



AGENDA

Council Meeting

Tuesday, 16 October 2018 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.

| Deputations A formal process where members of the community request permission to address Council or Committee on an issue. | Presentations 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. |
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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, 16 October 2018 in the Council Chamber, 135 Canning Highway 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

4. DISCLOSURES OF INTEREST

4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

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

5.2 Public Question Time

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (18 September 2018)

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 18 September 2018 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (2 October 2018)

| | |
|----------------------------|--|
| File ref | C/MTP1 |
| Prepared by | Andrew Malone, Executive Manager Regulatory Services |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Town Planning Committee Minutes |

Purpose

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

Executive Summary

The Committee, at its meeting on 2 October 2018, exercised its delegation in all eight statutory matters before it.

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

Consultation

Town Planning 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 Committee meeting are now presented to Council to be received.

11.1 COMMITTEE RECOMMENDATION

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 2 October 2018 be received.

TOWN OF
EAST FREMANTLE



MINUTES

Town Planning & Building Committee

Tuesday, 2 October 2018 at 6.32pm

Disclaimer

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

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

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**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 2 OCTOBER 2018**



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UNCONFIRMED

MINUTES OF TOWN PLANNING MEETING
TUESDAY, 2 OCTOBER 2018



MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD AT THE EAST FREMANTLE TOWN HALL, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 2 OCTOBER 2018.

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

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 Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past and present."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Cr C Collinson Presiding Member

Cr M McPhail

Cr D Nardi

Cr T Natale

Cr A White

The following staff were in attendance:

Mr A Malone Executive Manager Regulatory Services

Ms G Cooper Minute Secretary

3.2 Apologies

Mayor Jim O'Neill

Cr Jenny Harrington

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil.

5. DISCLOSURES OF INTEREST

5.1 Financial

Nil.

5.2 Proximity

5.2.1 Cr Natale – Refer Item 11.6 Additions and Alterations to Existing Dwelling, Including a Double Carport

Cr Natale declared a proximity interest as he resides adjoining (*rear neighbour*) to No. 3 Munro Street.

5.3 Impartiality

Nil.

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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 (4 September 2018)

8.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

Moved Cr Nardi, seconded Cr M McPhail

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 4 September 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

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TUESDAY, 2 OCTOBER 2018**

10. REPORTS OF COMMITTEES**10.1 Community Design Advisory Committee**

Prepared by: Andrew Malone Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning & Building Committee

Attachments: Nil.

PURPOSE

Due to the Queen's Birthday Public Holiday the CDAC Meeting was held on Monday 1 October 2018, therefore the minutes are not available for this meeting, however they will be presented to the next Town Planning Meeting.

UNCONFIRMED

**MINUTES OF TOWN PLANNING MEETING
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Cr Natale moved, second Cr Nardi

That the order of business be changed to allow members of the gallery to speak to specific planning applications.

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 Canning Highway No. 158 (Lot 3) – Meditation Centre Signage

| | |
|----------------------------|--|
| Landowner | A Kelsang |
| Applicant | C Bayliss |
| File ref | P/CAN158; P054/2018 |
| Prepared by | Christine Catchpole, Senior Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Meeting date | 2 October 2018 |
| Voting requirements | Simple majority |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

This report considers an application for signage to be erected within the front setback area and on the building (pylon, wall, under awning and emblem (gable insert) signs) at the meditation centre at 158 Canning Highway, East Fremantle.

Executive Summary

The development application the subject of this report considers five proposed signs at the Kadampa Meditation Centre. The signage application comprises the following signs:

- Pylon sign at the entry to the site from Canning Highway (to replace existing);
- Wall sign on an internal retaining wall adjacent to parking spaces (to replace existing);
- Wall sign at the front door entry (to replace existing);
- Under awning sign (under gable); and
- Interpretative sign (emblem sign – gable insert).

The main issues raised with this application relevant to its determination are the impact of signage on the Heritage Listed building (category B) and Canning Highway and the number of signs on the site. Three of the signs are considered acceptable, however, the signs proposed for the gable and the under awning sign (hanging below the gable) are not supported and it is recommended they be deleted from the development application approval. The signs recommended for approval are subject to a number of standard planning conditions.

Background

Zoning: Town Centre

Land Area: 827m²

MRS: Subject property abuts Stirling Highway a 'Primary Regional Roads' Reserve under the MRS. The application was referred to Main Roads WA (MRWA). MRWA has provided conditions of approval and the conditions will be included in the development approval determination.

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Consultation**Advertising**

The application was referred to MRWA. There is no objection to the proposal subject to a number of conditions being imposed.

Community Design Advisory Committee

This application was considered by the Committee at its meeting of 30 July 2018 and the following comments were noted:

The Committee raised no concerns regarding the proposal as noted below.

- (a) *The overall built form merits;*
 - Supportive of the proposal.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
 - No comment.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - No comment.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - No comment.
- (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 3 Heritage List

MRS: Important Regional Road Reserve – Canning Highway

Policy Implications

Local Planning Policy – Design Guidelines – Signage 2011

Municipal Heritage Inventory (MI) – Category B

Fremantle Port Buffer Zone – Area 3

Financial Implications

Nil

Strategic Implications

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

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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

August 2018

Comment

The property is listed on the Town's Heritage List with a category B rating. The application is for the replacement of existing signs and for new signage at the site to identify the purpose of the building and the services available. The details of the signage proposal are outlined below.

Proposed signage

Wall signs

Front door entry

- 1.26mH x 740mmW
- Flat sheet panel sign to replace existing sign

Parking bay area – front setback

- 600mmH x 1.78mW
- Flat sheet panel mounted sign on retaining wall adjacent to parking bays

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Pylon/pole sign

- 3.3mH (overall height) x 1.2mW
- Sign height – 1.8m; pole height 1.5m
- Internally illuminated
- To replace pylon/pole sign on Canning Highway

Interpretative sign (gable insert)

- 1.95mH x 4.63mW
- Deer and Dharma Wheel gilded figures mounted in fascia of leading gable on front façade

Below awning sign

- 350mmH x 4.63mW
- To hang from the gable directly below the mural

All signs are coordinated in terms of colour, lettering and styling – white lettering on a blue background.

Local Planning Scheme No. 3

The following clauses of the Scheme apply:

5.9 Advertising Signs

- 5.9.2 *Advertising signs are to be designed and constructed having due regard to any relevant local government Policy.*
- 5.9.3 *In its determination of any application for erection or display of an advertising sign for which planning approval is required, the local government is to take into consideration the likely impact of the proposal on the safety and amenity of the area.*

67 Matters to be considered by Local Government (Deemed Provision clause)

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application -

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

In the main it is considered the proposed signs have been designed having due regard to the Town's Local Planning Policy and the relevant sections of Clause 5.9 and 67 of the Local Planning Scheme.

Local Planning Policy – Design Guidelines - Signage

Council has adopted the Local Planning Policy 3.1.3 – Signage Design Guidelines pursuant to clause 2.4 of LPS No. 3. The policy clarifies the range and extent of signage that is allowable.

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

Clause (1) of the above Guidelines requires that each sign must comply with Clauses 2 and 6. Whilst the signage complies with Clause (2) (General Requirements) the proposal does not comply with the "Acceptable Solution (Permitted)" provisions of the Policy, therefore, the signs must be considered under the "Alternative Performance Criteria" of the Guidelines as outlined below for wall signs.

Wall Sign – *(non-complying – more than one sign per building and greater than height permitted)
(subject to "Alternative Performance Criteria" below)*

- (i) *Multiple wall signs or wall signs exceeding the Acceptable Solution provisions shall only be considered as part of an approved signs regime.*
- (ii) *Signs must face a primary space.*
- (iii) *Maximum height equivalent to 10% of the height of a building wall or 2m whichever is greater.*
- (iv) *Maximum length 5m.*

The two wall signs proposed for the site (parking area and front door entry signs) are both pre-existing. The signs are not greater than 2 metres in height, however, they will occupy more than 10% of the height of a building wall. This is considered supportable on the basis that the signs are not located on the same section of wall and the parking sign has minimal visual impact on the heritage property and Canning Highway.

Elements of the above 'Alternative Performance Criteria' that refer to compliance with an approved signs regime are considered to be satisfied in that the applicant has sought Council approval for all proposed signage for the site in the one application and therefore the signs are considered to be part of an overall approved signs regime. The signs also face a primary space as the building has a frontage to Canning Highway. The combined impact of these two signs is not considered to have a detrimental impact on the heritage values of the building.

Pylon sign

A pylon sign is required to be considered under the following 'Alternative Performance Criteria' (Discretionary) provisions of the Policy:

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

The pylon/pole sign is 3.3 metres in overall height above the ground and is located on private property. It will be higher than the existing sign, illuminated and clearly visible from Canning Highway. The overall area of the signage is 2.16m² which is slightly larger than the previous sign which was approximately 1.2m² in area.

This sign complies with the 'Acceptable Solution' and the 'Alternative Performance Criteria' under the Design Guidelines for Signage. The proposed sign does not impede sight lines for traffic and is not

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considered to impact on the streetscape or the appearance of the building. It is therefore supportable as a replacement for the existing pylon/pole sign. However, it is noted that this sign has effectively doubled in size and more than adequately identifies the location of the meditation centre. This is relevant to discussion below on the assessment of the interpretative sign (Deer and Dharma Wheel).

Interpretative sign (Deer and Dharma Wheel)

- (i) *Must form part of an approved coordinated framework for signage.*
- (ii) *Must be distinctive.*
- (iii) *Combinations with artistic or sculptural works are encouraged.*

The emblem is considered to fit the definition and alternative performance criteria of an interpretative sign, however, it is not supported on the basis that it is considered to have a significant visual impact on the heritage listed property and will further contribute to the loss of the original features of the building.

The meditation centre has a category B rating under the MI. The place record form notes that the property has considerable aesthetic value as a Federation Bungalow style building (c1915). The place retains a moderate to low degree of authenticity and a moderate degree of integrity. It retains most of the characteristic features of a dwelling of the type and period. The MI states that the place plays an important role in the pattern of development of a middle class suburb.

