will be monitored.
- Community Amenities
There are favourable year to date budget timing variances for; Domestic Refuse Collection \$29,000, Annual Bulk and Green Waste \$23,000 and SMRC and Waste Composting Facility \$63,000 which is mainly due to invoices received in the following month.
- Recreation & Culture:
East Fremantle Oval has a favourable year to date budget timing variance amounting to \$31,000 which is mainly due to seasonal factors and will be offset during the year. Returfing to sections of the ground will commence in October/November.

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

- Transport
Kerbing Maintenance has a favourable year to date budget timing variance amounting to \$25,000 which will be offset during the year.

The significant areas of unfavourable variations for operating expenditure include:

- Transport
Verge Maintenance has an unfavourable year to date budget timing variance amounting to \$35,000 which is mainly due to greater emphasis having placed on this project as at this time of the year.

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

The majority of Infrastructure projects have not commenced as at September.

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

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

Capital Programs YTD Progress Summaries

Annual Timeline 25% of year elapsed

Land & Buildings 15% expended

Infrastructure Assets 0% expended

Plant & Equipment 40% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,039,000 less than the YTD budget (Favourable) which represents 91% of the capital programs to be completed.

All amounts quoted in this report are exclusive of GST.

12.2.1 OFFICER RECOMMENDATION

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



TOWN OF EAST FREMANTLE
MONTHLY FINANCIAL ACTIVITY STATEMENT
FOR THE PERIOD 1 JULY 2017 TO 30 SEPTEMBER 2017

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FINANCIAL ACTIVITY STATEMENT
For the Period 1 July to 30 September 2017

OPERATING	NOTE	ORIGINAL BUDGET	YTD BUDGET	YTD ACTUALS	YTD Variance	Variance
			\$	\$	%	\$
REVENUE/SOURCES						
General Purpose Funding		7,929,114	7,617,380	7,632,227	100%	14,847
Governance		13,200	5,296	25,118	474%	19,822
Law, Order, Public Safety		30,560	5,895	3,256	55%	(2,639)
Health		12,340	8,433	8,705	103%	272
Education and Welfare		904,040	268,475	272,706	102%	4,231
Housing		88,800	22,200	21,760	98%	(440)
Community Amenities		193,600	23,718	124,670	526%	100,952
Recreation and Culture		511,550	194,444	159,261	82%	(35,183)
Transport		431,785	88,744	69,119	78%	(19,625)
Economic Services		194,800	48,690	28,132	58%	(20,558)
Other Property and Services		30,300	7,572	9,898	131%	2,326
TOTAL OPERATING REVENUE		10,340,089	8,290,847	8,354,852	101%	64,005
EXPENDITURE/APPLICATIONS						
General Purpose Funding		(83,324)	(20,826)	(19,028)	91%	1,798
Governance		(1,090,031)	(246,374)	(235,805)	96%	10,569
Law, Order, Public Safety		(134,097)	(30,890)	(20,113)	65%	10,777
Health		(209,881)	(53,435)	(38,247)	72%	15,188
Education and Welfare		(1,336,370)	(343,572)	(273,958)	80%	69,614
Housing		(58,228)	(15,331)	(6,362)	41%	8,969
Community Amenities		(2,508,795)	(605,645)	(454,441)	75%	151,204
Recreation and Culture		(3,589,657)	(737,382)	(519,327)	70%	218,055
Transport		(2,697,702)	(654,509)	(699,437)	107%	(44,928)
Economic Services		(146,403)	(31,861)	(19,176)	60%	12,685
Other Property and Services		(159,239)	(77,307)	(94,354)	122%	(17,047)
TOTAL OPERATING EXPENDITURE		(12,013,727)	(2,817,132)	(2,380,249)	84%	436,883
Adjustments for non-cash items						
Depreciation on Assets		2,438,301	609,564	679,197	111%	69,633
(Profit)/Loss on Asset Disposals		(12,900)	(3,225)	(294)	9%	2,931
TOTAL NON-CASH ITEMS		2,425,401	606,339	678,903	112%	72,564
TOTAL OPERATING CASH POSITION		751,763	6,080,054	6,653,506	109%	573,452
CAPITAL REVENUE/EXPENSES						
Purchase Land & Buildings		(2,188,707)	(2,188,707)	(332,494)	15%	1,856,213
Purchase Infrastructure Assets		(1,820,792)	(1,820,792)	(7,383)	0%	1,813,409
Purchase Plant & Equipment		(181,850)	(181,850)	(72,186)	40%	109,664
Purchase Furniture & Equipment		(260,500)	(260,500)	(510)	0%	259,990
CAPITAL EXPENDITURE SUBTOTAL		(4,451,849)	(4,451,849)	(412,574)	9%	4,039,275
Proceeds from Disposal of Assets		54,181	54,181	22,727	42%	(31,454)
Repayment of Debentures		-	-	-	-	-
Proceeds from New Debentures		500,000	500,000	-	0%	-
Self-Supporting Loan Principal Income		-	-	-	-	-
Transfers to Restricted Assets		(259,082)	-	-	-	-
Transfers from Restricted Assets		2,040,262	-	-	-	-
Add: Net Current Assets 1 July 2017		1,364,725	1,364,725	1,352,067	99%	(12,658)
Net Current Assets YTD		0	3,547,111	7,615,727	215%	4,068,616

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

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

Operating YTD Actuals

Operating Revenue 101%; is \$64,000 more than the YTD budget (Favourable).

Operating Expenditure 84%; is \$437,000 less than the YTD budget (Favourable).

After non-cash adjustments, the total operating cash position is \$573,000 more than the YTD budget (Favourable).

Capital Programs YTD Progress

Land & Buildings 15% expended

Infrastructure Assets 0% expended

Plant and Equipment 40% expended

Furniture and Equipment 0% expended

Capital Expenditure is \$4,039,000 less than the YTD budget (Favourable), which is the value of uncompleted works.

Materiality in Financial Reporting

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

OPERATING REVENUE & EXPENDITURE**REVENUE – FAVOURABLE \$64,000**

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

GENERAL PURPOSE FUNDING – FAVOURABLE \$15,000**Rates**

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

Rates Administration Fees – Instalments has a favourable year to date budget timing variance amount to \$34,000 which will be offset during the year.

Rates Instalment Interest Charges has a favourable year to date budget timing variance amounting to \$24,000 which will be offset during the year.

Other General Purpose Funding

There are unfavourable year to date budget timing variances for; Interest on Investments for the Municipal Fund \$11,000 and the Reserves Fund \$11,000 which will be offset during the year, once term deposits mature.

GOVERNANCE – FAVOURABLE \$20,000**General Administration**

Sundry Income has a favourable year to date budget timing variance amounting to \$20,000, which is mainly attributable to the transfer of Long Service Leave entitlements, which as per the Local Government Long Service Leave Regulations, are to be received from other Local Governments, for former and current employees.

COMMUNITY AMENITIES – FAVOURABLE \$101,000**Sanitation – Household Refuse**

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

RECREATION & CULTURE – UNFAVOURABLE \$35,000**Swimming Areas/Beaches**

The Riverside Road Mooring Pen Fees has an unfavourable year to date budget timing variance amounting to \$45,000 which is attributable to nine mooring pens being vacant as at the date of this report. Ongoing advertising regarding the availability of mooring pens will continue.

Other Recreation & Sport

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

TRANSPORT – UNFAVOURABLE \$20,000**Parking Facilities**

Launching Ramp Parking fees has an unfavourable year to date budget timing variance amounting to \$24,000, which is mainly attributable to seasonal factors.

ECONOMIC SERVICES – UNFAVOURABLE \$21,000

There are no significant items of variance within this program.

EXPENDITURE – FAVOURABLE \$437,000

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

GOVERNANCE – FAVOURABLE \$11,000**Members of Council**

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

General Administration

Employee Costs has a favourable year to date budget timing variance amounting to \$39,000 which will be offset during the year.

Computer System Support has an unfavourable year to date budget timing variance amounting to \$13,000 which is mainly attributable to the payment of its annual software licence fees and will be offset during the year.

Legal/Administration Consultants fees has an unfavourable year to date budget timing variance amounting to \$11,000 which is mainly attributable to the payment of various legal lease set-up fees for sporting clubs, mooring pens and a commercial property. This account will be offset during the year.

LAW, ORDER, AND PUBLIC SAFETY – FAVOURABLE \$11,000

There are no significant items of variance within this program.

HEALTH – FAVOURABLE \$15,000

There are no significant items of variance within this program.

EDUCATION & WELFARE – FAVOURABLE \$70,000**Care of Families & Children**

There are favourable year to date budget timing variances for; HACC Salaries \$29,000 and HACC Service Unit Assessment \$18,000 which will be monitored.

COMMUNITY AMENITIES – FAVOURABLE \$151,000**Sanitation – Household Refuse**

There are favourable year to date budget timing variances for; Domestic and Commercial Recycling \$16,000, Domestic Refuse Collection \$29,000, Annual Bulk and Green Waste \$23,000 and SMRC Waste Composting Facility \$63,000 which is mainly attributable to the September invoices received in the following month.

RECREATION & CULTURE – FAVOURABLE \$218,000**Other Recreation & Sport**

There are favourable year to date budget timing variances for; Merv Cowan Park \$10,000, East Fremantle Oval \$31,000 and Wauhop Park \$10,000, which is due to seasonal factors which will be offset during the year. Returfing to sections of East Fremantle Oval and Wauhop Park will commence in October/November.

Libraries

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

TRANSPORT – UNFAVOURABLE \$45,000**Maintenance Streets, Roads & Bridges**

There are unfavourable year to date budget timing variances for; Verge Maintenance \$35,000 and Street Cleaning \$14,000, which is mainly due to greater emphasis having been placed on these operations as at this time of the year.

There are favourable year to date budget timing variances for; Road and Street Maintenance \$11,000, Kerbing Maintenance \$25,000 and Street Tree Pruning \$16,000, which will be offset during the year.

ECONOMIC SERVICES – FAVOURABLE \$13,000**Building Control**

The BCITF account has a favourable year to date budget timing variance amounting to \$12,000 as the outstanding payments will be forwarded in October.

OTHER PROPERTY & SERVICES – UNFAVOURABLE \$17,000

Public Works Overheads expenditure is \$26,000 over budget in total pooled costs, whilst the Recovery of Public Works Overheads is on budget, based on labour hours.

Plant Operation Costs are \$19,000 under budget, whilst the Recovery of Plant Operation costs is \$32,000 under budget, based on plant hour usage volumes.

CAPITAL EXPENDITURE

There are favourable year to date Capital Expenditure timing variances of \$4,039,000 given that the works program is 9% completed.

Land & Buildings

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

- Peter Hunt Architects for Stage 3 Design Development - Stage 4 - Construction Documents and Stage 5 – Tender Documents.
- Steens Gray & Kelly Pty Ltd – Mechanical Design and Contract Documentation – Claim 6.
- Fire Designs Solutions – Engineering Report.
- BPA Engineering – Structural Consultancy
- ICS Australia have also been paid for year to date services as per Certificates 01 and 02.

Plant & Equipment

The Operations Supervisor's vehicle has been replaced.

A mini excavator with trailer has been purchased.

Infrastructure

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

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

SCHEDULE OF INVESTMENTS

Surplus funds are held in interest bearing term deposits. The General Purpose interest received for the Municipal and Reserve funds amounts to \$12,000. The timing of interest received on investments is dependent on the placement and maturity dates of term deposits. Rate revenue received will be placed on investment as surplus funds and spread forward over various months to satisfy ongoing cash flow requirements. Interest earnings are reflected as investments mature.

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

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

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

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

TOWN OF EAST FREAMANTLE INVESTMENTS

DETAILS OF INVESTMENTS HELD AS AT 30 SEPTEMBER 2017

FINANCIAL INSTITUTION	STANDARD & POORS (LT) RATING	REF. NO	RATE %	PERIOD	INVESTMENT DATE	MATURITY DATE	MUNICIPAL FUND	TRUST FUND	RESERVE FUND VARIOUS	HIGHEST (LT) % RATE QUOTED-NON FOSSIL FUEL BANKS	MATURED INVEST.	INTEREST 17/18	COMMENTS
ANZ	AA-	977712247	2.20	41	31-Aug-17	11-Oct-17	\$500,000.00			BOQ - 1.90% - S&P (BBB+)	\$200,517.81	\$517.81	General Account
BANKWEST	AA-	4607122	2.15	31	15-Sep-17	16-Oct-17	\$552,268.73			SUNCORP 1.75% - S&P (A)	\$200,000.00	\$2,268.73	General Account
BANKWEST	AA-	4612256	2.25	55	20-Sep-17	14-Nov-17	\$500,000.00			BOQ - 2.10% - S&P (BBB+)			General Account
BANKWEST	AA-	4634819	2.25	51	25-Sep-17	15-Nov-17	\$500,000.00			BOQ - 2.05% - S&P (BBB+)		\$934.25	General Account
BANKWEST	AA-	4636049	2.25	60	22-Sep-17	21-Nov-17	\$400,000.00			BOQ - 2.10% - S&P (BBB+)			General Account
BANKWEST	AA-	4635676	2.35	76	26-Sep-17	11-Dec-17	\$500,000.00			BOQ - 2.20% - S&P (BBB+)			General Account
WESTPAC	AA-	36086035937	2.58	76	27-Sep-17	12-Dec-17	\$700,000.00			BOQ - 2.10% - S&P (BBB+)			General Account
WESTPAC	AA-	36067614247	2.58	66	29-Sep-17	04-Dec-17	\$150,000.00			BOQ - 2.10% - S&P (BBB+)	\$700,563.84	\$563.84	General Account
WESTPAC	AA-	35071192038									\$1,290,280.82	\$5,280.82	Various Reserves
BANKWEST	AA-	4607116	2.55	181	01-Sep-17	01-Mar-18				BOQ - 2.55% - S&P (BBB+)			Various Reserves
NAB	AA-	792654685	2.74	124	07-Jun-17	09-Oct-17				RURAL BANK 2.55% - S&P (BBB+)		\$3,478.77	Various Reserves
WESTPAC	AA-	36032581668	1.92	32	22-Sep-17	24-Oct-17		\$763,975.78		SUNCORP 1.75% - S&P (A)		\$2,386.88	Interest set off/Trans.in
COMMONWEALTH BANK	AA-	169592									\$2,391,362.47	\$15,431.10	
VARIOUS							\$3,852,268.73	\$763,975.78	\$3,256,906.07				

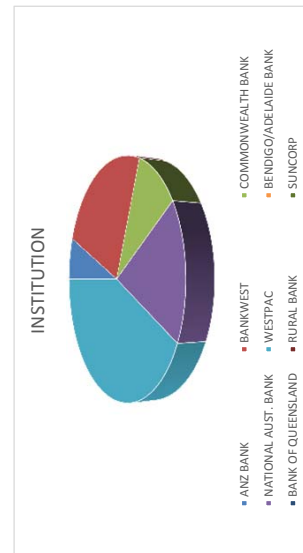
Interest Balances:

Account No: 103188 General \$6,671.51
 1689 Reserves \$5,280.82
 223 Trust \$3,478.77
 \$15,431.10

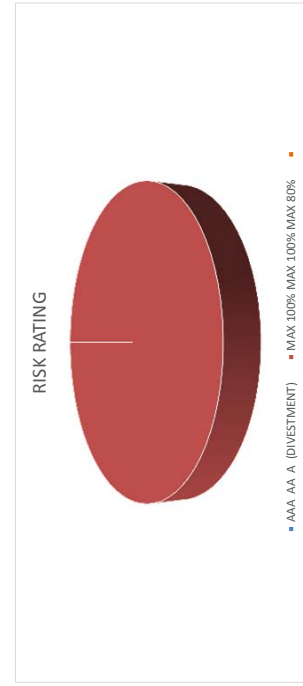
General Alc. Maturity Dates:

(1) 11-Oct-17 \$500,000.00
 (1) 16-Oct-17 \$552,268.73
 (1) 14-Nov-17 \$500,000.00
 (1) 15-Nov-17 \$500,000.00
 (1) 21-Nov-17 \$400,000.00
 (1) 04-Dec-17 \$150,000.00
 (1) 11-Dec-17 \$500,000.00
 (1) 12-Dec-17 \$700,000.00
\$3,852,268.73

INSTITUTION	\$	%	(LT) RISK
ANZ BANK	\$500,000	6.35%	AA-
BANKWEST	\$1,952,269	24.80%	AA-
COMMONWEALTH BANK	\$763,976	9.70%	AA-
NATIONAL AUST. BANK	\$1,290,281	16.39%	AA-
WESTPAC	\$3,366,625	42.76%	BBB+
BENDIGO/ADELAIDE BANK			BBB+
BANK OF QUEENSLAND			BBB+
RURAL BANK			BBB+
SUNCORP	\$7,873,151	100.00%	A



(LT) RISK RATING	PORTFOLIO	\$	%
AAA	MAX 100%		
AA	MAX 100%	\$7,873,151	100.00%
A (DIVESTMENT)	MAX 80%		0.00%
		\$7,873,151	100.00%



COA	Description	2017/18 Budget	2017/18 Actual	Progress %
	Land & Buildings			
E04604	Buildings - Town Hall Remedial Works	\$2,094,462	332,494	16%
E08613	Glyde-In Community Learning Centre	\$25,000	-	0%
E10606	Sumpton Green Childcare - Verandah Repairs	\$9,245	-	0%
E11706	East Fremantle Bowling Club - Solar Panels	\$15,000	-	0%
E11623	Buildings - EF Junior Football Clubroom - CapEx	\$45,000	-	0%
	Land & Buildings Total	\$2,188,707	332,494	15%
	Plant & Equipment			
E11707	Replacement of Ride-On Mower TORO Z7000	\$36,000	-	0%
E12802	Mini Excavator 1.8T with Trailer	\$36,950	36,950	100%
E12803	Replacement of 2008 Mitsubishi Canter with 2017 Isuzu NPR 75-190	\$70,000	-	0%
E12804	Replacement of Dual Cab Utility - Operations Supervisor	\$38,900	35,236	91%
	Plant & Equipment Total	\$181,850	72,186	40%
	Furniture & Equipment			
E04606	Network Hardware Renewal CapEx	\$170,000	510	0%
E04613	Admin - Records Compactus Unit CapEx	\$20,000	-	0%
E04616	Digital Camera	\$5,000	-	0%
E04617	Binder	\$4,500	-	0%
E04620	Town Hall AV Equipment	\$45,000	-	0%
E04621	Desktop Workstation Replacement	\$16,000	-	0%
	Furniture & Equipment Total	\$260,500	510	0%
COA	Description	2017/18 Budget	2017/18 Actual	Progress %
	Infrastructure Assets			
E10605	Inf - Jetty Treatment and Major Maintenance Program - Infrastructure CapEx	\$21,576	-	0%
E11602	Inf - John Tonkin Interpretation Node Project (Carpark). CapEx	\$10,788	4,922	46%
E11704	Inf - John Tonkin Power Upgrade	\$161,819	-	0%
E11687	Inf - Swimming Areas - Foreshore Erosion Control - CapEx	\$474,067	2,461	1%
	Swan River Foreshore Infrastructure Sub-Total	\$668,250	7,383	1%
E11700	Inf - East Fremantle Croquet Courts Upgrade	\$16,182	-	0%
E11701	Inf - Henry Jeffrey Cricket Nets	\$34,669	-	0%
E11702	Inf - EF Oval - Irrigation Upgrade - Ring Main	\$43,152	-	0%
E11703	Inf - EF Oval - Irrigation Upgrade - Bore Pump	\$43,151	-	0%
E11696	Inf - Bicentennial Falls Retaining Walls - CapEx	\$11,435	-	0%
E11697	Inf - I.G Handcock Reserve Stage 2 - CapEx	\$5,349	-	0%
E11705	Inf - Merv Cowan Pedestrian Bridge	\$6,934	-	0%
E12761	Inf - Drainage - Realignment of Drainage - Merv Cowan Park - CapEx	\$17,335	-	0%
	Clubs/Parks Infrastructure Sub-Total	\$178,207	\$0	0%
E12789	Inf - Footpath Renewal - Allen Street to Fletcher Street - Eastern Side (322m)	\$37,558	-	0%
E12790	Inf - Footpath Renewal - Canning H'Way Town Centre to Old Post Office	\$79,740	-	0%
E12791	Inf - Footpath Renewal - Marmion Street to Fletcher Street - Western Side	\$46,226	-	0%
E12792	Inf - Footpath Renewal - Hubble Street to Sewell Street - Northern Side	\$13,289	-	0%
E12793	Inf - Footpath Renewal - Milenden Street to Canning H'Way - Western Side	\$4,623	-	0%
E12794	Inf - Footpath Renewal - Pier Street to View Terrace - Eastern Side	\$13,289	-	0%
E12795	Inf - Footpath Renewal - Fraser Street to View Terrace - Western Side	\$34,669	-	0%
E12796	Inf - Footpath Renewal - Sewell Street to King Street - Southern Side	\$28,891	-	0%
E12797	Inf - Footpath Renewal - Canning H'Way to Fraser Street - Western Side	\$46,226	-	0%
E12798	Inf - Footpath Renewal - Canning H'Way to Fraser Street - Eastern Side	\$40,445	-	0%
	Footpath Infrastructure Sub-Total	\$344,956	\$0	0%
E12776	Inf-Roads - Reconstruct Pavement - Aldgate Place	\$9,245	-	0%
E12777	Inf-Roads - Road Resurfacing - Andrews Road	\$29,794	-	0%
E12778	Inf-Roads - Road Resurfacing - Clayton Street	\$24,269	-	0%
E12747	Inf - Roads - Parking Machines	\$75,000	-	0%
E12779	Inf-Roads - Road Resurfacing - Fletcher Street	\$62,405	-	0%
E12780	Inf-Roads - Road Resurfacing - George Street	\$19,461	-	0%
E12781	Inf-Roads - Road Resurfacing - King Street	\$60,094	-	0%
E12782	Inf-Roads - Road Resurfacing - Moss Street	\$14,303	-	0%
E12783	Inf-Roads - Road Resurfacing - Munro Street	\$19,617	-	0%
E12784	Inf-Roads - Road Resurfacing - Riverside Road Carpark 7	\$19,345	-	0%
E12785	Inf-Roads - Road Resurfacing - Silas Street	\$17,335	-	0%
E12786	Inf-Roads - Road Resurfacing - View Terrace	\$17,335	-	0%
E12787	Inf-Roads - Road Resurfacing - Wolsely Road	\$17,335	-	0%
E12788	Inf-Roads - Road Resurfacing - Woodhouse Road	\$83,206	88	0%
E11603	Inf - East Fremantle Tennis Club - Court Resurfacing	\$49,624	-	0%