This property is visible from Canning Highway and forms part of a small remaining strip of heritage properties between Preston Point Road and Staton Road. Over the years the site has undergone considerable changes to the frontage of the property in respect to its conversion from a residential property to a meditation centre. There are additions to the rear and sides of the house. The front garden has been modified to accommodate a car park, including a carport and more recently a substantial shade structure which required removal of one of the mature palms in the front garden was approved. The lot has been subdivided and two residences built to the rear. Whilst these changes have been supported, Council has always been mindful of the heritage value of the property and it is now listed in the Scheme's Heritage List.

The building is asymmetrically designed and the front elevation is divided into two planes. Both planes feature a gable bay and a hip roofed verandah and both gable bays feature circular vents. The interpretative sign (emblem in gable and hanging sign below the gable) is proposed to be located in the leading gable which is the most prominent and visible from Canning Highway. The front façade of the house in particular will be significantly altered from a visual perspective. The architectural detail and vent of the gable will be obscured and dominated by the emblem which will occupy the entire gable space and is approximately 1.8 metres in height. The sign proposed to hang below the emblem from the gutter line will also be visually prominent. The double gable is a strong architectural feature and elevated above street level. Retention of the heritage elements of the former dwelling are considered important to respect and maintain if its remaining heritage status is to be conserved.

This proposed signage combined with other changes to the property is considered to further erode the heritage elements of the property to the point where the appearance of the façade of the dwelling will be significantly altered and architectural features obscured.

Furthermore, the additional signage is not considered necessary. The pylon/pole and wall signs are reasonably large and clearly visible, being higher than the previous sign and more visible on Canning Highway. The additional signage is not considered necessary for identifying the use on the site and the location of the meditation centre. As such the interpretative (emblem) and under awning hanging signs are not supported and it is recommended they be deleted from the building permit application plans and not approved as part of the development approval for the site.

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Below awning sign

- (i) *Maximum height 750mm.*
- (ii) *Maximum width 300mm.*
- (iii) *Shall not project beyond the width of the awning or exceed 2700mm in length whichever is the shorter.*
- (iv) *Minimum distance between any other Above Awning Sign or Horizontal Projecting Wall Sign 2400mm.*
- (v) *Minimum distance from side boundary of the lot or site 1200mm.*

This sign is not supported on the basis that it is considered to contribute to an excess of signage for the site overall and will have a detrimental impact on the heritage elements of the building as discussed above.

Conclusion

In the main the proposed signage complies with the Town's Signage Design Guidelines policy and is supported by MRWA, subject to standard conditions. The proposed signage is replacing existing wall and pylon/pole signs, however, the new signage component which comprises an the Deer and Dharma Wheel emblem in the leading gable and signage hanging from below the emblem is not supported. It is considered to visually impact upon and detract from the heritage character of the property and will further erode the heritage elements and overall heritage value of the site. It is therefore recommended that this aspect of the signage not be approved and be deleted from the development approval for the site.

Discretionary approval under the 'Alternative Performance Criteria' of the Signage Design Guidelines policy, in respect to the proposed wall signs, is recommended and the pylon/pole sign is compliant. The application is consistent with Clauses 5.9 and 67 (Deemed Provisions) of the Scheme, with the exceptions noted above and is therefore recommended for conditional approval. Planning conditions have been imposed to address any graffiti or vandalism and any change to the signage regime.

- Mr Colby Bayliss (applicant) addressed the meeting in support of the officer's recommendation however foreshadowed his intention to apply for approval for an awning sign.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP011018

Cr White seconded, moved Cr Nardi

That Council grant development approval and exercise its discretion in respect to the following:

- (i) **Clause 6 – Signage Requirements (Wall Signs) of Local Planning Policy 3.1.1 - Signage Design Guidelines to allow signs the maximum height equivalent to 10% of the height of a building wall or 2m whichever is greater;**

for signage at No. 158 (Lot 3) Canning Highway, East Fremantle, as outlined on the plans and accompanying information date stamped received 22 June 2018 subject to the following conditions:

- (1) **Deletion of the interpretative sign (emblem) and under awning signage proposed for the leading gable facing Canning Highway. This is not approved and is not part of the development approval for the site.**
- (2) **Compliance with Main Roads WA conditions of approval (as stated in correspondence date stamped received by the Town on 7 August 2018) which states:**
 - (a) ***The type of signs, size, content and location must comply with all relevant by-laws and planning schemes made by Council;***

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- (b) The signs and sign structures are to be placed on private property and shall not over hang or encroach upon the road reserve;*
- (c) For the signs that are illuminated, it must be of a low-level not exceeding 300cdm², not flash, pulsate or chase;*
- (d) The device shall not contain fluorescent, reflective or retro reflective colours or materials;*
- (e) No other unauthorized signing is to be displayed; and*
- (f) Main Roads agreement is to be obtained prior to any future modifications.*
- (3) All signage proposed being in accordance with the correspondence, elevations and accompanying notations and plans in regard to signage dimensions, wording, materials and graphics submitted with the application and date stamped received 22 June 2018 and subject to compliance with Main Roads WA conditions of approval with the exception of the emblem and below awning signage.
- (4) Any change to the type, design, location or illumination of the signage regime being the subject of a further development approval application for Council's consideration.
- (5) All signage to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) No other unauthorised signage is to be displayed.
- (7) The signage is to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (8) 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.
- (9) 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) A copy of the approved signage as stamped by Council is attached and the specifications graphics and wording of the signage is to conform with the approved plans unless otherwise approved by Council.*
- (ii) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

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11.2 View Terrace, No. 11 (Lot 1) – Demolition and Construction of Two Level Grouped Dwelling

| | |
|----------------------------|--|
| Applicant/Owner | M, G and B Hardwick |
| File ref | P/VIE11; P049/2018 |
| Prepared by | Christine Catchpole, Senior Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Voting requirements | Simple Majority |
| Meeting date | 2 October 2018 |
| Documents tabled | Nil |
| Attachments | Nil. |

Purpose

This report considers a planning application for the demolition of one half of a duplex strata development and the construction of a two level grouped dwelling at No. 11 (Lot 1) View Terrace, East Fremantle.

Executive Summary

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

- Dwelling density – redevelopment of a survey strata lot;
- Lot boundary setbacks: reduced setbacks to the rear, eastern and western boundary;
- Site works: excavation greater than 500mm;
- Retaining walls: greater than 500mm in height and within 1 metre of lot boundaries; and
- Solar access: exceeds 25% permitted.

It is considered the above variations can be supported subject to conditions of planning approval being imposed to address the adjoining owner's submission and where appropriate residential amenity.

Background

The 383m² survey strata lot to be developed is currently occupied by a 1980s duplex development. It is now intended that the front unit be demolished and replaced with a new two storey home. It is proposed to use the existing driveway to access a double garage to the rear and a new crossover would be located on the eastern side of the lot which would provide access to a single garage.

The master bedroom suite, main living areas and balcony are located on the upper level with six bedrooms, laundry, bathroom and media/games room with kitchenette located on the ground level. A pool is proposed within the front setback area. Front fencing is also proposed with this application.

Consultation

Advertising

The adjoining owners were notified of the amended proposal from 3 to 19 September 2018 and the following comments have been made by the owners to the east.

- *The reflection of the roof impacting on using and enjoying our property is noted. What options can be offered if this was considered a problem?*
- *Walk in Larder window (indicated as WIL on the plans) is clear glazing and would overlook our west facing bedroom and bathroom windows which have clear glazing. We guess this window is 5.3 m from boundary under the 6m rule.*
- *In our opinion all upstairs glazing on east side should be obscured to ensure privacy.*
- *What is the finish and colour specified for the garage wall on the boundary. We would like the colour to be of our choosing as this impacts visually on our property.*

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- *Full length boundary fencing to be discussed and agreed upon between neighbours. Our preference is a timber fence.*
- *The existing small brick wall on the eastern boundary is listed to be removed. What is proposed as a replacement to retain soils as the properties have different soil levels? Please advise construction type and colour on east side. This should be of our choosing.*
- *Request a dilapidation report on our house.*

Officer response

Roof reflectivity, visual privacy and parapet walls

The issues raised in regard to roof reflectivity, upstairs windows on the southern and eastern elevations (with exceptions noted below) and parapet walls on the boundary are acknowledged and will be addressed as conditions of planning approval.

The walk in larder (WIL) window is not considered to be subject to the visual privacy provisions of the R-Codes because it is not included in the habitable room definition under the R-Codes. The WIL is a separate room to the scullery (i.e. kitchen sink, fridge and pantry) and main section of the kitchen. The remainder of the kitchen area, adjoining the living/dining area, is considered a habitable room and has highlight windows facing east. These along with the scullery window facing south are indicated as being obscure glazing. The WIL window is setback 5.3 metres from the boundary. It is not considered necessary to require this window to be obscure glazing or be set back 6 metres under the visual privacy provisions because it is not defined as a habitable room and obscure glazing would limit light to the area considerably. The Town, cannot compel the owner to install obscure glazing because it is not required under the provisions of the R-Codes. With regard to the other windows a condition of planning approval is recommended to ensure the windows that are within the visual privacy setback are installed with obscure glazing as indicated.

Boundary fencing and retaining walls

Boundary fencing is a matter for the adjoining owners to discuss. If there is disagreement the issues will be addressed under the provisions of the *Dividing Fences Act*. Retaining of soil after removal of a retaining wall is the responsibility of the land owner of the lot on which the retaining is required. The retaining wall is indicated as being wholly on the subject site and therefore is the responsibility of the applicant and subject to assessment at Building Permit application stage.

Dilapidation report

The Town cannot enforce a dilapidation report be carried out but recommends 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. If undertaken it is recommended that a dilapidation report be lodged with Council and a copy given to the owner of any affected property. This is included as an advice note to the applicant.