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ATTACHMENT 1

E12799	Inf - Town Park Resurface			0%
E12800	Inf - Road Resurfacing - Eastern Street	\$12,143	-	0%
E12805	Inf - New Town Entry Statement	\$86,673	-	0%
	Road Infrastructure Sub-Total	\$629,379	\$0	0%
000217	TRANSFER TO LEGAL FUNDS RESERVE	\$3,470	-	0%
000221	TRANSFER TO PLANT RESERVE	\$6,312	-	0%
000224	TRANSFER TO STRATEGIC PLAN AND INFRASTRUCTURE RESERVE	\$163,753	-	0%
000225	TRANSFER TO STAFF LEAVE RESERVE	\$9,929	-	0%
000226	TRANSFER TO OFFICE RESERVE	\$1,850	-	0%
000228	TRANSFER TO CIVIC BUILDING RESERVE	\$15,360	-	0%
000229	TRANSFER TO HACG RESERVE	\$5,286	-	0%
000251	TRANSFER TO ARTS & SCULPTURE RESERVE	\$48,579	-	0%
000341	TRANSFER FROM STRATEGIC PLAN AND INFRASTRUCTURE RESERVE	-\$460,000	-	0%
000343	TRANSFER FROM OFFICE RESERVE	-\$149,842	-	0%
000344	TRANSFER FROM UNSPENT GRANTS RESERVE	-\$186,251	186,251.000	100%
000350	TRANSFER FROM CIVIC BUILDING RESERVE	-\$1,244,169	-	0%
		-\$2,040,262	186,251.000	9%
	Infrastructure Assets Total	\$1,820,792	\$7,383	0%
	Total All Capital Works	\$4,451,849	\$412,574	9%

RATES BALANCES
30 SEPTEMBER 2017

30-September-2017	Levied	GST	Receipts	Balance
Rates - Current	7,511,772.97	0.00	4,129,158.17	3,382,614.80
Rates - Arrears	221,007.27	0.00	54,359.73	166,647.54
Interest	31,052.41		6,726.81	24,325.60
Legal Costs - Current	5,313.05	0.00	20.00	5,293.05
Excess Receipts	0.00	0.00	18,451.10	-18,451.10
Back Rates 13/14	9.14		0.00	9.14
Back Rates 16/17	1,175.47		629.94	545.53
Additional Recycling Bin	2,250.00	0.00	2,000.00	250.00
Additional Refuse Bin	8,795.21		7,602.92	1,192.29
Additional Refuse - Arrears	650.38	0.00	404.38	246.00
ESL Penalty Current	621.47	0.00	79.96	541.51
ESL Penalty Arrears	2,864.26	0.00	688.39	2,175.87
Instalment Admin Fee Current	33,990.00		33,990.00	0.00
Instalment Interest Current	34,557.12	0.00	34,557.12	0.00
Refuse & Recycling Service	87,500.00		78,241.71	9,258.29
Refuse & Recycling Service	491.00	0.00	0.00	491.00
Swimming Pool	8,107.20		6,471.41	1,635.79
Swimming Pool - Arrears	119.89		68.33	51.56
Emergency Services Levy - Current	1,244,124.46	0.00	716,731.23	527,393.23
Emergency Services Levy - Arrears	22,887.47	0.00	6,134.43	16,753.04
3288 Properties	9,217,288.77	0.00	5,096,315.63	4,120,973.14
Less Deferred Rates - GL Account 10001070				-52,576.76
Less Deferred ESL - GL Account 10001070				-4,861.06
BALANCE OF COLLECTIBLE RATES AS AT 30 SEPTEMBER 2017				4,063,535.32
TOTAL GRV VALUATIONS AS AT 30 SEPTEMBER 2017			106669885	
TOTAL % OF COLLECTIBLE OUTSTANDING RATES AS AT 30 SEPTEMBER 2017				44.09

GL Balances		
RATES CONTROL ACCOUNT	10001060	3,539,915.02
ESL CONTROL ACCOUNT	10001110	542,071.40
EXCESS RATES	10001240	-18,451.10
DEFERRED RATES	10001070	57,437.82
GL TOTAL		4,120,973.14
LESS RATES TRIAL BALANCE		4,120,973.14
VARIANCE		0.00

MONTHLY ADVICE OF DEBTS WRITTEN OFF

PARKING INFRINGEMENTS WRITTEN OFF FOR THE MONTH OF SEPTEMBER 2017

- Current Infringements deemed uncollectable	\$337.00
- Interstate/overseas Infringements deemed uncollectable	\$100.00
	\$437.00

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

For the Period 1 July to 30 September 2017

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position	YTD Actual \$	2017/18 Budget \$
Cash - Unrestricted	4,417,663	538,968
Cash - Restricted Reserves	3,257,011	1,470,550
Receivables	4,406,414	-
	12,081,089	2,009,518
LESS: CURRENT LIABILITIES		
Payables and Provisions	(1,577,240)	(936,141)
NET CURRENT ASSET POSITION	10,503,849	1,073,377
Less: Cash - Restricted	(3,257,011)	(1,470,550)
Add: CashBacked Leave Reserve	397,856	397,856
ESTIMATED SURPLUS/(DEFICIENCY) C/FWD	7,644,694	683
 <u>Restricted Cash Breakup</u>		
Plant Replacement Reserve	252,914	258,792
Staff Leave Reserve	397,856	407,102
Office Reserve	148,246	0
Legal Costs Reserve	139,051	142,282
HACC Reserve	211,814	216,737
Strategic Plan Reserve	551,081	253,888
Civic Buildings Reserve	1,230,922	0
Unspent Grants	181,708	0
Arts & Sculpture Reserve	143,417	191,749
	3,257,011	1,470,550

12. .2 Accounts for Payment – September 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – September 2017

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of September 2017.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 September to 30 September 2017, as per the summary table.

Background

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

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

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)*

Policy Implications

Policy F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

Site Inspection

Not applicable.

Comment

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

12.2.2 OFFICER RECOMMENDATION

That the list of accounts paid for the period 1 September to 30 September 2017 be received, as per the following summary table:

SEPTEMBER 2017		
Voucher No	Account	Amount
5107 - 5111	Municipal (Cheques)	\$1,057.94
EFT24653 – EFT24775	Electronic Transfer Funds	\$983,735.90
Payroll	Electronic Transfer Funds	\$243,511.99
Superannuation	Electronic Transfer Funds	\$42,044.25
Credit Card	Corporate Credit Card	\$1,839.86
	Total Payments	\$1,272,189.94

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive for September 2017 & submitted for the information of the Council Meeting to be held on 17 October 2017					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
CHEQUES				\$	\$
5107	06/09/2017	TOEF	RESPITE CENTRE PETTY CASH RECOUP 29/08/17	238.45	238.45
5108	06/09/2017	TOEF	HACC PETTY CASH RECOUP 30/08/17	183.50	183.50
5109	06/09/2017	OCC-MEDIC CORPORATE & INDUSTRIAL HEALTH	PRE-EMPLOYMENT MEDICAL FOR NEW HACC EMPLOYEE	122.00	122.00
5110	20/09/2017	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	DANGEROUS GOODS SITE LICENCE RENEWAL	202.00	202.00
5111	22/09/2017	THE WEST AUSTRALIAN	12 MONTH ELECTRONIC SUBSCRIPTION TO WEST AUSTRALIAN NEWSPAPER	311.99	311.99
			CHEQUE TOTAL	\$ 1,057.94	\$ 1,057.94
EFTs					
		Supplier	Description	Inv Amount	EFT
EFT24653	06/09/2017	AUSTRALIAN TAXATION OFFICE	GST PAYABLE AUGUST 17	31,003.00	31,003.00
EFT24654	06/09/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS AUGUST 17	82.35	82.35
EFT24655	06/09/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS AUGUST 17	369.35	369.35
EFT24656	06/09/2017	BUNNINGS	HARDWARE VARIOUS	83.74	83.74
EFT24657	06/09/2017	OFFICEMAX AUSTRALIA LTD	OFFICE STATIONERIES ORDERED ON 9 AUGUST 2017	128.82	128.82
EFT24658	06/09/2017	COMMUNITY NEWSPAPERS	AD- ADVICE OF TOEF REBRANDING/EMPLOYMENT AD HR COORDINATOR	965.06	965.06
EFT24659	06/09/2017	FREMANTLE HERALD	ADVERTISING STRAT COMM PLAN & PUBLIC ART STRATEGY CALL FOR FEEDBACK	172.59	
			ADVERTISING NOTICE OF PROPERTY DISPOSITION 128 GEORGE ST	115.06	
			ADVERTISING LOCAL GOVERNMENT ENROLMENTS - CLOSE OF ENROLMENTS	805.42	1,093.07
EFT24660	06/09/2017	PEEL ENGRAVING & IM-PRESS	IS66 iSTAMP INCLUDING DELIVERY (HACC)	76.45	76.45
EFT24661	06/09/2017	MAYOR JIM O'NEILL	SITTING FEES, ICT ALLOWANCE & MAYORAL ALLOWANCE FOR SEPTEMBER 17	3,633.00	3,633.00
EFT24662	06/09/2017	TELSTRA	RESPITE CENTRE TELEPHONE	117.76	117.76
EFT24663	06/09/2017	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	7,719.85	7,719.85
EFT24664	06/09/2017	ZIPFORM PTY LTD	PRINTING 2,000 IN-HOUSE RATE NOTICES AS PER QUOTE 170801.00	568.34	568.34
EFT24665	06/09/2017	WA SUPER	CONTRIBUTION FOR EMPLOYEE	483.59	483.59
EFT24666	06/09/2017	FORESTVALE TREES	1 X 200 LITRE AGONIS FLEXUOSA, 2 X TUART	715.00	715.00
EFT24667	06/09/2017	TOTAL PACKAGING (WA)	15 x CARTONS OF BIO-DEGRADABLE BAGS	3,775.20	3,775.20
EFT24668	06/09/2017	ALSCO PTY LTD	SANITARY SERVICES VARIOUS LOCATIONS	36.16	36.16
EFT24669	06/09/2017	KOOL LINE ELECTRICAL & REFRIGERATION	REPAIRS TO MERV COWAN PARK LIGHTS	834.00	
			CHECK FAULTY EMERGENCY EXIT SIGN AND SUPPLY AND INSTALL REPLACEMENT - TOWN HALL	365.00	
			CHECK AND REPLACE MAIN WIRE FUSE. REPLACE CIRCUIT BREAKERS. RESTORE POWER AND CHECK - 80 CANNING H'WAY	270.00	
			REPAIR FAULTY SENSOR LIGHT IN THE BATHROOM	460.00	
			REPAIR LIGHTS AT 128 GEORGE STREET INTERNAL FLURO AND EXTERNAL TOILET LIGHT	201.25	
			INSTALL NEW FLOODLIGHTS AT THE BACK OF OLD POLICE STATION FOR SAFER ACCESS TO BACK STAIRS	440.00	
			REPAIRS TO SMOKE ALARMS TOWN HALL	472.50	
			REPAIRS TO CEILING FANS AND FAULTY LIGHTS AT BOWLING CLUB	488.25	3,531.00
EFT24670	06/09/2017	HAVILAH LEGAL	PROFESSIONAL FEES - DEBT RECOVERY RATES	22.00	22.00
EFT24671	06/09/2017	WA LOCAL GOVERNMENT ASSOCIATION	CEO REGISTRATION - WALGA LG CONVENTION ON 3/8/2017	780.00	780.00
EFT24672	06/09/2017	KENNARDS HIRE	STUMP GRINDER HIRE 21/08/17 - 22/08/17	325.50	325.50
EFT24673	06/09/2017	SATELLITE SECURITY SERVICES	SECURITY ACCESS CODE DOWNLOAD FOR NEW EMPLOYEE	40.00	40.00
EFT24674	06/09/2017	VISIMAX SAFETY PRODUCTS	2 x CAP EMBROIDERED WA RANGER BLUE WITH BLUE PEAK & 2 WA RANGER DECALS PLUS POSTAGE	84.70	84.70
EFT24675	06/09/2017	CR. JENNY HARRINGTON	SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 17	1,542.00	1,542.00
EFT24676	06/09/2017	WOOLWORTHS	RESPITE CENTRE CONSUMABLES	538.66	538.66
EFT24677	06/09/2017	CITY OF ROCKINGHAM	REIMBURSE LONG SERVICE LEAVE - FORMER STAFF MEMBER	4,259.97	4,259.97

EFT24678	06/09/2017	EAST FREMANTLE JUNIOR FOOTBALL CLUB	KIDSPORT INVOICE	200.00	200.00
EFT24679	06/09/2017	CR. CLIFF COLLINSON	SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 17	1,542.00	1,542.00
EFT24680	06/09/2017	CR. DEAN NARDI	SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 17	1,542.00	1,542.00
EFT24681	06/09/2017	HYDRO JET	REMOVAL OF GRAFFITI ON SILAS STREET AND CANNING HIGHWAY AS DIRECTED	357.50	357.50
EFT24682	06/09/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA PHOTOCOPIER CONTRACT 01/08/17 - 31/08/17	20.48	20.48
EFT24683	06/09/2017	OFFICEWORKS	TOWN PLANNING - COPYING & SCANNING	267.75	267.75
EFT24684	06/09/2017	JANDAKOT BOBCATS	HIRE OF BOBCAT FOR CARPARK WORKS	1,430.00	1,430.00
EFT24685	06/09/2017	FOCUS NETWORKS	SCHEDULED SUPPORT 3 HOURS PER WEEK + HELPDESK AND MONTHLY SERVER UPDATES 01/08/17 - 15/08/17	3,747.15	3,747.15
EFT24686	06/09/2017	LOCAL GOVERNMENT PLANNERS ASSOCIATION	LGPA BREAKFAST - PRIMACY AND VIBRANCY: THE FUTURE OF ACTIVITY CENTRES	80.00	80.00
EFT24687	06/09/2017	AAAC TOWING PTY LTD	TOWING FEE FOR IMPOUNDED VEHICLE EAST ST TO WORKS DEPOT	100.00	100.00
EFT24688	06/09/2017	WORLD DIESEL	MITSUBISHI ROSA BUS 1 DXU938 REPAIR SKIMMED BRAKE DRUMS.	1,198.84	1,198.84
EFT24689	06/09/2017	FREMANTLE SURF LIFE SAVING CLUB	KIDSPORT INVOICE	170.50	170.50
EFT24690	06/09/2017	CUT SNAKE COMEDY	TWO COMEDY PERFORMANCES ON 21 AND 28 JULY 2017 - BIG HOO HAA	4,000.00	4,000.00
EFT24691	06/09/2017	CR. MICHAEL MCPHAIL	SITTING FEES, ICT ALLOWANCE & DEPUTY MAYORAL ALLOWANCE FOR SEPTEMBER 17	1,867.00	1,867.00
EFT24692	06/09/2017	CR. TONY WATKINS	SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 17	1,542.00	1,542.00
EFT24693	06/09/2017	CIVIC LEGAL	ANNUAL AUDIT REQUEST	198.00	198.00
EFT24694	06/09/2017	VOCUS COMMUNICATIONS	INTERNET SERVICE (HACC) OCTOBER 17	50.00	50.00
EFT24695	06/09/2017	REPCO	CAR CLEANING PRODUCTS	54.57	54.57
EFT24696	06/09/2017	CR. ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 17	1,542.00	1,542.00
EFT24697	06/09/2017	CR. ANDREW WHITE	SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 17	1,542.00	1,542.00
EFT24698	06/09/2017	PAGE PERSONNEL	PERMANENT ARCHIVE AND OFFSITE STORAGE PROJECT - TEMP RECORDS OFFICER WEEK ENDING 13/07/17	3,215.85	3,215.85
EFT24699	06/09/2017	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINES INCL LICENCE AND COMMUNICATION COSTS - AUGUST 17	165.00	165.00
EFT24700	06/09/2017	CELLARBRATIONS AT EAST FREMANTLE	REFRESHMENTS PURCHASED 23/08/17	75.00	75.00
EFT24701	06/09/2017	RAMM SOFTWARE PTY LTD	RAMM (AKA ROMAN - II) ANNUAL SUPPORT AND MAINTENANCE FEE FOR THE PERIOD 1 JULY 2017 TO 30 JUNE 2018	6,484.89	6,484.89
EFT24702	06/09/2017	STEENS GRAY & KELLY PTY LTD	MECHANICAL DESIGN AND CONTRACT DOCUMENTATION/CONTRACT ADMINISTRATION - TOWN HALL RENOVATIONS - CLAIM 6	1,168.75	1,168.75
EFT24703	06/09/2017	SIMPLEPAY SOLUTIONS PTY LIMITED	SIMPLE PAY CREDIT CHARGE TRANSACTIONS FOR LEEUWIN BOAT RAMP AUGUST 17	82.04	82.04
EFT24704	06/09/2017	AUSSIE NATURAL SPRING WATER	SUPPLY OF WATER BOTTLES FOR FILTER - OLD POLICE STATION 24/08/17	6.70	6.70
EFT24705	06/09/2017	E & S FIELD	RATES REFUND	183.60	183.60
EFT24706	06/09/2017	PJC MURPHY	RATES REFUND	617.21	617.21
EFT24707	06/09/2017	EYRES ROCKET	ADVERTISING FOR BIG HOO HAA COMEDY NIGHTS	2,310.00	2,310.00
EFT24708	06/09/2017	LIONS CLUB OF EAST FREMANTLE	COMMUNITY ASSISTANCE GRANT 2016/17 ROUND 2	395.45	395.45
EFT24709	06/09/2017	CALTEX AUSTRALIA	FUEL USE AUGUST 17	4,907.48	4,907.48
EFT24710	06/09/2017	PAULA ANNE SOWDEN	RATES REFUND	824.55	824.55
EFT24711	11/09/2017	ICS AUSTRALIA	TOWN HALL REFURBISHMENT CONTRACT - CERTIFICATE 02 JOB NO. 1632	236,628.53	236,628.53
EFT24712	14/09/2017	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	15,948.45	15,948.45
EFT24713	14/09/2017	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	2017/18 ESL QUARTER 1 CONTRIBUTION - OPTION B AGREEMENT	372,858.50	372,858.50
EFT24714	14/09/2017	LIFTRITE HIRE AND SALES	PURCHASE OF KOBELCO SK17SR-5 EXCAVATOR WITH 3 BUCKETS, AMBER STROBE, FIRE EXTINGUISHER, CANVAS SEAT COVERS AND 2.3T COASTMAC TRAILER	40,645.00	40,645.00
EFT24715	14/09/2017	ALINTA ENERGY	GAS USE VARIOUS LOCATIONS	111.60	111.60
EFT24716	15/09/2017	FIRE DESIGN SOLUTIONS	FIRE SAFETY ENGINEERING REPORT - TOWN HALL	2,200.00	2,200.00
EFT24717	20/09/2017	BUNNINGS	VARIOUS HARDWARE	246.30	246.30
EFT24718	20/09/2017	OFFICEMAX AUSTRALIA LTD	OFFICE STATIONERIES ORDERED 4 SEPTEMBER 2017	311.45	311.45
EFT24719	20/09/2017	BOORAGOON TYRE SERVICE	SUPPLY AND FIT 4 NEW TYRES 1EWA247	680.00	680.00
EFT24720	20/09/2017	BOC LIMITED	GAS BOTTLE FEES JUL 17 - AUG 17	34.05	34.05
EFT24721	20/09/2017	CITY OF COCKBURN	TIP FEES - AUGUST 17 - 71 DOCKETS	3,905.00	3,905.00
EFT24722	20/09/2017	EAST FREMANTLE YACHT CLUB	VENUE/REFRESHMENTS AUGUST MEETING - SMRC REGIONAL COUNCIL MEETING 24/8/17	547.60	
			VENUE/REFRESHMENTS AUGUST MEETING - SMRC PRESENTATION	137.50	685.10
EFT24723	20/09/2017	FREMANTLE HERALD	ADVERTISEMENT CALLING FOR NOMINATIONS 2017 ELECTIONS 02/9/17	517.77	517.77
EFT24724	20/09/2017	PEEL ENGRAVING & IM-PRESS	"RECEIVED" STAMP INK PAD (BLACK) REPLACEMENT	16.50	16.50
EFT24725	20/09/2017	IT VISION	REINSTATE SYNERGY SOFT MAPPING TO LIVE SYSTEM	275.00	275.00