Community Design Advisory Committee (CDAC)

This application was considered by the CDAC at its meeting on 30 July 2018. The Committee's comments were recorded as follows:

(a) *The overall built form merits;*

- The Committee is supportive of the development.
- The development has passive surveillance of the front alfresco and balcony;

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- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
- No comment.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
- The building is in keeping with the surrounding area, and fits with the built form design of the area.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
- No comment.
- (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

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

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- 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 2018

Comment

LPS 3 Zoning: Residential R17.5

Site area: 383m² (street front strata lot)

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 | 6.0m | 7.2m | A |
| Lot Boundary Setback | Rear (south) GF – 1.5m UF – 2.0m Garage – 1.0m | Rear (south) GF – 4.1m UF – 1.2m - 2.7m Garage – 200mm | A D D |
| | East GF – 1.5m UF – 1.9m Garage - 1.0m | East GF -1.2m UF – 1.2m Garage - Nil | D D D |
| | West GF – 1.5m UF – 4.2m | West GF – 350mm – 2.7m (5.6m from lot boundary) UF – 350mm – 1.6m | D D |
| | | | |
| Open Space | 50% | 50% | A |
| Outdoor Living | 36m ² | 100m ² | A |
| Car Parking | 2 | 3 | A |

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| | | | |
|--------------------------|---|--|---|
| Site Works Excavation | More than 500mm | Up to 600mm excavation | D |
| Retaining Walls | Greater than 500mm and closer than 1m from lot boundary | Up to 600mm and retaining wall up to boundary | D |
| Overshadowing | 25% | 33.25% | D |
| Drainage | On-site | On-site | A |
| Crossovers | 1 | 2 | D |

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 | D |
| 3.7.5 Demolition | A |
| 3.7.6 Construction of New Buildings | D |
| 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 | A |

| Building Height Requirement | Required | Proposed | Status |
|---|----------|--|--------|
| Building Height (top of wall – concealed roof) (Residential Design Guidelines) | 6.5m | North – 6.5m South – 6.5m East – 6.1m West – 6.5m | A |
| Concealed roof – flat roof | <5° | 2° | A |

There are a number of variations to the R-Codes and the Residential Design Guidelines most of which are a result of the R17.5 provisions being applied to a smaller lot area the equivalent of a density code of R20 - R25 (i.e. 350m² – 450m² average lot area per dwelling). These matters and those raised by the adjoining land owner through a submission are discussed below.

Dwelling density (redevelopment of survey strata lot)

The current zoning of the area is Residential R17.5. 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 - R25. The current Planning Scheme contains clause 5.3.3 which addresses this situation and states as follows:

Existing non-complying development:

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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 (now clause 67).*

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 have been met and there was one submission received as discussed above. 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, mainly from the perspective that it addresses the street and offers greater surveillance of the street through large glass doors and windows which face the street. The design of the dwelling has an upper level balcony and alfresco area with glass doors which overlooks the street. Visually the dwelling has an improved presentation to the street.

Lot boundary setbacks

The lot boundary setbacks of the dwelling do not comply in respect to all side lot boundaries as discussed above. This is not unexpected on a lot that is only 383m². Redevelopment of small lots on which large family homes are proposed and views maximised results in an applicant seeking concessions for reduced side setbacks. This is the case with this application. Some sections of each elevation have been setback in an attempt to minimise bulk and most major openings face north or west along the boundary where the building has greater setbacks and views are available. So some sections of wall comply with the prescribed setbacks and other sections do not. The details of the variations and conditions imposed are outlined in the table above and discussed below. It is noted the other strata land owner has endorsed the proposal and the land owner to the west has not made a submission.

Southern (rear strata) boundary

The non-compliance with the rear setback is primarily related to the double garage parapet wall having a setback of 200mm for a length of 6 metres. The remainder of the ground level setback complies as it accommodates the rear courtyard. The upper level setback required is 2.0 metres and the setback proposed ranges from 1.2 metres to 2.7 metres. There is no overlooking issue and the overshadowing (whilst greater than that permitted) is mainly over the roof of the rear strata unit so the reduced setback in this circumstance is considered to satisfy the Design Principles of the R-Codes and is therefore supported. As mentioned the adjoining strata land owner has not objected to the reduced setback.

Western (driveway) boundary

The setback on the western boundary from the strata lot boundary does not meet R-Code requirements. However, the dwelling is proposed to be setback a minimum of 3.6 metres from the boundary of the

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property to the west (i.e. the width of the access driveway) and for some sections the dwelling is setback 5.6 metres. The reduced setbacks from this boundary are therefore not believed to reduce residential amenity and are considered to comply with the Design Principles of the R-Codes.

Eastern boundary

The setback of the eastern side of the building is also non-compliant with respect to another garage parapet wall which extends for ~6.0 metres. The adjoining owner has not objected to the garage wall on the boundary as such, however, comments in regard to the finish of the wall have been made and these will be addressed through a condition of planning approval. The remainder of the wall is also non-compliant for most of the length of the wall in that the minimum setback is required to be 1.5 metres for the lower level and 1.9 metres for the upper level. The dwelling is setback 1.2 metres, with the courtyard section being setback 5.3 metres. The is considered supportable as the non-compliance of less than 1.0 metre is not considered to have a significant bearing on the overall bulk of a two level dwelling which can be constructed on the lot in any case under the provisions of the Planning Scheme.

With regard to the overall setback variations of the proposal the Design Principles of the R-Codes are considered satisfied in that the building does not unnecessarily contribute to building bulk on the adjoining lot (given two storey development is permitted in the Precinct), provides for adequate sun and ventilation to open spaces and overshadowing is primarily over the building on the rear strata lot rather than the main area of open space on that strata lot.

Retaining walls and site works

The proposed excavation (up to ~600mm) on the eastern side of the lot is outside the parameters of the R-Codes. The applicant is excavating this side of the lot so the floor level can be lowered in order to meet the building height limit under the Residential Design Guidelines. The applicant has lowered the building height in the amended plans to address the concerns of the adjoining owner. This is considered to improve the amenity of the adjoining site and therefore the excavation to this level is supported. The depth of excavation will assist in reducing building bulk and height in relation to the property to the east. The Design Principles are considered satisfied in that the excavation will not substantially change the natural ground level at the lot boundary of the site as viewed from the street and replacement of the retaining wall is indicated on the plan. The plans indicate a retaining wall will be constructed for a considerable portion of the eastern boundary as it abuts this lot. The adequacy of the retaining wall will be assessed at Building Permit application stage.

Solar access - overshadowing

Overshadowing greater than that permitted under the R-Codes, will occur on the property to the south (i.e. permitted 25%; proposed 33.25%). The adjoining owners of the rear strata lot have not objected, most likely because the shadow will not impact the main outdoor living area of that dwelling. The non-compliance and additional overshadowing can therefore be supported.

Front fence

The proposed front fence complies with the requirements of the Residential Design Guidelines. A condition of approval is recommended only to ensure that the visual permeability of the fence as proposed and indicated on the plans is constructed and maintained with the degree of permeability required under the Guidelines.

Approval for single dwelling

It is noted this dwelling could potentially function with two separate living quarters under the one roof. If the owners wish to use the property, or part of the dwelling, for ancillary, short term or bed and

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breakfast accommodation a separate application to Council for its consideration will be required for these uses. However, a separate street number (i.e. address) for the property will not be issued by the Town as the development approval is for a single dwelling only, as permitted under a density code of R17.5. A footnote in this regard is recommended.

Conclusion

Given the above comments the application is recommended for approval subject to conditions. The redevelopment of the lot for a two level grouped dwelling is a permitted use of the land under the R17.5 code applicable to the area and LPS 3 provisions and is not considered to detrimentally impact the amenity of the surrounding area or the streetscape. Conditions in regard to visual privacy, roof reflectivity, finish of parapet walls, crossover width, roof fixtures and front fencing are recommended to be applied.

- Mrs Pam Thomson (neighbour 15 View Terrace) addressed the meeting and raised concerns regarding the retaining wall on the boundary, materials to be used for the wall and overlooking.

OFFICER RECOMMENDATION

Cr Nardi moved, seconded Cr M McPhail

That Council grant development approval and exercise its discretion in regard to the following:

- (i) *Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit:*
 - (a) *a lot (western) boundary setback of less than 1.5 metres (ground level) and 4.2 metres (upper level);*
 - (b) *a lot (eastern) boundary setback of less than 1.0 metre for the garage, 1.5 metres for the ground level and 1.9 metres for the upper level; and*
 - (c) *a lot (southern) boundary setback of less than 1.0 metre for the garage, and 2.0 metres for the upper level;*
- (ii) *Clause 5.3.7 - Site Works of the Residential Design Codes of WA to allow excavation greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary;*
- (iii) *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 side lot boundary; and*
- (iv) *Clause 5.4. 2- Solar Access for Adjoining Sites to allow greater than 25% of the site area of the adjoining property to be covered in shadow as set down in the R-Codes,*

for construction of a two storey grouped dwelling at No. 11 (Lot 1) View Terrace, East Fremantle, in accordance with the plans date stamped received on 24 August 2018, subject to the following conditions:

- (1) *The metal roofing to be of a colour that reduces roof reflectivity. The colour to be to the satisfaction of the Chief Executive Officer and the details are to be submitted with the Building Permit application.*
- (2) *If requested by Council within the first two years following installation, the Colorbond 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.*
- (3) *The installation of permanent obscure glazing for all upper storey windows on the eastern elevation with the exception of the walk in larder and walk in wardrobe. The details of the obscure (visually impermeable glazing) to be indicated, to the satisfaction of the Chief Executive Officer, on the Building Permit application.*
- (4) *The south facing kitchen window (scullery) to have permanent obscure glazing and be a fixed/non-opening or awning style window. The details of the window, to be to the satisfaction of the Chief Executive Officer and indicated on the Building Permit application plans.*

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- (5) *All parapet walls/building structures to adjacent property faces are to be finished by way of agreement between the property owners and at the applicant's expense. The details are to be to the satisfaction of the Chief Executive Officer and submitted and approved prior to the submission of a Building Permit application.*
- (6) *Front fencing to comply with Local Planning Policy 3.1.1 - Residential Design Guidelines 2016.*
- (7) *Sight lines for both driveways and fencing adjoining driveways to comply with Australian Standards.*
- (8) *No external fixtures, fittings or appliances to be installed on the roof of the dwelling without further Council approval.*
- (9) *The width of the new crossover on the eastern side of the lot is not to exceed 4.5 metres as indicated on the plans date stamped received 24 August 2018.*
- (10) *The width of the existing crossover to the lot is not to be increased.*
- (11) *The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development 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 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) *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.*
- (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) *The dwelling, or any part of the dwelling, is not to be used for the purpose of an ancillary dwelling, short term or bed and breakfast accommodation. If these uses are contemplated a separate development approval application for Council's consideration is required to be submitted.*
- (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 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.*

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- (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”.*

AMENDMENT

Cr Natale moved, seconded Cr White

That the following condition be added:

- (18) The walk-in larder window to be opaque to 1.6m in height as per requirements of the residential design codes for privacy.**

(CARRIED 4:1)

11.2 SUBSTANTIVE MOTION/COMMITTEE RESOLUTION TP021018

Cr Nardi moved, seconded Cr M McPhail

That Council grant development approval and exercise its discretion in regard to the following:

- (i) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit:**
 - (d) a lot (western) boundary setback of less than 1.5 metres (ground level) and 4.2 metres (upper level);**
 - (e) a lot (eastern) boundary setback of less than 1.0 metre for the garage, 1.5 metres for the ground level and 1.9 metres for the upper level; and**
 - (f) a lot (southern) boundary setback of less than 1.0 metre for the garage, and 2.0 metres for the upper level;**
- (ii) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to allow excavation greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary;**
- (iii) 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 side lot boundary; and**
- (iv) Clause 5.4. 2- Solar Access for Adjoining Sites to allow greater than 25% of the site area of the adjoining property to be covered in shadow as set down in the R-Codes,**

for construction of a two storey grouped dwelling at No. 11 (Lot 1) View Terrace, East Fremantle, in accordance with the plans date stamped received on 24 August 2018, subject to the following conditions:

- (1) The metal roofing to be of a colour that reduces roof reflectivity. The colour to be to the satisfaction of the Chief Executive Officer and the details are to be submitted with the Building Permit application.**
- (2) If requested by Council within the first two years following installation, the Colorbond 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.**
- (3) The installation of permanent obscure glazing for all upper storey windows on the eastern elevation with the exception of the walk in larder and walk in wardrobe. The details of the**

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- obscure (visually impermeable glazing) to be indicated, to the satisfaction of the Chief Executive Officer, on the Building Permit application.
- (4) The south facing kitchen window (scullery) to have permanent obscure glazing and be a fixed/non-opening or awning style window. The details of the window, to be to the satisfaction of the Chief Executive Officer and indicated on the Building Permit application plans.
 - (5) All parapet walls/building structures to adjacent property faces are to be finished by way of agreement between the property owners and at the applicant's expense. The details are to be to the satisfaction of the Chief Executive Officer and submitted and approved prior to the submission of a Building Permit application.
 - (6) Front fencing to comply with Local Planning Policy 3.1.1 - Residential Design Guidelines 2016.
 - (7) Sight lines for both driveways and fencing adjoining driveways to comply with Australian Standards.
 - (8) No external fixtures, fittings or appliances to be installed on the roof of the dwelling without further Council approval.
 - (9) The width of the new crossover on the eastern side of the lot is not to exceed 4.5 metres as indicated on the plans date stamped received 24 August 2018.
 - (10) The width of the existing crossover to the lot is not to be increased.
 - (11) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development 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 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) 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.
 - (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.
 - (18) The walk-in larder window to be opaque to 1.6m in height as per requirements of the residential design codes for privacy.

Footnote:

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

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- (i) The dwelling, or any part of the dwelling, is not to be used for the purpose of an ancillary dwelling, short term or bed and breakfast accommodation. If these uses are contemplated a separate development approval application for Council's consideration is required to be submitted.*
- (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 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.*
- (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 4:1)

The Executive Manager Regulatory Services advised the meeting that he was supportive of the amended Committee resolution.

Reason for change:

Consideration of privacy issues raised by the neighbour at 15 View Terrace, and protecting general amenity.

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 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

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11.8 Petra Street, No. 161 (Lot 1) – Request for Widening of Crossover to View Terrace

| | |
|----------------------------|--|
| Applicant | D Gogan |
| Owner | C Robinson |
| File ref | P/PET151 |
| Prepared by | Christine Catchpole, Senior Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Voting requirements | Simple Majority |
| Meeting date | 2 October 2018 |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

This report considers a request for widening of an existing crossover at No. 161 (Lot 1) Petra Street, East Fremantle. The subject site is a corner lot and the crossover is situated on View Terrace.

Executive Summary

The following issues are relevant to the determination of this request for widening of the existing crossover:

- Widening of crossover to create double crossover;
- Pedestrian priority over vehicular access;
- Pedestrian, cyclist and driver safety; and
- Streetscape and residential amenity.

Taking into consideration proximity of the lot to the intersection of View Terrace and Petra Street, parking in the street setback area and other circumstances specific to this site, a widened crossover (effectively more than a double crossover) is considered undesirable. It will be to the detriment of pedestrian, cyclist and motorist safety, as well as the overall appearance of the streetscape and therefore should not be supported. The application is therefore recommended for refusal on the grounds that it does not comply with the provisions of the Residential Design Guidelines, the aims of the Planning Scheme, the objectives of the Residential Zone and is contrary to the orderly and proper planning of the area. A repositioned crossover of no greater than 5 metres in width would be supported. Removal of the portion of the crossover that was installed without approval and reinstatement of the verge is also recommended.

Background

In 2017 this corner site was the subject of an application for subdivision under the corner lot density bonus provision of the Planning Scheme. The dwelling which remained on the corner is on the Scheme's Heritage List with a category B rating. The subdivision approval was subject to a number of conditions which stated:

"1. Suitable arrangements being made with the Local Government for the provision of vehicle crossover(s) to service the lot shown on the approved plan of subdivision."

The subdivision plan indicated retention of the garage on Lot 1 which was accessed from a crossover from View Terrace. This was supported by the Town and the subdivision applicant. The garage has been retained and immediately adjacent to the garage, in the secondary street setback area, a raised hardstand area wide enough to accommodate another vehicle has been constructed. Council approval was not sought for this structure and the applicant has been advised that a retrospective development (planning) approval should be sought for this structure.

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The applicant in a letter in support of the crossover widening application states that the garage is not large enough to accommodate a modern vehicle so vehicles are being parked on the verge and kerb. A request was therefore made to widen the crossover. This application was received on 26 July and the applicant advised that the matter would be considered at the Council meeting in October. In the meantime, however, the applicant has proceeded to undertake the work and has completed the widening and paving of a double crossover, approximately 9.0 metres (excluding splays) in width, extending the full width of the verge (i.e. 6.0 metres). An area of paving of approximately 54m² has been installed.

On 31 August it was brought to the Town's attention that the double crossover had been installed. The Town immediately advised the applicant that:

- the works were unauthorised and that approval had not been granted;
- a section of Council's footpath had been removed from the verge;
- a further section of the footpath had been removed and replaced; and
- an existing crossover had been removed and a new double crossover installed.

The applicant was requested to stop all works and remove all building materials and the skip bin from the verge immediately and reinstate the grass that had been removed.

The applicant was also advised that a retrospective development (planning) approval and a building permit for the hardstand (retaining wall greater than 500mm) was also required. The relevant forms and information was provided to the applicant.

DETAILS

The existing crossover on the subject site provides access to the freestanding garage on the western boundary of the lot. The applicant's plan proposed to replace both the existing Council footpath leading across the verge from the road to the letterbox and the existing crossover and spanned 8 metres (not including splays). This left an 800mm setback from the western boundary of the lot.

It is also noted the applicant has paved over an easement protecting an underground electricity cable. It is not clear whether authority to do this was obtained from Western Power. The Town is in the process of consulting Western Power and seeking advice in regard to whether this has been authorised.

LPS 3 Zoning: Residential R12.5
Site area: 560m² (Strata Lot 1)

ConsultationAdvertising

Advertising was not required as the crossover and widened section is wholly within the road reserve.

Community Design Advisory Panel (CDAC)

The application was not referred to the CDAC as it will have no impact on the heritage aspects of the Municipal Inventory listed dwelling. However, if the request was approved by Council the streetscape would be detrimentally impacted and it is considered impacted from the point of view of the amount of increased paving of the verge that has occurred. Furthermore, as the applicant has stated the garage is not being used for the purpose of parking vehicles it is highly likely that vehicles will be parked in the hardstand area and on the crossover (Council verge).

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Statutory Environment

Local Government (Uniform Local Provisions) Regulations 1996
Planning and Development Act, 2005
Town of East Fremantle Local Planning Scheme No. 3 (LPS 3)
Easement – Western Power

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016 (RDG)
Municipal Inventory – Category ‘B’

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 2018

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Comment

The preference for some land owners to pave verge areas and accommodate vehicles in the road reserve has the potential to result in streetscapes becoming dominated by larger crossovers and driveways at the expense of pedestrian and road safety, landscaping, streetscape amenity, street trees and on-street parking. The Town's Residential Design Guidelines (RDG) specifically addresses these issues under the following clauses:

3.7.17.2 – Access, Parking and Rights of Way

3.7.17.2.2 - Desired Development Outcomes

- (i) *Parking areas of lots and development sites shall reflect the existing streetscape where possible;*
- (ii) *Where possible, parking to multiple dwelling to occur at the rear or side of the lot; and,*
- (iii) *Number of crossovers is to be minimized.*

Performance Criteria

Access and parking for the building is to be adequately provided for within the boundaries of the lot/development site, and does not negatively impact on:

- (i) *The streetscape character and amenity; and,*
- (ii) *The availability of on-street parking in the locality.*

3.7.14 – Footpaths and Crossovers

3.7.14.2 Desired Outcomes

- (i) *i. New footpaths and crossovers to match existing streetscapes;*
- (ii) *ii. Maintenance of existing footpaths and crossovers;*
- (iii) *iii. Maximum of one crossover per lot or subdivided lot; and*
- (iv) *iv. Street trees to be conserved or replaced where a new crossover requires their removal.*

3.7.14.3 Performance Criteria

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

Widened crossover

The impact of the widened crossover on the streetscape is very clear when comparing the aerial photograph in Attachment 3 to the photographs taken after installation of the widened crossover in Attachment 4. The negative visual impact of a large area of paving as opposed to grass verge is specifically what the Town is trying to prevent from occurring. Requests for double and extended crossovers since the adoption of the Residential Design Guidelines are rarely granted approval. This is because the Council is trying to minimise the impacts of crossovers on the streetscape. If properties were installed with crossovers of this width the impact on the streetscape would be extensive and to the detriment of the Town's 'green' streetscapes and front gardens because wide crossovers result in wide driveways.