EFT24726	20/09/2017	MCLEODS	ANNUAL AUDIT REQUEST	165.00	
			PROFESSIONAL FEES - LEASE AGREEMENT EF TENNIS CLUB AUG 2017	549.48	
			PROFESSIONAL FEES - LPS3, SCHEME AMENDMENT NO. 15	6,721.93	7,436.41
EFT24727	20/09/2017	SUEZ ENVIRONMENT RECYCLING & WASTE RECOVERY	SCHEDULED WASTE SERVICE - AUGUST 46 EAST STREET	2,328.22	2,328.22
EFT24728	20/09/2017	TELSTRA	HACC MOBILE PHONE USE 0400046402	11.59	
			CEO MOBILE PHONE USE 16/08/17 - 15/09/17	129.38	140.97
EFT24729	20/09/2017	WORK CLOBBER	DEPOT STAFF UNIFORM VARIOUS	481.73	481.73
EFT24730	20/09/2017	ZIPFORM PTY LTD	PRINTING RATE NOTICES, BUDGET NEWSLETTER, BASESTOCK & POSTAGE	10,530.99	10,530.99
EFT24731	20/09/2017	YOUNGS PLUMBING SERVICE	REPAIRS TO HOT WATER UNIT - GLYDE IN COMMUNITY CENTRE	151.80	
			REPLACE FAULTY HOT WATER SYSTEM - GLYDE-IN	948.00	1,099.80
EFT24732	20/09/2017	SMRC LOAN REPAYMENT ACCOUNT	RRRC LOAN REPAYMENT FOR SEPT 2017	28,713.96	28,713.96
EFT24733	20/09/2017	STEANN PTY LTD	CLEAR GREEN WASTE MATERIAL FROM BUND AREA 16.5t	1,881.00	1,881.00
EFT24734	20/09/2017	THRIFTY CAR RENTALS	HIRE OF VEHICLE USED WHILST RANGER VEHICLE IS REPAIRED	421.85	421.85
EFT24735	20/09/2017	ALSCO PTY LTD	SANITARY SERVICES VARIOUS LOCATIONS	28.57	28.57
EFT24736	20/09/2017	MCGEES NATIONAL PROPERTY CONSULTANTS	SEABED RENT, JETTY MOORING LICENCE, POSTAGE & PETTIES, & MANAGEMENT FEES 01/09/17 - 30/11/17	13,216.02	13,216.02
EFT24737	20/09/2017	KOOL LINE ELECTRICAL & REFRIGERATION	REPAIR ELECTRICAL FAULT AT LEFT BANK JETTY	230.00	
			REPLACE DATA CABLE AND SWITCH PLATE FOR PRINTER AT DEPOT	245.00	
			ELECTRICAL WORK AT EFFC - RELOCATION OF CONDUIT FOR SPEAKER CABLE	1,000.00	
			REPLACE CONSUMER MAINS & CIRCUIT BREAKERS - EF CRICKET CLUB	4,650.00	
			REPAIRS TO HOT WATER SYSTEM AT DEPOT	355.00	
			ELECTRICAL REPAIRS TO LIGHTS AT NORM MCKENZIE PARK	410.00	
			ELECTRICAL REPAIRS TO BBQ AT JOHN TONKIN PARK	225.00	
			ELECTRICAL REPAIRS JUNCTION BOX - EF TRICOLORE SOCCER CLUB	315.00	
			REPAIRS TO LIGHTS AT EAST FREMANTLE CRICKET/LACROSSE CLUB	6,104.00	13,534.00
EFT24738	20/09/2017	SOUTHERN METROPOLITAN REGIONAL COUNCIL	MRF GATE FEES FOR AUGUST 17 - 01/08/17 - 31/08/17	1,264.26	
			GREEN WASTE GATE FEES FOR AUGUST 2017 - 01/08/17 - 31/08/17	1,470.26	
			MSW GATE FEES FOR AUGUST 2017 14/08/17 -31/08/17	35,398.19	38,132.71
EFT24739	20/09/2017	HAVILAH LEGAL	PROFESSIONAL FEES - ATTENDANCE TO APPEAR IN COURT ON BEHALF OF THE TOWN - PARKING INFRINGEMENT	440.00	440.00
EFT24740	20/09/2017	WA LOCAL GOVERNMENT ASSOCIATION	WALGA 2017 CONVENTION - CR COLLINSON	1,563.00	
			WALGA 2017 CONVENTION - CR NARDI	780.00	2,343.00
EFT24741	20/09/2017	WATERLOGIC AUSTRALIA	EQUIPMENT MAINTENANCE 01/09/17 - 30/11/17 - DEPOT & TOWN HALL WATER	357.50	357.50
EFT24742	20/09/2017	SATELLITE SECURITY SERVICES	SECURITY MONITORING -19/17 to 31/12/17 VARIOUS LOCATIONS	989.92	989.92
EFT24743	20/09/2017	PETRA CLEAN	CLEANING SERVICES AUGUST 2017 VARIOUS LOCATIONS	5,310.34	5,310.34
EFT24744	20/09/2017	STRATA GREEN	LITTER TOOLS, LOPPERS, ROAD BROOMS, KNAPSACK SPRAYERS & SAFETY GLASSES	1,608.49	1,608.49
EFT24745	20/09/2017	WOOLWORTHS	RESPIRE CENTRE CONSUMABLES	137.22	137.22
EFT24746	20/09/2017	COMPLETE PORTABLES	JOHN TONKIN PARK LIQUID WASTE DISPOSAL (WASTE TANK) SERVICE INC DELIVERY/PICKUP 15/08/17 - 31/08/17	667.36	667.36
EFT24747	20/09/2017	CLEANAWAY	RUBBISH & RECYCLING AUGUST 2017	36,077.31	36,077.31
EFT24748	20/09/2017	LANDSCAPE YARD O'CONNOR	2 CUBIC METRES OF SAND	108.30	108.30
EFT24749	20/09/2017	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA PHOTOCOPIER CONTRACT 2017-2018 (4374610)	359.55	359.55
EFT24750	20/09/2017	CARINYA OF BICTON	HACC CENTRE BASED DAY CARE MEALS FOR AUGUST 2017	1,093.40	1,093.40
EFT24751	20/09/2017	T-QUIP	CARRY OUT REPAIRS TO TORO Z MASTER 7000	789.00	789.00
EFT24752	20/09/2017	OFFICEWORKS	STATIONARY ITEMS FOR HACC	387.85	387.85
EFT24753	20/09/2017	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES JULY 17 - 109 SUCCESSFUL & 3 UNSUCCESSFUL	375.20	375.20
EFT24754	20/09/2017	JANDAKOT BOBCATS	HIRE OF BOBCAT FOR WORKS 01/09/17	2,002.00	2,002.00
EFT24755	20/09/2017	FOCUS NETWORKS	HOSTED ANTIVIRUS - 50 NODES - AUGUST 17	1,303.72	1,303.72
EFT24756	20/09/2017	LENIP PTY LTD T/AS ASPHALT IN A BAG	1 PALLET OF ASPHALT IN A BAG	1,779.25	1,779.25
EFT24757	20/09/2017	PLANNING INSTITUTE OF AUSTRALIA WA DIVISION	REGISTRATION CR M MCPHAIL PIA STATE CONFERENCE 2017	300.00	300.00
EFT24758	20/09/2017	HEATH & RUTH TYRRELL	RATES REFUND	1,661.90	1,661.90
EFT24759	20/09/2017	ENVIRO SWEEP	STREET SWEEPING DESIGNATED STREETS AUGUST 2017	5,637.50	5,637.50
EFT24760	20/09/2017	DVG MELVILLE VOLKSWAGEN	ROUTINE SERVICE OF 1GDS732	750.00	750.00

EFT24761	20/09/2017	INCLUSIVE BUILDING CONSULTANTS	BUILDING SURVEYING SERVICES - JUNE 2017 @ 8 HOURS	1,056.00	
			BUILDING SURVEYING SERVICES - JULY 2017 @ 10 HOURS; AUGUST	2,376.00	3,432.00
EFT24762	20/09/2017	LANDGATE	GRV INTERIM VALUATIONS DATED 29/07/17 - 11/08/17 AND 12/08/17 - 25/08/17	309.11	309.11
EFT24763	20/09/2017	THE INFORMATION MANAGEMENT GROUP	OFFSITE TAPE STORAGE ARCHIVE 01/08/17 - 31/08/17	153.48	153.48
EFT24764	20/09/2017	FUJI XEROX	FUJI XEROX DC5C6675T - DOVENBY HOUSE - COPY CHARGES 01/08/17 - 31/08/17	362.62	362.62
EFT24765	20/09/2017	ANDERSON MUNRO & WYLIE	PROFESSIONAL FEES FOR COMPLETION OF FINANCIAL MANAGEMENT REVIEW	1,650.00	1,650.00
EFT24766	20/09/2017	GRIFFIN VALUATION ADVISORY	LAND AND BUILDING VALUATIONS INCLUDING FAIR VALUE AS AT 30/6/17	3,960.00	3,960.00
EFT24767	20/09/2017	BREADBOX MARKETING	SOCIAL MEDIA MANAGEMENT - AUGUST 2017	1,375.00	1,375.00
EFT24768	20/09/2017	KEYNOTE CONFERENCES	STAFF REGISTRATION AT WASTE & RECYCLE 2017 CONFERENCE	675.00	675.00
EFT24769	20/09/2017	VOCUS COMMUNICATIONS	UNLIMITED INTERNET SERVICE ENHANCED FIBRE 20MBPS - 135 CANNING HWY 01/10/17 - 31/10/17,	1,171.50	
			UNLIMITED INTERNET SERVICE STANDARD FIBRE 4 MBPS - 59 ALLEN STREET 01/10/17 - 31/10/17,	693.00	
			SESSION INITIATION PROTOCOL (SIP) LINES / SERVICES CHARGES FOR VOICE OVER INTERNET PROTOCOL (VOIP) to 31/08/17,	810.00	2,674.50
EFT24770	20/09/2017	ZIRCODATA	OFFSITE STORAGE, TRANSPORTATION, LODGEMENT AND PURCHASE OF BARCODES AND BOXES FOR 12 MONTHS 2017 / 2018 - AUGUST 17	48.38	48.38
EFT24771	20/09/2017	SPECIALISED SECURITY SHREDDING	3 x 240 LITRE DESTRUCTION BIN SERVICE FOR 12 MONTHS - AUG 17	20.24	20.24
EFT24772	20/09/2017	BPA ENGINEERING	PROVIDE STRUCTURAL CONSULTANCY SERVICES FOR TOWN HALL REFURBISHMENT - CONTRACT ADMINISTRATION 20% COMPLETE	836.00	836.00
EFT24773	20/09/2017	AUSSIE NATURAL SPRING WATER	SUPPLY OF WATER BOTTLES FOR FILTER - OLD POLICE STATION	13.40	13.40
EFT24774	20/09/2017	OWEN'S TREE SERVICE	TREE REMOVAL - SUNDAY CALL OUT FRASER STREET BLOCKED BY FALLEN TREE	605.00	
			TREE PRUNING AND REMOVAL - WAUHOP RD	1,320.00	
			TREE PRUNING AND REMOVAL - DUKE ST, GEORGE ST, SPEEDY CHEVAL ST, MAY ST	3,575.00	5,500.00
EFT24775	20/09/2017	TREE'S A CROWD TREE CARE	PRUNE JACARANDA TREE GEORGE ST AND REMOVE DEAD TREE OAKOVER ST.	1,375.00	1,375.00
			EFT TOTAL	\$ 983,735.90	\$ 983,735.90
	Direct Debit	Supplier	Description	Inv Amount	EFT
	DD10800.1		SHERRIFF'S OFFICE PERTH - FER	\$ 1,475.00	\$ 1,475.00
	DD10815.1	CLICKSUPER	SUPER CREDITORS SEPTEMBER 17	\$ 21,797.85	\$ 21,797.85
	DD10816.1	CLICKSUPER	SUPER CREDITORS SEPTEMBER 17	\$ 18,771.40	\$ 18,771.40
			DIRECT DEBIT TOTAL	\$ 42,044.25	\$ 42,044.25
	DATE	CREDIT CARD	SUPPLIER	AMOUNT	
	26/09/2017	GARY TUFFIN	SONIC HEALTH PLUS	\$ 220.00	\$ 220.00
			WALGA	\$ 50.00	\$ 50.00
			CITY OF PERTH PARKING	\$ 8.16	\$ 8.16
			SONIC HEALTH PLUS	\$ 220.00	\$ 220.00
			SWAN YACHT CLUB	\$ 429.80	\$ 429.80
			PALMYRA POST OFFICE	\$ 911.90	\$ 911.90
			CREDIT CARD TOTAL	\$ 1,839.86	\$ 1,839.86
			Description	Inv Amount	EFT
			PAYROLL P/E 12/09/17	\$ 132,445.34	\$ 132,445.34
			PAYROLL P/E 26/09/17	\$ 111,066.65	\$ 111,066.65
			PAYROLL TOTALS	\$ 243,511.99	\$ 243,511.99
			GRAND TOTAL	\$1,272,189.94	\$ 1,272,189.94

12.3 GOVERNANCE REPORTS

12.3.1 Proposed Waste Amendment Local Law

Applicant	N/A
File ref	A/LLW1
Prepared by	Chris Liversage, Consultant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Town of East Fremantle Waste Amendment Local Law 2. Waste Local Law 2017 with marked changes.

Purpose

To present a draft Waste Amendment Local Law for consideration by Council for public consultation.

Executive Summary

A Town of East Fremantle Waste Local Law was gazetted on 31 March 2017. As part of the process to make local laws, Parliament scrutinises them via the Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL has requested that the Town make two minor amendments to the Waste Local Law. The amendments are considered straightforward. The draft amendment local law is to be advertised for a period of 6 weeks, after which Council may consider any comments received and decide whether or not to make the local law.

That Council

- in accordance with s3.12(3)(a)(b) of the Local Government Act 1995, gives state-wide and local public notice stating that:*
 - it proposes to make a Waste Amendment Local Law, and a summary of its purpose and effect;*
 - copies of the proposed local law may be inspected at the Town offices; and*
 - submissions about the proposed local law may be made to the Town within a period of not less than six weeks after the statutory public notice is given.*
- provide a copy of the local law to the Ministers for the Environment and Local Government in accordance with s3.12(4) of the Local Government Act 1995;*
- note that the results of the public submission period will be presented to Council for consideration.*

Background

The Town is in the process of updating its local laws.