The photographs in Attachment 4 clearly demonstrate that the crossover now forms effectively a double crossover, being the width and equivalent of two crossovers and providing access for two vehicles. Keeping in mind that development on the vacant portion of the subdivided lot fronting View Terrace has not occurred, there is potential for that crossover to be located on the eastern rather than the western

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side of the lot, where it is currently positioned. This would effectively result in a crossover of up to 14 – 15 metres in width and ~90m² of paving.

The addition of a wider crossover so close to the Petra Street roundabout (i.e. ~20 metres) and directly opposite another crossover and a bus stop (south side of View Terrace) is not supportable as it reduces safety for pedestrians, cyclists and motorists. While it is permissible to park cars, boats or trailers on the crossover it is not ideal, particularly in these circumstances. The crossover is set back from the intersection more than the required 15 metres, but this is marginal and although sight lines are clear once the roundabout is reached they would be impeded on approach to the roundabout if cars or other vehicles were parked on the crossover. This is considered to reduce traffic and pedestrian safety in general. Also adding to the road safety issue is the location of a bus stop on the north side of View Terrace just before the crossover. The Town's Operations Manager has indicated he is not in favour of a widened crossover but would be supportive of a crossover which provided access to the hardstand and which included the width of the footpath that previously existed from the letterbox to the footpath.

In addition to the above the additional paving (i.e. ~54m²) of the verge is considered to detract from the streetscape and adds to the hardstand along this stretch of the street. The construction of what is effectively another crossover so close to the roundabout is not considered to be orderly and proper planning, particularly so if it is considered to result in reduced safety and streetscape amenity.

Hardstand parking area

The hardstand parking area, also previously installed, was also subject to development (planning) approval (refer to Attachment 4 photographs). If the applicant had submitted an application for this proposal the issue of crossover width and compliance with the Residential Design Guidelines would have been raised with the applicant at the time the application was being assessed. Had this occurred it would have been recommended that Council support the repositioning of the crossover so the hardstand could be accessed (crossover no greater than 5 metres in width) and that the redundant crossover (i.e. the existing) be removed and the verge reinstated. This would still enable access to the existing garage if required, particularly as the applicant has reconfigured the kerbing to much lower profile during the relaying of the footpath. The recommended option is for the crossover not to exceed 5.0 metres and that the remaining crossover to the garage be removed and the verge and footpath be reinstated.

Taking into consideration the existing parking situation on the site and the fact that the applicant has indicated the garage will not be used for vehicle parking, widening of the crossover is considered unnecessary and will be to the detriment of cyclist, pedestrian and motorist safety, as well as the overall appearance of the streetscape and should not be supported. It is also considered very likely that if widening of the crossover to effectively a double crossover is supported it will most likely lead to a development application for replacement of the existing garage with a double garage. Whilst Council Officers would not necessarily disallow a freestanding double garage in this location it would need to be setback from the secondary street at least 1.5 metres and be serviced by a crossover no greater than 5 metres in width at the intersection of the road reserve.

It is therefore recommended that the applicant be advised that the request to widen the crossover is not supported and that the crossover to the hardstand, if supported by Council, is not to exceed the width of the hardstand. This will allow for the footpath that previously extended across the Council verge to be included in the width of the crossover. The remaining area of the crossover is to be removed and the verge reinstated, wherever it has been damaged, to the satisfaction of the Chief Executive Officer.

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Conclusion

The request for widening of the crossover is not supported on the basis that the application does not comply with:

1. The *Acceptable Development Criteria* or the *Performance Criteria* of the Local Planning Policy Residential Design Guidelines 2016 with regard to Clause 3.7.14 Footpaths and Crossovers and Clause 3.7.17.2 – Access, Parking and Rights of Way in that a maximum of one crossover per lot is permitted, pedestrian walk ways will take priority over vehicular access and maintenance of existing footpaths and crossovers occurs.
2. Aims (b) and (f) of the Planning Scheme for a Residential zone, specifically:
 - to enhance the character and amenity of the Town, and to promote a sense of place and community identity within each of the precincts of the Town;
 - to ensure the safe and convenient movement of people throughout the Town, including pedestrians, cyclists, public transport users and motorists.
3. Also, as the proposed development conflicts with Clause 4.2 Objectives of the Zones - Residential Zone which, amongst other things, are to:
 - to recognise the importance of design elements such as the 'front yard' and the 'back yard' to the character, amenity and historical development of the Town and to the community.
4. The proposed development also conflicts with the provisions of the Local Planning Scheme under clause 67 (Deemed Provisions) because it is incompatible with:
 - any local planning policy for the Scheme area (i.e. the Residential Design Guidelines);
 - the built heritage conservation of any place that is of cultural significance;
 - the amenity of the locality including the (ii) the character of the locality; and
 - the proposed means of access to and egress from the site.

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

It is also recommended the Council advise the applicant that:

- The Council only supports the repositioning of the crossover to provide access to the hardstand area provided the crossover is no greater than the width of the hardstand;
- Support for repositioning of the crossover is subject to the applicant seeking development approval and a Building Approval Certificate for the parking hardstand area;
- Removal of the widened crossover as installed is required to be undertaken for the portion that provides access to the garage; and

All of the unapproved works not forming part of the repositioned crossover being removed and the verge and footpath being reinstated to the satisfaction of the Chief Executive Officer.

- Mr Clayton Robertson (owner) addressed the meeting advising that he notified the Town on 23 July 2018 that the footpath has been damaged by a truck delivering material to his property and as a result proceeded with the works prior to receiving any approvals due to livability concerns.

11.8 OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION TP031018

Cr M McPhail moved, seconded Cr Nardi

That Council:

- (1) Refuse the application for widening of the crossover at No. 161 (Lot 1) Petra Street, East Fremantle for the following reasons:
 - (A) The proposed development does not comply with the requirements of the 'Acceptable Development Criteria' or the 'Performance Criteria' of the Local Planning Policy Residential Design Guidelines 2016 with regard to:
 - (i) Clause 3.7.14 Footpaths and Crossovers; and
 - (ii) Clause 3.7.17.2 – Access, Parking and Rights of Way;
 - (B) The proposed development does not comply with the following requirements of Local Planning Scheme No. 3:
 - (i) The proposed development conflicts with Clause 1.6 - Aims of the Scheme;
 - (ii) The proposed development conflicts with Clause 4.2 - Objectives of the Zones: Residential Zone; and
 - (iii) The proposed development conflicts with the provisions of the Town of East Fremantle Local Planning Scheme No. 3 – Deemed Provisions Clause 67 (g), (k), (n) and (s) because it would detrimentally impact on the amenity of the area.
 - (C) The proposed crossover does not comply with the orderly and proper planning of the area.
- (2) Advise the applicant that:
 - (A) The Council supports the repositioning of the crossover to provide access to the hardstand area provided the crossover is no greater than the width of the hardstand.
 - (B) Support for repositioning of the crossover is subject to the applicant seeking development approval and a Building Approval Certificate for the hardstand parking area.
 - (C) Removal of the widened crossover as installed is required to be undertaken for the portion that provides access to the garage.
 - (D) All of the unapproved works not forming part of the repositioned crossover being removed and the verge and footpath being reinstated to the satisfaction of the Chief Executive Officer.

(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.

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11.7 Previously Canning Highway No. 209 (Lot 49) (Lot 263 Allen Street) – Proposed Additions and Alterations

| | |
|----------------------------|--|
| Owner / Applicant | C Parsons/ SIDI Construction |
| File ref | P059/2018; P/CAN209 |
| Prepared by | Andrew Malone, Executive Manager Regulatory Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Meeting date | 2 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

This report considers an application for planning approval for proposed additions and alterations including second storey addition and sunken garage to an existing heritage dwelling at No. 209 Canning Highway (Lot 263 Allen Street), East Fremantle.

Executive Summary

The proposed additions and alterations are for a second story addition, a ground floor extension and a new sunken garage on the newly subdivided Lot 263 Allen Street. The lot has a split R12.5/ 40 zoning and is 503m² in area with an existing single story heritage building currently located on the site. It is proposed to undertake restoration of the existing building in addition to proposed extensions and additions. This application is considered to be significantly compliant with the Residential Design Codes and the Residential Design Guidelines, with the exception of the following issues which are relevant to the determination of this application:

- Heritage considerations;
- Setback;
- Garage forward of the building line;
- Retaining wall/ front fence; and
- Boundary wall

The proposal is not considered to negatively impact on the heritage character of the building or the streetscape. The proposal is recommended for approval subject to conditions.

Background

Zoning: Residential R12.5/40

Site area: 503m²

Consultation

Advertising

The application was not advertised to surrounding properties. The lot is located within a parent lot that is owned by Mr Parsons and therefore there is no impact to adjoining landowners. The proposed impact to the streetscape is also considered limited.

Community Design Advisory Committee (CDAC)

This application was considered by the CDAC at a meeting held on 30 July 2018. The second storey additions are proposed to the rear of the property (a garage is located within the front setback however is excavated into the lot) and has no significant impact to the streetscape or heritage character of the property.

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Alterations and Additions to Existing Dwelling, Including Second Storey Extension.

(a) *The overall built form merits;*

- Committee recommend reducing the external roof height of the rear upper floor addition to delineate the old roof to the new roof.
- The Committee is supportive of the development as proposed.

(b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*

- Committee recommends the use of a consistent external cladding material. Shadow clad to be utilised throughout the whole upper rear floor addition.

(c) *The relationship with and impact on the broader public realm and streetscape;*

- No comment.

(d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*

- No comment.

(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 comments.

(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 comments.

The applicant has provided the following response:

The current roof finished height for the extension has been designed this way for structural purposes and with the intent of creating clean architectural intersections into the existing structure. The chosen cladding material, colour and geometry of the proposed addition will create good contrast with the existing building and will be sufficient contrast to delineate the old and new architectural elements.

We are happy that the committee is supportive of the design.