Waste collection and disposal is regulated by the Waste Avoidance and Resource Recovery Act (WARR) which came into force on 1 July 2008. The Town of East Fremantle Waste Local Law was duly published in the Government Gazette on 31 March 2017, and regulates the collection of municipal waste in the district.

The WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) has requested that:

- the definition of 'vectors of disease' be deleted from clause 1.6 of the local law; and
- an addition be made to the local law to deal with objection and appeal rights.

The JSC advises that:

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

...

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

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

In addition, the JSCDL has requested the addition of a clause to add appeal and objection rights available under Part 9 of the Local Government Act 1995. In doing so, the Committee advised that:

The (local law) fails to include that part of the WALGA template waste local law titled 'objection and appeal rights'.

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

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

In order to rectify these issues, the Committee requested that Council provide written undertakings to the Committee by Friday 22 September that the Town will:

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

In the meantime, the Committee resolved to give a Notice of Motion in the Legislative Council to disallow the Local Law. However, the giving of the Notice should not be taken to indicate that the Committee has resolved to recommend disallowance of the Local Law at this stage. The giving of a Notice allows both the Town and the Committee additional time to deal with and respond to the issues.

The above undertaking was considered and adopted by Council at its meeting held on 19 September 2017.

There is no reason not to agree with the Committee's request. As such, a simple amendment to delete the definition of 'vectors of disease' in clause 1.6 and the addition of a proposed clause 5.1 as follows (and consequential renumbering of the balance of Part 5 of the Local Law) should be made:

5.1 Objection and appeal rights

Division 1 of Part 9 of the Local Government Act 1995 applies to a decision under this local law to grant, vary or cancel –

- (a) An approval under clause 2.6(b);
- (b) An exemption under clause 2.7(2);
- (c) An authorisation under clause 2.8(b);
- (d) An approval under clause 2.9(1);
- (e) An authorisation under clause 3.2(1)(c);
- (f) An approval under clause 3.2(2);
- (g) An approval under clause 3.3.

(For reference, an approval under clause 2.6(b) relates to a request to vary the position of a bin on collection day; an exemption under clause 2.7(2) relates to general exemptions; an authorisation under clause 2.8(b) relates to the removal of a receptacle from any premises; an approval under clause 2.9(1) is for conditions of the bulk refuse collection to be varied; an authorisation under clause 3.2(1)(c) allows removal of waste from premises; an approval under clause 3.2(2) allows for removal of rubbish from receptacles on private premises; and an approval under clause 3.3 relates to removal of waste from receptacles in a public place).

A *Town of East Fremantle Waste Amendment Local Law 2017* is attached. Also attached is a copy of the Town of East Fremantle Waste Local Law 2017 with the proposed amendments shown 'marked'.

Consultation

Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

In addition, as part of the process, local governments are required to send a copy of proposed local laws to the Minister for Local Government, and any other Minister responsible for an area affected by the local law (in this case, Environment).

Statutory Environment

Section 3.12 of the Local Government Act 1995 sets out the requirements for making a local law. This proposed local law must be made under the same process as described in s3.12 of the Local Government Act, other than that in this case, approval of the CEO of the Waste Authority is required before the local law is made.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law:

Purpose:

The objective of this local law is to amend the Town of East Fremantle Waste Local Law 2017 to delete a definition of 'vectors of disease' and to add an objections and appeals clause.

Effect:

The Town of East Fremantle Waste Local Law 2017 is amended.

Policy Implications

Nil.

Financial Implications

Cost of advertising the draft local law for public comment.

Strategic Implications

Amending the local law will remove the risk of its being disallowed.

Strategic Priority 4: Natural Environment - "Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity."

4.2 Enhance environmental values and sustainable natural resource use

4.2.1 Reduce waste through sustainable waste management practices

Site Inspection

Not applicable

Comment

As noted above, there is no reason not to amend the local law.

12.3.1 OFFICER RECOMMENDATION

That Council:

1. in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, gives state-wide and local public notice stating that:
 - a. it proposes to make a Waste Amendment Local Law, and a summary of its purpose and effect;
 - b. copies of the proposed local law may be inspected at the Town offices; and
 - c. submissions about the proposed local law may be made to the Town within a period of not less than six weeks after the statutory public notice is given.
2. provide a copy of the local law to the Ministers for the Environment and Local Government in accordance with s3.12(4) of the *Local Government Act 1995*;
3. note that the results of the public submission period will be presented to Council for consideration.

**Town of East Fremantle
Waste Amendment Local Law 2017**

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of East Fremantle resolved on **dd mm** 2017 to adopt the following local law:

1.1 Citation

This local law is cited as the *Town of East Fremantle Waste Amendment Local Law 2017*.

1.2 Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

1.3 Town of East Fremantle Waste Local Law 2017 amended

The *Town of East Fremantle Waste Local Law 2017* published in the *Government Gazette* on 31 March 2017 is amended as follows:

- (a) In clause 1.6, the definition of ‘vectors of disease’ is deleted; and
- (b) Clause 5.1 is inserted as follows:

5.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, vary or cancel –

- (a) An approval under clause 2.6(b);
- (b) An exemption under clause 2.7(2);
- (c) An authorisation under clause 2.8(b);
- (d) An approval under clause 2.9(1);
- (e) An authorisation under clause 3.2(1)(c);
- (f) An approval under clause 3.2(2); and
- (g) An approval under clause 3.3.

Consented to –

.....

Chief Executive Officer
Department of Environmental Regulation

Dated:

The Common Seal of the }
Town of East Fremantle }
was affixed by authority of a }
resolution of the Council in the }
presence of: }

Jim O’Neil
MAYOR

Gary Tuffin
CHIEF EXECUTIVE OFFICER

Dated this..... day of 2017

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

Town of East Fremantle

Waste Local Law 2017

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

Part 1 - Preliminary

1.1 Short title

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

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed:

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

1.5 Meaning of terms used in this local law

- (1) In this local law—

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

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or

- (c) non-collectable waste;

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

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

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

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

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

costs of the local government include administrative costs;

district means the district of the local government;

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

LG Act means the *Local Government Act 1995*;

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

local government means the Town of East Fremantle;

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

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

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

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

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

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

owner has the same meaning as in the LG Act;

penalty unit means the amount prescribed by the local government as a standard penalty unit in the *Town of East Fremantle Penalty Units Local Law 2017*;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

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

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

waste has the same meaning as in the WARR Act; -

waste service has the same meaning as in the WARR Act; and

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (1) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (2) the determination becomes effective only after local public notice has been given;
- (3) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (1);
- (4) after the period referred to in paragraph (3), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (5) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of waste services is dealt with in section 50 of the WARR Act.

Part 2 - Local government waste

2.1 Supply of receptacles

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) The owner of premises to which subclause (1) applies must take all reasonable steps to —
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.

- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
 - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.6 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle —
 - (i) is within 1 metre of the carriageway;
 - (ii) does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) is facing squarely to the edge of and opening towards the carriageway,
 or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.7 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.6(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.7(4)(a).

2.8 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) remove a receptacle from any premises to which it was delivered by the local government or its contractor except as permitted by this local law or as authorised by the local government or an authorised person,.

2.9 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.9(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Part 3 - General duties

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take all reasonable steps to ensure that an adequate number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) take all reasonable steps to ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and

- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law or a permit.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

3.4 Waste control on building sites

- (1) In this clause –

building work means –

- (a) building work for which a building permit is required under the *Building Act 2011*; and
- (b) demolition work for which a demolition permit is required under the *Building Act 2011*;

building work waste means all waste from building work that is capable of being windblown; and

receptacle means a receptacle the waste from which is collected and removed otherwise than by the local government or its contractor.

- (2) A person must not allow, commence or continue any building work on premises unless, at all times while the building work is being undertaken –
 - (a) there is located on the premises, as close as practicable to the building work a receptacle with a capacity of not less than 4 cubic metres or as otherwise approved by the local government, suitable for the collection and disposal of building work waste;
 - (b) building work waste is deposited and kept in the receptacle; and
 - (c) the lid of the receptacle is kept closed except when waste is being deposited in the receptacle.

Part 4 - Enforcement

4.1 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

4.2 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 4.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

4.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.
- (3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

4.4 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Part 5 – Objection and Appeal Rights

5.1 Objection and appeal rights

Division 1 of Part 9 of the Local Government Act 1995 applies to a decision under this local law to grant, vary or cancel –

- (a) An approval under clause 2.6(b);
- (b) An exemption under clause 2.7(2);
- (c) An authorisation under clause 2.8(b);
- (d) An approval under clause 2.9(1);
- (e) An authorisation under clause 3.2(1)(c);
- (f) An approval under clause 3.2(2); and
- (g) An approval under clause 3.3.

Schedule 1 - Meaning of *non-collectable waste*

(Clause 1.5)

non-collectable waste means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government under clause 1.6 to be non-collectable waste.

Schedule 2 - Prescribed offences
(Clause 4.3)

Item No.	Clause No.	Description	Penalty Unit
1	2.1(2)(a)	Failing to pay fee or charge	10
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	10
3	2.2(1)	Depositing non-collectable waste in a receptacle	10
4	2.2(2)	Depositing waste in another receptacle without consent	10
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	10
6	2.3(2)	Depositing unauthorised waste in a general waste receptacle when a recycling waste receptacle has been provided	10
7	2.3(3)	Depositing organic waste in a general waste receptacle when an organic waste receptacle has been provided	10
8	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	10
9	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	10
10	2.5(3)	Failing to comply with a direction concerning placement or removal of a receptacle	10
11	2.6(a)	Failing to keep a receptacle in the required location	10
12	2.6(b)	Failing to place a receptacle for collection in a lawful position	10
13	2.6(c)	Failing to provide an adequate number of receptacles	15
14	2.6(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	10
15	2.8(a)	Damaging, destroying or interfering with a receptacle	15
16	2.8(b)	Removing a receptacle from premises without permission or authorisation.	10
17	2.9(1)	Failing to comply with a term or condition of verge waste collection	10
18	2.9(2)	Removing waste for commercial purposes from a verge waste collection.	15
19	2.9(3)	Disassembling or tampering with waste deposited for collection	15
20	3.1(a)	Failing to provide an adequate number of receptacles	10
21	3.1(b)	Failing to keep a receptacle in a good condition and repair	10
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	15
23	3.1(c)(ii)	Failing to prevent the emission of offensive or noxious odours from a receptacle	15
24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	15
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	15

Item No.	Clause No.	Description	Penalty Unit
26	3.2(1)	Unauthorised removal of waste from premises	10
27	3.2(2)	Removing waste from a receptacle without approval	10
28	3.4(2)(a)	Failing to have a suitable receptacle for building work waste	25
29	3.4(2)(b)	Failing to keep building work waste in a receptacle	15

Consented to –

.....
Jason Banks
Chief Executive Officer
Department of Environmental Regulation

Dated: 24 February 2017

The Common Seal of the)
Town of East Fremantle was affixed)
by authority of a resolution)
of the Council in the presence of)

.....
Jim O'Neil
Mayor

.....
Gary Tuffin
Chief Executive Officer

Dated:

12.3.2 Adoption of Policies – Public Art Policy and Public Art Panel Policy

File ref	A/ART1
Prepared by	Wendy Cooke, Project Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Public Art Policy (No 4.2.5) 2. Public Art Panel Policy (No 4.1.5)

Purpose

The purpose of this report is for Council to consider adopting the following policies in relation to Public Art:

- Public Art Policy
- Public Art Panel Policy

Executive Summary

At the 18 September 2017 Council Meeting, Council adopted the Town of East Fremantle Public Art Strategy. The attached policies have been developed to support the Strategy and provide a clear process and reference to ensure consistent decision making.