Officer comment:

Whilst the CDAC comments are acknowledged, it is considered the applicant's response has merit. The proposed second storey addition will not have any significant prominent views from Allen Street due to its elevated and setback location on the building. The proposed addition is located behind the existing ridge line of the roof. It is proposed that there will be limited views of the dwelling and second storey because of existing and proposed vegetation screening to Allen Street. The side elevation to the south will be obscured by an existing building (currently under construction). The impact of the addition is considered minimal. No condition will be included in the Officer's recommendation regarding the roof. A condition will be added however to ensure the use of a consistent external cladding material on the upper storey. Shadow clad is notated on the plans and a condition requiring the material to be utilised throughout the whole upper rear floor addition is included.

Statutory Environment

*Planning and Development Act 2005
Residential Design Codes of WA*

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

Policy Implications

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)
Municipal Heritage Inventory - 'B' Category*

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 2018

Comment

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.

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| 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 | 4.0m | 4.0m | A |
| Lot boundary setbacks | | | |
| Northern | 1.0m | Nil | D |
| Southern | 1.5m | Nil | D |
| Southern (Garage) | 1.0m | Nil | D |
| Eastern | 1.0m | Nil | D |
| Eastern (Dwelling) | 1.5m | 1.1m | D |
| Open Space | 45% | >45% | A |
| Outdoor Living | 20m ² | 61m ² | A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | Greater than 500mm | D |
| Overshadowing | ≤25% | ≤25% | A |
| Drainage | On-site | To be conditioned | 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 | N/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 | N/A |
| 3.7.11 Front Fences | D |
| 3.7.12 Pergolas | A |
| 3.7.13 Incidental Development Requirements | N/A |
| 3.7.14 Footpaths and Crossovers | A |
| 3.7.18.3 Garages and Carports | D |
| 3.7.15-20 Precinct Requirements | A |

The applicant has worked with the Town to achieve an appropriate design for the dwelling. Two other designs were presented to the CDAC and the applicant has on each occasion addressed the concerns raised. Consultation with the planning department and the CDAC has resulted in a design outcome being reached with the intention of retaining as much of the existing form and character of the existing heritage building as it presents to Allen Street.

Consideration has been given to existing established vegetation. The applicant has indicated all efforts will be made to retain existing mature vegetation as well as the planned introduction for new vegetation in deep root planting zones. This planting will screen the proposed garage and will also assist in softening any impact the proposed first floor addition may cause.

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The proposed garage is sunken into the lot and utilises access via a shared vehicular access leg therefore eliminating the requirement for a new crossover. Whilst the garage has been set in front of the existing building the proposed garage does not significantly conceal the existing fabric of the heritage dwelling. The proposed garage roof is only 530mm above the existing floor level of the exist house, therefore the garage will have minimal visual impact.

Heritage

The dwelling is categorised as Category 'B' on the Heritage List of the Planning Scheme. Overall the proposal is considered to acknowledge the significant heritage value of the dwelling. The proposed second story addition utilises space mostly within the existing building envelope and respects the scale, bulk and proportions of the existing dwelling. The addition to the first floor utilises contrasting materials where visible to clearly delineate from the original structure.

Consideration has been given to the design of the front fence and retaining wall. The applicant has attempted to reduce the bulk and scale of the fence and retaining to compliment the design of the proposed dwelling. The fence does not impede sight lines to the existing heritage building but does provide a minimum height for safety. A condition has been included in the Officer's recommendation to require all fencing to be visually permeable.

The dwelling will still maintain a similar street presence and appearance. A condition has been include to retain the existing chimneys to ensure street character is maintained. Whilst the addition can be viewed from the street, the simplicity of the design of the additions integrates with the heritage character. The proposed addition is not considered intrusive as far as the streetscape or fabric of the building is concerned. The addition is recommended for approval subject to conditions.

Lot boundary setback

The lot boundary setbacks to the first floor are not compliant with the 'Deemed to Comply' provisions of the R-Codes. The proposed side boundaries to the development/ existing dwelling are also not compliant with the 'Deemed to Comply' provisions of the R-Codes as the dwelling is located on three of the boundaries of the subject lot.

Based on the higher density coding of R40, the proposed garage is required to be setback 4 metres from the front boundary. The garage setback is compliant with the 'Deemed to Comply' provisions of the R-Codes. The proposed garage is also sunken and therefore has minimal street impact and has no significant impact on the heritage dwelling.

The non-compliance with respect to the first floor (rear boundary) and the building on the boundaries is considered relatively minor and is a result of the applicant's subdivision and wishing to minimise built form impact to the existing heritage building. The proposed setbacks on each side boundary and the rear boundary attempt to utilise the full extent of the lot without structures being constructed forward of the heritage building or constructing a larger second storey than that proposed. The proposed design is considered to be the best design outcome in terms of retaining the dwelling, its heritage character and results in protecting the streetscape and façade of the dwelling.

Three of the proposed side setbacks are nil (northern, southern and eastern). These boundary walls adjoin other newly created lots (subdivided from the parent lot) and have no impact to adjoining land owners. The setback requirements for the first floor and ground floor to the eastern boundary do not comply with the "Deemed to Comply" provisions either. The lot boundary to the south and east adjoins an internal driveway, whilst the northern boundary adjoins a larger lot, which will be subdivided in the future. The

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proposed built form make practical use of the existing lot area, without significantly compromising the heritage dwelling.

The proposal is considered to comply with the 'Design Principles' of Clause 5.1.3 Lot boundary setback P3.2 and overall the building design contributes to the retention of the heritage dwelling, therefore positively contributing the streetscape and overall street character.

Retaining walls and site works

The existing limestone wall on the front boundary (Allen Street) is not sufficient and requires replacement. The existing retaining wall will be realigned and replaced on the boundary. The height of the retaining wall will also be increased in height to 1.2 metres (currently the retaining wall is 0.4 to 0.9 metres above the footpath). The proposed fill (ranges from 0.8 metres to 1.2 metres above the footpath) on the western side of the lot is considered to provide a level front garden removing existing grade falls to the street. The proposed garage is also sunken into the front garden.

The applicant is filling the front of the property to enable a consistent and usable space is created in the front of the lot (maximising space and providing usable open space as there is no rear garden). The proposed level of 1.2 metres complies with the overall front fence height (solid) requirements. The proposed fence on top of the retaining is 1.0 metre permeable above the retaining wall, therefore the retaining and fence have a maximum height of 1.8 metres to 2.2 metres above the footpath.

The proposed retaining/ fence and development as a whole is considered to improve the amenity of the site and improves the visual appearance of the dwelling. The proposed fill also minimises the impact of the garage on the streetscape. The depth of fill will assist in minimising building bulk and height and a 'deep planting zone' will also be created in the front garden to ensure planting and established vegetation can be accommodated.

The Design Principles are considered satisfied in that the fill will not substantially change the natural ground level at the lot boundary of the site as viewed from the street and replacement of the retaining wall is considered necessary. The proposed retaining wall and fence on top are considered to adhere to the required Design Principles and therefore can be supported.

Side boundary wall

A wall is proposed on the northern boundary which exceed the requirements of the 'Dividing Fences Act' height of 1.8 metres above natural ground level. The proposed wall has a maximum height of 2.234 metres and therefore requires planning approval. The proposed wall has been increased in height above natural ground level because of the proposed fill and to increase the privacy (to the verandah and deck) of the site. The wall also provides a noise buffer from Canning Highway. The solid wall abuts a larger lot subdivision, which will be re-subdivided at a later stage. The proposed wall does not impact on any adjoining lot or the street frontage which is Allen Street.

Conclusion

Given the above comments of the CDAC and the modifications to the design by the application, the proposed design is recommended for approval subject to conditions. The overall design is sympathetic to the dwelling and protects the character of the heritage dwelling.

The redevelopment of the lot is a permitted use of the land under the density bonus R40 code (as approved under the subdivision) applicable to the area and LPS 3 provisions. The proposed development is not considered to detrimentally impact the amenity of the surrounding area or the streetscape. The

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reduced setbacks primarily adjoin a vehicular access leg and therefore there is no direct impact to adjoining lots or habitable areas.

Conditions in regard to building material, the chimneys, retaining and roof fixtures and front fencing are recommended to be applied to the development application. The proposed development is recommended for support subject to conditions.

- Mr Corey Parsons (owner) thanked Executive Manager Regulatory Services for his support and assistance in dealing with this proposal.

11.7 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP041018

Cr Natale moved, seconded Cr M McPhail

That Council grant development approval and exercise discretion in regard to the following:

- (i) Clause 5.3.1 of the Residential Design Codes – Lot boundary setback for the northern, eastern and western boundaries;**
- (ii) Clause 5.3.7 – Site works and Clause 5.3.8 – Retaining walls of the Residential Design Codes – Front retaining wall and proposed fill;**
- (iii) Clause 3.7.11 – Front Fence of the Residential Design Guidelines – Front fence;**

for planning approval for proposed additions and alterations including second storey addition and sunken garage to an existing heritage dwelling at No. 209 Canning Highway (Lot 263 Allen Street), East Fremantle, in accordance with the plans date stamped received 27 June 2018, subject to the following conditions:

- (1) The details of construction materials, colours and finishes to be used for the alterations and additions the subject of this application to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.**
- (2) 'Shadowclad Ultragroove' as notated on the plans is to be utilised throughout the whole upper floor addition.**
- (3) The two (2) existing chimney stacks are not to be altered or removed and are to be protected, to the satisfaction of the Chief Executive Officer, during the construction phase.**
- (4) Front fencing is to comply with Local Planning Policy 3.1.1 for visual permeability. All front fencing is to be 60% visually permeable.**
- (5) The proposed alterations and additions are 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.**
- (6) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (7) 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.**
- (8) 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.**
- (9) 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.**

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- (10) 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.
- (11) 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.
- (12) 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) *The Community Design Advisory Committee requested that the cladding of first floor be 'shadowclad'.*
- (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 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.*
- (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.

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11.3 Windsor Road No. 28 (Lot 1) – Proposed Verandah/ Patio

| | |
|----------------------------|--|
| Owner / Applicant | G Puglisi |
| File ref | P063/2018; P/WIN28 |
| Prepared by | Andrew Malone, Executive Manager Regulatory Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Meeting date | 2 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

This report considers an application for planning approval for a rear verandah / patio to an existing dwelling at No. 28 Windsor Road, East Fremantle.