Background

The Town of East Fremantle commissioned Helen Curtis, from Apparatus to develop a Public Art Strategy. The process included the development of a discussion paper, meetings with staff and elected members, consultation with interested community members, the preparation of a draft Strategy which was then advertised for further public comment.

The attached policies have been prepared to support the Strategy and to update existing policy.

Please note, that a Local Planning Policy – “Percent for Public Art” which details the process for public art to be included in developments in the Town of East Fremantle, is subject to a separate report to Council at a later date.

A summary of each of the proposed Policies is provided below:

1. Public Art Policy

The Public Art Policy has been developed to clearly articulate how the Town of East Fremantle will administer the procurement and management of public art. Other documents have been developed to support this policy and provide detailed procedures for administering aspects of the Public Art Strategy

The vision is to develop public art that captures the spirit of East Fremantle, is responsive to East Fremantle’s history, distinct neighbourhoods, Town Centre and river foreshore.

This policy will affect art and public art acquisitions including paintings and donated artworks.

2. Public Art Panel – the panel will replace the existing ‘Arts Acquisition Panel’.

The objective of this policy is to establish a Public Art Panel to guide the Town of East Fremantle Public Art Strategy in accordance with associated policies, processes and procedures.

Policy Scope

The Town of East Fremantle Public Art Panel should comprise Elected Members, staff and dedicated experts in the field. It is important that Panel Membership covers a range of expertise in public art to ensure a balance of skill and opinion.

The Panel will conduct itself according to the role given to it by the Council, which would outline the Panel's responsibilities, operations and composition.

Proposed Role of the Panel

The Public Art Panel will:

1. Oversee and make recommendations to the Council on matters related to:
 - 1.1 the strategic direction, policy and public program matters of the Town of East Fremantle Public Art Strategy;
 - 1.2 the development of public art project briefs;
 - 1.3 to assess and determine the suitability of percent for public art proposals submitted in accordance with the Town's Percent for Public Art Policy
2. Consider the recommendations of specialist selection panels;
3. Assess the implementation of the public art annual action plan.

Positions on the Panel will be non-paid

Consultation

Helen Curtis	Apparatus (Consultant)
Gary Tuffin	Chief Executive Officer
Andrew Malone	Executive Manager Regulatory Services
Christine Catchpole	Senior Planner
Stacey Towne	Urban Project Planner
Wendy Cooke	Project Coordinator

Statutory Environment

N/A

Policy Implications

These policies will replace 'Acquisition of Public Art Policy No. 151' & the Terms of Reference for the Art Acquisition Panel.

Financial Implications

An amount is allocated in the Annual Budget for Public Art acquisition, with accumulated funds currently in the Art & Sculpture Reserve. The 2017/20178 total amount is \$191,000.

Strategic Implications

Strategic Priority 1: Social - "A socially connected, inclusive and safe community"

1.3 Strong community connection within a safe and vibrant lifestyle

1.3.1 Partner and educate to build a strong sense of community safety

1.3.2 Facilitate opportunities for people to develop community connections and foster local pride

1.3.3 Enrich identity, culture and heritage through programs, events and celebrations

1.3.4 Facilitate community group capacity building

Site Inspection

Not applicable

Comment

Public Art is a growing industry and many local governments in Perth have adopted public art strategies and policies to guide Council commissioned works.

The attached policies will replace the existing Art Acquisition policy and the Terms of Reference for the Art Acquisition Panel and bring them in line with the adopted Town of East Fremantle Public Art Strategy.

12.3.2 OFFICER RECOMMENDATION

That Council:

- 1. adopt the Town of East Fremantle Public Art Policy No 4.2.5 and Public Art Panel Policy No. 4.1.5**
- 2. revoke the Acquisition of Public Art Policy No. 151.**

PUBLIC ART POLICY

Policy Number:	4.2.5
Type:	Governance and Leadership
Legislation:	N/A
Delegation:	
Other Related Document:	Public Art Strategy, Public Art Plan, Public Art Panel, Local Planning Policy – Percent for Public Art

Objective

This Public Art Policy has been developed to clearly articulate how the Town of East Fremantle will administer the procurement and management of public art.

Other documents have been developed to support this policy and provide detailed procedures for administering aspects of the Public Art Strategy.

The vision is to develop public art that captures the spirit of East Fremantle, is responsive to East Fremantle's history, distinct neighbourhoods, Town Centre and river foreshore.

Policy Scope

This policy will affect art and public art acquisitions including paintings and donated artworks, pictures and photographic works and functional equipment for public places

Policy

Section 1: Objectives

The objectives of the Public Art Policy provide the strategic context and direction for all public art planning.

1.1 Cultural

To enhance the cultural and aesthetic environment of East Fremantle by:

- interpreting aspects of its unique cultural heritage;
- ensuring that public artworks respond to the site;
- valuing quality over quantity; and
- acknowledging and celebrating Aboriginal culture and stories.

1.2 Sustainability

To contribute to a sustainable environment by using public art to:

- develop environments where walking and cycling is encouraged; and
- demonstrate environmentally responsible use of materials, services and lighting.

1.3 Social

To enhance social cohesion within East Fremantle by:

- creating landmarks that provide reference points and enable people to orientate themselves;
- using public art to develop attractive, diverse places, that the community enjoy; and
- using public art to develop meeting places, that community members want to visit.

1.4 Economic

To contribute to economic vitality within East Fremantle by using public art to develop:

- unique and recognisable places, enhancing the 'place brand';
- employment opportunities for local artists, craftspeople and associated businesses; and
- social, cultural and economic confidence, thereby stimulating investment and economic growth.

Section 2: Principles

The following principles should be used to guide the development of all public artwork in the Town of East Fremantle:

2.1 Place-making

Public art should be designed to enhance the experience of and activate public spaces.

2.2 Site Specific

Public art should be designed to be responsive to its specific location.

2.3 Universal Access

Public art should be designed to engage, and include our diverse community, irrespective of age, ability, social or cultural background.

2.4 Local and Unique

Public art should be designed to contribute to creating a sense of place developing identity and pride in a community.

2.5 Best Practice

Public art should be designed in accordance with professional standards, to ensure public safety and the longevity of the work in accordance with the intent of the artwork.

2.6 Collection Management

Any public artwork commissioned should be maintained, conserved and preserved in accordance with a Maintenance Plan, which should be provided to the Town by the Artist at hand-over.

2.7 Criteria

Public art in the Town of East Fremantle should satisfy all the following criteria:

- be located where it can be clearly seen from the public realm;
- be an original artwork;
- be of high quality;
- be durable, sustainable and easy to maintain;
- contribute to an attractive and stimulating environment;
- not detract from the amenity or safety of the surrounding area;
- where considered appropriate, be lit at night;

- be responsive to the site and reflect the local area's natural, physical, cultural and/or social history, considering surrounding buildings and activities;
- consider the existing public art in the vicinity to avoid repetition and to ensure the artwork is unique;
- the project may be curated and coordinated by a specialist public art consultant;
- be resistant as possible to vandalism; and
- have a minimum lifespan of twenty years unless otherwise stated in the Artist's brief.

Section 3: Resources

The Town of East Fremantle will ensure the successful progression of public art and allocating appropriate funds in accordance with the Town's budget.

The Town of East Fremantle will allocate an annual budget to enable the delivery of a quality public art program. If these funds are not spent within the financial year, the budget allocation will be included in the Arts & Sculpture Reserve.

The Town of East Fremantle will also make budget provisions to care for works in the Council's Public Art Collection.

3.1 Percent for Public Art – Town of East Fremantle Works

The Town of East Fremantle will allocate a minimum of one percent (1%) of any capital building works project budget to integrating public art into each Council project. This applies to, but is not limited to, all Capital Works Building Projects (excluding public works infrastructure) and all Urban Design Projects with a minimum budget of \$1 million with a maximum cap of \$100,000

Maintenance projects, land acquisitions and general capital expenditure are exempted.

Private developers are required to adhere to the Town of East Fremantle's Local Planning Policy - Percent for Art.

3.2 Arts & Sculpture Reserve

The Arts & Sculpture Reserve is the means for collecting and administering monies for the Public Art Strategy. The purpose of the Reserve is to fund the Public Art Strategy and to accumulate a fund to support major public art projects.

Council will consider a contribution to the Arts & Sculpture Reserve each year. Of this, an amount is made available for the implementation of the Public Art Strategy as outlined in the Public Art Annual Action Plan. Reserve funds are also acquired through developer contributions via the Local Planning Policy - Percent for Art. .

3.3 Project Planning

The Town of East Fremantle will endeavour to take a design exemplar approach to all public art projects by taking time to design well in the initial planning stage and by involving artists at the earliest stage of the design of public spaces and new developments.

3.4 Public Art Panel

A Public Art Panel will be appointed to provide guidance for the Council's Public Art Strategy. The Public Art Panel has responsibility for overseeing and making recommendations to the Council on matters related to the Public Art Strategy.

See Public Art Panel Policy.

3.5 Acquisitions

The Council may consider employing a public art curator to prepare a report on proposed new acquisitions. The report will include an assessment against the criteria and principals outlined in this policy as well information on installing the work and best practice. This report will be provided to the Public Art Panel to ensure informed decisions are made.

3.6 Management of the Collection

The Town will:

- Review the collection, update the database and submit a condition and insurance report (as required) and make recommendations regarding the general maintenance and conservation of the collection and an appropriate maintenance budget allocation for the collection;
- The collection shall be well maintained and the annual budget allocation should reflect the conservation requirements of the current collection based on recommendations sought from suitably qualified professionals;
- The public art collection database shall detail all works, including the name of artists, work title, date of production, media, technical details, size, preferred viewing specifications, inscriptions, comments or background by the artist and others etc;
- A comprehensive photographic archive shall be maintained; and
- The collection shall be valued at least every five years, or as recommended by professional advice and the valuation is to be recorded in the collection database.

3.7 Planning

The Town of East Fremantle will prepare a Four Year Public Art Action Plan as a framework to guide the implementation of the Public Art Strategy.

The Four Year Public Art Action Plan will provide a strategic platform for the ongoing development of the Public Art Strategy with clear direction and enough flexibility to evolve and change as necessary.

3.8 Promote

The Town of East Fremantle will provide media announcements, signage, publications, online and other methods to promote its Public Art Collection.

Section 4: Related Policies and Plans

Interpretation and implementation of this Policy is in accordance with the Town of East Fremantle documents as outlined below.

- Town of East Fremantle Public Art Strategy
- Town of East Fremantle Local Planning Policy - Percent for Public Art
- Town of East Fremantle Public Art Annual Action Plan 2017/18 – 2020/21
- Town of East Fremantle Public Art Panel Policy

Other Related Policies or Plans

- Town of East Fremantle Strategic Community Plan 2017-2027

Section 5: Definitions

Public Art

For the purposes of this Policy, public art is defined as a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;
- landscape art enhancements such as walkways, bridges or art features within a public garden;
- murals, tiles and mosaics covering walls, floors and walkways; and
- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

Public art does not include:

- business logos;
- advertising signage;
- art objects which are mass produced or off the-shelf reproductions; and
- landscaping or architectural features which are considered by the Town to be normally integrated into the building or development.

Public Art Definitions

For an extended list of detailed definitions please refer to the Appendices.

Responsible Directorate:	Community Services
Reviewing Officer:	Executive Manager Corporate and Community Services
Decision making Authority:	Council
Policy Adopted:	
Policy Amended:	
Next Review Date:	

Appendices

A. Types of public art

The descriptors that follow indicate the diversity of approaches to public art projects.