Executive Summary

The proposed additions and alterations are for demolition of existing verandah / patio, stairs and planters and for construction of verandah / patio, stairs and planters. This application is considered to be significantly compliant with the Residential Design Codes and the Residential Design Guidelines. An objection was received by the adjoining neighbour therefore this application is required to be determined by Council.

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

- Heritage considerations; and
- Visual privacy

The proposal comprises an addition to the rear of the dwelling and will not impact on the heritage character of the building. The proposal will have no negative impact to the streetscape. The adjoining neighbour to the east has signed a copy of the plan indicating no objection to the proposal.

It is considered the visual privacy is compliant with the 'Deemed to Comply' provisions of the R-Codes and therefore can be supported. The application is recommended for approval subject to conditions.

Background

Zoning: Residential R17.5

Site area: 911m²

Consultation

Advertising

The application was advertised to the property to the north surrounding land owners from 27 July to 13 August 2018. The adjoining neighbour to the east has signed a copy of the plan indicating no objection to the proposal. One (1) submitter provided Council with an objection to the proposal. The submitter noted the following comments and the applicant and officer responses are provided below:

- *I object to the proposal as is presented in the current planning application on the basis that it further degrades my already compromised privacy from the Applicant on our common boundary.*
- *The applicants kitchen window already has full view of my backyard. I will freely admit for the public record that this is a situation I inherited when purchasing my property of 30 Windsor Road,*

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East Fremantle. I have tried to plant screen trees on the affected boundary only to have the applicant prune the said screen trees to nullify the passive screening potential of the screen trees.

- The current area where the applicant proposes to build a new all weather use veranda is now subject to seasonal use which by design means it has been a low frequency use area by the applicant. The proposed veranda is now going to be an all weather high frequency use area. It also proposes a dinning area pushing towards the applicants 21 Gill Street common boundary. This gives the applicant more line of sight into my backyard and where I have my outdoor entertaining area. This on top of the existing casual sitting area proposed by the applicant which also has line of sight into my backyard. This is further exacerbated by virtue of the topography of the proposed new veranda being considerable higher than the grade of the rear of my property that I would like to use as an entertaining area.
- The proposed new veranda design indicates the use of "vertical rolling insect screens" which by default are not privacy screens. Another point is that their use will be arbitrary at the sole discretion of the applicant. This having the potential to further degrade my compromised privacy position on the common boundary with the applicant. I also state for the record that the applicants car port is open on both sides.
- The applicant has gone to considerable lengths to provide privacy screening with their boundary with 21 Gill Street. This has been by means of louvred windows.
- I am amenable to removing my objection to the proposed planning application if the applicant installs permanent privacy screens on the open structure the applicants carport makes from the carport rear workshop to the existing gate and fence on the applicants house structure. This would give the applicant total freedom on when to use the proposed retractable fly screens without impacting on my privacy. If implemented I would not even be aware of when the applicant was using the new proposed all weather use veranda. I sincerely hope that the applicant considers this proposal to diffuse my existing privacy concerns with the common boundary with the applicant without the added complication of building the proposed new veranda as is presented in the current planning application.

Applicant's response

- Thank you for passing on the comments from my neighbour at 30 Windsor Road and the opportunity to provide a response. It is a shame that my neighbour feels he has compromised privacy from my kitchen window (as we do for his kitchen window) but frankly the kitchen windows are irrelevant to this application. However, my neighbour accuses me of pruning his screening vegetation to nullify its screening potential - an accusation which is not only factually incorrect but also absurd as it implies a desire on my part to view into his yard which I can assure you and Council that this cannot be further from the truth. What little pruning is done is limited to maintaining access along a path with the vegetation continuing to provide an effective screen along the shared boundary.
- You might recall than when we discussed the need to seek comments from my neighbour at 30 Windsor Road that my view was that this neighbour is not potentially affected by the proposal because of the effective screen provided by the existing carport and workshop. By virtue of the difference in elevation between the carport slab (only slightly above the neighbour) and the higher current patio (which will be the same level as the verandah) then most of this screening is provided by the carport roof and to a lesser extent the brick wall of the workshop and some infill lattice. For people of normal height the partially impeded view through the lattice is of the carport slab and the boundary fence, all on my side of the property. This is somewhat difficult to describe and it would be best for you or someone from Council's Planning Department to visit and have a look and this should be mandatory before you proceed with assessment of my application.
- I'm assuming that the permanent privacy screens that my neighbour has referred to as a condition of removing his objection would be instead of the existing infill lattice screens that I have referred

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to above. These lattice screens were installed over 20 years ago as part of Council approved plans for extensions to my house which included the now existing roofed patio area immediately adjacent to the screens. The proposed verandah will replace the roof and extend the roof cover towards Gill Street but the new roof area will all be screened to 30 Windsor Road by the carport roof and brick walls of the workshop as it is now. Again this will be obvious when you visit the site.

- *In summary my response to the comments from my neighbour at 30 Windsor Road is as follows: That you or another Council officer visit the site and ascertain first hand the relativities of the two properties and that the existing permeant structures provide adequate privacy screening for both properties;*

That my neighbours objections be ignored in the assessment of my application on the basis that they are factually incorrect and that his privacy will not be degraded by the proposal.

Officer response

The proposal is compliant with the R-Codes and the Residential Design Guidelines with regard to setbacks and privacy to the northern boundary. The matters raised in regard to privacy to the north is compliant and therefore cannot be conditioned to include privacy screens.

Community Design Advisory Committee (CDAC)

This application was not considered by the CDAC. All additions are proposed to the rear of the property and have no impact to the streetscape or heritage character of the property.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

LPS No. 3 Heritage List

Policy Implications

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

Municipal Heritage Inventory - 'B' Category

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.

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- 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

August 2018

Comment

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 | 6.0m | As existing | A |
| Lot boundary setbacks | | | |
| Northern | 1.8m | 10m | A |
| Southern | 1.0m | 4.2m | A |
| Eastern | 1.8m | 7.1m | A |
| Open Space | 50% | >50% | A |
| Outdoor Living | 30m ² | 35m ² | A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | Less than 500mm | A |
| Visual privacy setback | | | |
| North | 7.5m | 8.0m | A |
| South | N/A | As existing | A |
| East | 7.5m | 7.1m | D |
| Overshadowing | ≤25% | ≤25% | A |
| Drainage | On-site | To be conditioned | A |

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Local Planning Policies Assessment

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

The proposal comprises demolition of existing verandah / patio, planters and stairs and construction of new verandah / patio (outdoor sitting area and outdoor dining area) stairs and planters.

Heritage

The dwelling is categorised as Category 'B' on the Heritage List of the Planning Scheme. Overall the proposal is considered to acknowledge the significant heritage value of the property. The dwelling still maintains the same street presence and appearance and the addition will not be viewed from the street. The proposed addition is not considered intrusive as far as the streetscape or fabric of the building is concerned. The addition is recommended for approval subject to conditions.

Lot boundary setback

The lot boundary setbacks are compliant with the R-Codes. The finished floor levels of the verandah will be consistent with existing levels. No height changes are proposed. New access stairs and planters are also proposed.

Visual Privacy

There are variations to the R-Codes in respect to the visual privacy setbacks of the verandah / patio to the rear (east). The proposed variation is a distance of 0.4 metres (7.5m required, 7.1m proposed). The proposal is replacing a verandah / patio that is considered significantly consistent with the existing. No additional height is proposed. No screening devices have been indicated. The neighbour to the east has signed a copy of the plans indicating they have no objection to the proposal.

The adjoining neighbour to the north has objected to the proposed verandah / patio area. The proposed verandah / patio is consistent with the existing verandah. The verandah / patio is located 8.0 metres from the northern boundary and therefore compliant with the 'Deemed to Comply' provisions of the R-Codes. Notwithstanding the acceptable setback distance, a carport minimises direct views into the adjoining northern property, whilst a store restricts the views entirely. Oblique views from the proposed verandah are towards an adjoining shed to the north northeast and through the limited views through the carport to the north northwest. The overlooking is compliant with the R-Codes and Council cannot condition screens to be erected to the northern elevation.

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Conclusion

It is considered the proposal is compliant and can be supported.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP051018

Cr White moved, seconded Cr Nardi

That Council grant development approval and exercise discretion in regard to the following:

- (i) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback of less than 7.5 metres from the verandah to the rear boundary,

for a verandah/ patio to the rear of the existing dwelling, at No. 28 (Lot 1) Windsor Road, East Fremantle, in accordance with the plans date stamped received 11 July 2018, subject to the following conditions:

- (1) The details of construction materials, colours and finishes to be used for the alterations and additions the subject of this application to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.
- (2) 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.
- (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 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.
- (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) 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.
- (8) 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.
- (9) 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.*

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- (ii) A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.**
- (iii) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).**
- (iv) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.**
- (v) Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”.**

(CARRIED UNANIMOUSLY)

Note:

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

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11.4 Duke Street, No. 36-42 (Lots 601 & 602) – Change of Use Application

| | |
|----------------------------|--|
| Applicant | Manotel P/L |
| Owner | Manotel P/L |
| File ref | P/DUK 36 |
| Prepared by | Andrew Malone, Executive Manager Regulatory Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

This report considers a change of use application for the 'Brush Factory' (former Lauder & Howard building) to include additional office space at 36-42 Duke Street, East Fremantle.

Executive Summary

The application proposes a change of use application for Tenancy 1 and Tenancy 4 of the building for additional office space:

Tenancy 1: Currently approved for wine and general storage for the Jazz bar.

Tenancy 4: Currently approved for a "Performing Arts/ Music" space (vacant).

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

- Use of the tenancies; and
- Car parking

It is considered there will be minimal impact on the amenity and car parking to the area and as such the change of use can be supported subject to standard conditions of development approval being imposed.