Ephemeral Artworks: those works that are short lived, based on a specific occasion or event and are transitory in nature. Ephemeral art describes projects that may be environmental, lighting or projection where there is no physical artwork created. The term also applies to physical works in non-permanent materials such as natural found materials that degrade as part of the art process.

Functional Artworks: where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated.

Ground Plane Artworks: form part of the ground in a public setting and may be experienced as carved/shaped paving elements, metal relief elements, toughened glass panels and ceramic or mosaic inserts, amongst others. Ground plane works are designed to be viewed closely by pedestrians in the space, potentially slowing their movement through the area and creating the opportunity for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a way finding tool.

Iconic Artworks: a significant, freestanding work, where the approach is largely independent of other considerations.

Integrated Artworks: works that are fully incorporated within the design of the built or natural environment.

Interactive Artworks: are works that are designed to encourage a tactile response.

Interpretive Artworks: where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Intervention Artworks: provoke an idea or thought or an element of surprise often in an unexpected location.

Landmark Artworks: could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of a capital works project.

Medium Scale/Human Scale Artworks: are artworks approximately the size of an average person. These artworks are easily interacted with and are accessible to pedestrians.

Memorial: a structure, sculpture or other object erected to commemorate a person or an event.

Nodal Artwork: an artwork that comprises of a series of component parts and a central focus element.

Site Specific Artworks: designed specifically for and responding to a particular site through scale, material, form or concept.

Permanent Artworks: refers to public art with a lifespan of at least twenty years.

Plaque: a flat tablet or sign, affixed to an object, building or pavement, of metal, stone or other appropriate material, which may include text and/or images in order to provide interpretive information. Plaques may identify an artwork, commemorate a person, place, object or an event and/or provide historical text or information relevant to its location.

Street Art: may include spray or aerosol art, stencils, sticker art, paste-ups (wheat pasting and poster art), video projection, art interventions, guerrilla art, flash-mobbing and installations.

Temporary Artwork: refers to artwork that is made to last for a specific duration for example, one week or one year. This may include one off or scheduled events such as outdoor exhibitions or installations. The dynamic nature of temporary works are an important place activation tool.

Textural Artworks: are small in scale, often items of architectural, streetscape and landscape detail, which contributes to the local character of a place.

Transition Artworks: provide an element that links one space to another such as an internal to an external public space or a hardscaped space to a landscaped space.

B. Definitions

Artist

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person whose work is represented in major public or private collections; and

A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions. In some cases, this definition may be relaxed where it may be specified for a particular project.

For example, a project involving emerging artists, Indigenous artists, students or street/graffiti artists.

Artist Fees

That portion of the art project budget reserved for payment to the artist for his/her creative services for design, fabrication, and/or project management services.

Artwork or Work of Art

Any work or object designed by an Artist.

Collection Management

The administration and management of an Art Collection. This encompasses the management of collection records both electronic and hard copy, the database, catalogues, inventories and condition assessments, maintenance and conservation programs, accession of new acquisitions and overseeing the deaccession, disposal or relocation of public artwork.

Community Art

A process where the community initiates or participates in the art project.

Contemporary Art

Artwork created in the present day that engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice.

Hand-over

The transfer of ownership of an artwork from one party to another. This includes the transfer of legal title and the supplying of the Maintenance Manual and other associated contractual documents.

Maintenance Manual

Those forms completed by the artist detailing the maintenance and technical information for the completed artwork.

Public Art

Public art is a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;
- landscape art enhancements such as walkways, bridges or art features within a garden;
- murals, tiles and mosaics covering walls, floors and walkways; and

- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

Public art does not include:

- business logos;
- advertising signage;
- art objects which are mass produced or off the-shelf reproductions; and
- landscaping or architectural features which would normally be integrated into the building or development.

Public Art Maintenance & Conservation Program

The coordinated administration of regular treatments, professional conservation and repairs to works in an Art Collection to maintain their integrity.

Public Art Consultant

A professional specialising in public art, engaged to provide expert advice or project management.

Public Art Project Manager

A professional employee or contractor responsible for the planning, execution, contract management and close-out of the public art project.

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PUBLIC ART PANEL

Policy Number:	4.1.5
Type:	
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	

Objective

To establish a Public Art Panel to guide the Town of East Fremantle Public Art Strategy in accordance with associated policies, processes and procedures.

Policy Statement Definitions

“The Panel” means the Public Art Panel referred to in this Policy.

“Financial Interest” has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

“Proximity Interest” has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

“Impartiality Interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

Policy Scope

Background

Consultation and research undertaken has shown that it is best practice for Local Government Authorities to appoint a panel or committee with responsibility for making decisions and recommendations about public art.

The Town of East Fremantle Public Art Panel should comprise Elected Members, staff and dedicated experts in the field. It is important that Panel Membership covers a range of expertise in public art to ensure a balance of skill and opinion.

The Panel would conduct itself according to the role given to it by the Council, which would outline the Panel's responsibilities, operations and composition.

Status and Role of the Panel

The Public Art Panel will:

1. Oversee and make recommendations to the Council on matters related to:
 - 1.1 the strategic direction, policy and public program matters of the Town of East Fremantle Public Art Strategy;
 - 1.2 the development of public art project briefs;
 - 1.3 the deaccession, relocation, removal and disposal of public artworks; and
 - 1.4 to assess and determine the suitability of percent for public art proposals submitted in accordance with the Town's Percent for Public Art Policy
2. Consider the recommendations of specialist selection panels;

3. Assess the implementation of the public art annual action plan.

Positions on the Panel will be non-paid.

Policy

Section 1: Terms of Reference

- To provide guidance for the Town of East Fremantle Public Art Strategy. To act in an advisory capacity and make recommendations on specified projects in relation the acquisition of public art; development projects with public art components; and any proposed projects that have the potential for public controversy and/or risk to the Town's reputation (noting that this does not include the selection or approval of new works where they meet the Policy);
- The Panel will provide expert advice in the development and review of the Town's public art program and on public art projects.
- The Panel's advice will help the Town achieve high-quality public art outcomes; an excellent reputation with stakeholders; effective relationships with partners and the arts sector.

Section 2: Membership

- The Town will engage the correct or suitable expertise (art, architecture, urban design and cultural expertise) to achieve high-quality art outcomes for the Town.
- It is important that Panel Members are specialists in their field and that the membership covers a range of expertise in public art to ensure a balance of skill and opinion.
- Artists, curators, architects and other design and cultural experts will help the Council achieve public art outcomes for the Town of East Fremantle that are world-class and innovative, and that surprise, delight, challenge and stimulate.
- Invitations to nominate for the Public Art Panel are to be advertised biennially. Nominees will be invited to provide a response to the criteria.
- The Council will appoint Panel Members on the recommendation of the administration following the assessment of applications.
- The Panel should have up to 6 representatives (including the Chair) covering a range of expertise and ideally made up as follows:
 - Two Elected Members (including the Mayor or representative);
 - Chief Executive Officer (or representative)
 - a public art practitioner or coordinator (preferably a Western Australian State Government Percent For Art consultant);
 - Two other specialists such as a practising artist, public art coordinator, curator, art historian, academic, art critic or design professional (expertise in theory and/or practice of contemporary art, urban design or related practice or national and international public art perspectives should be rated highly).

The Chairperson

- The Panel Chairperson is an Elected Member of Council and appointed by Council.
- The Chief Executive Officer shall give all assistance to the Panel Chairperson in respect to administrative support for the Panel.

Section 3: Meeting Procedure and Process

- Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Panel shall meet as required. Additional meetings may be convened at the discretion of the Chief

Executive Officer.

- Members will be required to provide sufficient notice of their ability or inability to attend the next scheduled meeting.
- Panel Meetings are not open to the Public.

Quorum

- A quorum for the meeting of the Committee will be 4 voting members (including the Chairperson).
- The Panel meeting shall not proceed unless a quorum is present.

Chairperson

The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair.

Agendas

- The Chief Executive Officer will determine the Agenda for each meeting. All meetings shall be confined to items listed on the Agenda. Agendas will be distributed to all members at least four (4) working days in advance of meeting dates.
- Detailed documents will be distributed to Panel members at least four (4) working days in advance of the meeting dates.

Minutes

- The Panel Chairperson (in liaison with the Chief Executive Officer) shall be responsible to ensure the preparation and accuracy of the Minutes/Meeting notes.
- Items considered at the meeting will not be formally voted upon. The Minutes/Meeting notes of the Panel will record consensus agreement and any points of agreement/disagreement. They will not reflect verbatim discussion on matters discussed during debate prior to consensus agreement being reached. The Minutes/Meeting notes of the Meeting will be prepared by an officer of the Town and distributed to members within five (5) working days after the date of the meeting.
- The Panel Minutes/Meeting notes are to be presented in the form of:
 - explanatory comments on the matters before Panel and general views regarding the proposal;
 - formal recommendation to the Council, where appropriate reflecting the views of the majority of members present at the meeting;
 - The Panel Chairperson will endorse the Minutes/Meeting notes and proposed recommendations; and
 - Original copy of the endorsed Minutes/Meeting notes to be retained for record purposes.

Administrative Support

A Town employee will be assigned to provide administrative support to the Panel. This person will be responsible for the following;

- Issuing of the Agenda;
- Recording of Apologies prior to the meeting;
- Preparation of the Minutes/Meeting notes;
- Room booking; and
- Catering requirements.

Code of Conduct

- The Town's Code of Conduct shall apply to members of the Panel.
- All Panel members shall be required to declare any conflicts of interest in matters being considered.
- A copy of the Town's Code of Conduct will be provided to each member upon their appointment.
- The Town's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

Conflict of Interest

- All members need to be aware that any conflict of interest needs to be recognised. On receipt of the Agenda, if a member has an interest in the matter, then the member is required to declare the interest.
- Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

Financial and Insurances

The Town will arrange all insurance to cover Panel members whilst discharging their normal course of duty, including travel to and from the meeting.

Tenure of Appointment

- The Council will appoint a member to the Panel including the prescribed term and any conditions.
- The Panel Membership is normally for a period of 2 years from the period of the ratification of the Panel by the Council. (Generally the term is from November after the Ordinary local government elections.).
- Once selected by the Council, if a member fails to attend three (3) consecutive meetings of the Panel, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Panel. The Chief Executive Officer shall advise any member, in writing, when their membership of Panel is terminated.
- The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- The Chairperson and Chief Executive Officer consider that the member is not making a positive contribution to the Panel; or
- The member is found to be in breach of the Town of East Fremantle Code of Conduct or a serious contravention of the Local Government Act 1995; or
- A member's conduct, action or comments brings the Town of East Fremantle into disrepute.

Vacancies

Vacancies shall be filled by calling for nominations of external members. Members filling a vacated position will hold that position for the remainder of the vacant positions' term as approved by the Council.

Section 4: Related Policies and Plans

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- *murals, tiles and mosaics covering walls, floors and walkways; and*
- *sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.*

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Responsible Directorate:	Community Services
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Appendices

A. Types of public art

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A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions. In some cases, this definition may be relaxed where it may be specified for a particular project.

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- murals, tiles and mosaics covering walls, floors and walkways; and
- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

-
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
 14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING
 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
 16. NEW BUSINESS OF AN URGENT NATURE
 17. MATTERS BEHIND CLOSED DOORS

17. PROCEDURAL MOTION

That Council resolve the meeting be closed to the public to discuss item 17.1 under the terms of the *Local Government Act 1995, Section 5.23(2)(a)*.

- 17.1 CEO Performance Review
18. CLOSURE