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

| | |
|------------------|---|
| 1897 | Building at 36 Duke Street starts use as a 'Brush Factory'; |
| 20 May 1983 | Council approves the use of 36 Duke Street for restoration and sale of furniture; |
| 14 June 1983 | Council approves use of the building at 42 Duke Street for the manufacture of decorative glass (Freedom Glass); |
| 21 November 1983 | Council grants conditional approval for the erection of two signs at 36 Duke Street; |
| 16 April 1984 | Council advises Lauder & Howard that it has no objections to repainting the exterior of the building at 36 Duke Street; |
| 16 July 1984 | Council approves signs on the façade of 36 Duke Street; |
| 24 April 1986 | CEO advises Lauder & Howard that signage on the east wall of the building at 36 Duke Street is approved; |
| 19 June 1995 | Council endorses a proposal for an opening to the front wall of the building at 42 Duke Street; |
| 10 July 1995 | Building Permit 100/2309 approved for installation of new door frame, doors and side-lights at 42 Duke Street; |
| 24 July 1996 | Building Surveyor approves removal of a chimney and portion of a parapet wall from the building at 36 Duke Street; |
| 19 August 1996 | Council decides to advise the WAPC that it supports the subdivision and amalgamation of Lots 1, 2 & 3; |
| 10 December 1996 | WAPC grants conditional approval to the subdivision & amalgamation; |
| 25 February 1997 | Council resolves to rezone 36 Duke Street to Residential Area 2; |

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| | |
|------------------|---|
| June 1997 | Conservation Plan prepared for Main Roads Department for 36 & 42 Duke Street; |
| 16 December 1997 | WAPC endorses for final approval Diagram 94449 for the subdivision & amalgamation; |
| 21 July 1998 | Council resolves to reconsider a proposal to convert existing workshop at 42 Duke Street into 2 workshops; |
| 18 August 1998 | Council grants special approval for 2 workshops at 42 Duke Street; |
| 5 May 1999 | Building Licence 93/2833 approved for alterations to the building at 42 Duke Street to form 2 separate workshops; |
| 25 August 1999 | Storm damages building; roof ends up on Stirling Highway; |
| 3 August 2001 | Premier Gallop, MPs, Mayor and CEO & VIP's join in the reopening of Lauder & Howard's antiques; |
| 9 December 2008 | Planning Approval granted to redevelop the buildings at 36-42 Duke Street from antique furniture showrooms and workshops to 7 x 1 bedroom apartments, and 5 x 3 bedroom apartments. |
| 15 March 2011 | Planning Approval granted to redevelop the buildings at 36-42 Duke Street for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue. |
| 12 February 2013 | Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) and to extend the previous planning approval P199/10 for a further 2 years. The previously approved application was for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue. |
| 16 July 2013 | Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) for 2 storeys of commercial offices above the approved Jazz Club/ Performance space. Council refused the penthouse apartment located above the 'Brush Factory'. |
| 1 October 2013 | Planning Approval for a penthouse apartment to be erected on top of the proposed performance space and existing heritage building at the 'Brush Factory (former Lauder & Howard building), 36-42 Duke Street. In addition it considers an application which has been presented to Council with regards to a review of the opening times for the Jazz Club. |

Consultation

Advertising

The application for the proposed change of use was not advertised as the proposed additional office area is not considered to have an impact to the surrounding area or adjoining properties. The proposed use does not have a requirement for additional car parking as per the applicant's information and 'Time Share Analysis'.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC as there are no external or internal changes to the building.

Statutory Environment

Planning and Development Act 2005

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

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*Municipal Heritage Inventory - 'A' Category
Fremantle Port Buffer Zone - Area 3*

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

July 2018

Comment

LPS 3 Zoning: Mixed Use

Site area: 1440m²

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3.

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Use

It is proposed to change the use for Tenancy 1 and Tenancy 4 of the building to include additional office space. This would remove the basement storage area and the Performance Art/ music space from the permitted uses in the building.

The application proposes a change of use application for Tenancy 1 and Tenancy 4 of the building for additional office space. Office use in a 'Mixed Use' zone is a 'D' use meaning *that the use is not permitted unless the local government has exercised its discretion by granting planning approval*. Council has previously granted approval for Office space in the building totaling 360m². An additional 192m² of office space is proposed. The total office area will be 552m². Car parking will be discussed in the next section of this report.

It is considered the proposed use will have no additional impact to the area or adjoining neighbours. The additional office space is considered to have a lesser impact to the area than the Performance Arts use, however the proposed change of use from 'store' to 'office' space is considered to have an impact. Assessed in total the proposed change of use (additional office space) is considered not to have a greater impact to the locality than the existing uses. The proposed office use is recommended for approval subject to conditions.

Parking Requirements

The main Brush Factory building comprises of the following approved uses:

- Commercial Offices: 360m²
- Residential penthouse: 193m²
- Dance Studio
- Jazz Club

With the additional office space comprising of:

- Tenancy 1 is 103m²; and
- Tenancy 4 is 89m²

It is proposed to change the use for Tenancy 1 and Tenancy 4 of the building to include additional office space. This would remove the basement storage area and the Performance Art/ music space from the permitted uses in the building.

Based on Council's previous planning approval, the total parking generation was: residential – 19 bays and commercial – 42 bays (comprising Jazz Club/ Dance Studio and Performance Space demand).

There are 49 car parking bays to be provided on site. The previously approved total on site car parking required as above is 61 bays leaving a net parking shortfall of 12 bays of which 5 are accommodated by immediately adjacent on-street car parking and 7 are provided in the form of reciprocal car parking on-site.

Schedule 11 of TPS No 3 requires:

- 1 space for every 30m² net lettable area (min 3 per tenancy or office unit).

There is 360m² of office space approved, comprising 4 tenancies. A total area of 192m² is proposed to be added over two tenancies. The total office space proposed is 552m². Therefore the total car parking required to be provided on-site for the office space alone is 19 car parking spaces. The 19 bays required for the Offices will be allocated from the 28 commercial off street undercroft bays on a reciprocal time share basis with the Jazz Club and the Dance Studio.

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Clause 5.8.5 Car Parking and Vehicular Access of TPS3 states:

Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 11 of the Scheme and the specifications in Schedule 4 of the scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

Furthermore Clause 5.8.7 On-Street Parking states:

The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

The development provides a total of 49 parking spaces on site.

The total parking generation would be residential – 19 bays and commercial – 48 bays (comprising Jazz Club/ Dance Studio and Commercial Office). Total on site requirement = 67 bays leaving a net parking shortfall of 18 bays.

Five (5) spaces can be accommodated by immediately adjacent on-street car parking.

Nine (9) car parking bays have previously been approved as reciprocal car parking between the Jazz Club, Dance Studio and Office. The requirement for 19 car parking bays for the commercial offices has been requested to be considered as reciprocal day/ night time share spaces. A total of 13 car parking bays are assessed as requiring reciprocal shared car parking space. The applicant has previously provided a 'Time Share Analysis' as stated in letter dated 15 May 2013 and a further letter dated 5 September 2018.

It is noted that the change of use from the Performance space to an office use does not require any additional car parking. The Performance space had three bays allocated to it. The proposed office requires three bays therefore there is no change to the car parking ratios required. The addition of Tenancy 1 requires 4 additional bays to be provided on-site. These bays have been assessed against the 'Time Share Analysis' proposed by the application.

During the day the office space and dance studio requires 22 bays during the day. 28 commercial bays are provided on-site, addressing the day time requirements for the site. The opening hours of the Jazz Club are limited to be only outside the hours of general business, therefore after 5pm, the commercial bays for the office and dance studio are utilised by the Jazz Club. The provision of 28 commercial bays is considered acceptable in this instance.

In light of the above and the applicant's 'Time Share Analysis', it is considered that there is provision for reciprocal car parking within the development, however this is based on the 'Time Share Analysis' and the previous condition resolved by Council controls the operating hours of the uses within the development. Based on the appropriate conditions it is considered reciprocal car parking can be supported by Council to approve the additional office area within the George Street area.

Conclusion

Given the comments above the application is recommended for approval subject to conditions.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP061018

Cr M McPhail moved, seconded Cr Natale

That Council exercise its discretion in granting approval for the change of use to office space 36-42 Duke Street, East Fremantle, as described on the information date stamped received 5 September 2018 subject to the following conditions:

- (1) Maximum area of the additional office area is not to exceed 192m².
- (2) Seven car parking bays are required to be provided to the additional office space as per the applicant's information and 'Time Share Analysis'.
- (3) All other conditions as previously endorsed by Council are to be complied with unless modified by this proposal.
- (4) The works are to be constructed in conformity with the drawings and written information in relation to use accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (5) The commercial building kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) No signage is approved under this change of use application. A separate application is required for the proposed signage. All signage to comply with the Town's Local Planning Policy Design Guidelines - Signage
- (7) With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (8) The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This planning approval 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 licence 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).*

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- (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"*
- (v) *The approval does not include approval of any advertising signage. A separate development application is required for any signage proposal.*

(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

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 2 OCTOBER 2018**



11.5 Osborne Road 41 (Lot 16) – Extension of Time to previously approved Multiple Dwellings

| | |
|----------------------------|--|
| Applicant | R J Gauci |
| Landowner | R J Gauci |
| File ref | P/OSB41 P70/15 |
| Prepared by | Andrew Malone, Executive Manager Regulatory Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Voting Requirements | Simple majority |
| Meeting Date | 2 October 2018 |
| Documents tabled | Nil |
| Attachments: | Nil |

Purpose

This report considers an application for an extension of time for planning approval (DA P70/15) granted 1 September 2015 (extension of approval granted 2 May 2017) for the retention of existing dwelling and proposed four two storey dwellings situated at 41 (Lot 16) Osborne Road, East Fremantle, based on a five lot subdivision of the subject parent lot.

The applicant has also requested Council consider condition 6 of the Western Australian Planning Commission (WAPC).

Executive Summary

This application was determined by Council in September 2015. The application was for retention of the existing dwelling and proposed four, two storey dwellings subject to conditions. The information provided below is not a full assessment of the application (*original report is attached*).

Due to unforeseen circumstances Mr Gauci has not been able to progress the application and is requesting an extension of the approval. Mr Gauci is also requesting Council consider for deletion condition 6 of WAPC subdivision approval, which reads:

Dwellings being constructed to plate height on each of the proposed lots prior to the submission of the diagram or plan of survey (deposited plan).

In this instance, given the extent of the development it is recommended Council extend the approval period by 24 months (2 years) as to date no works have been completed. It is also recommended Council advise the WAPC that it supports removal/ deletion of Condition 6 of the subdivision approval.

The requested extension of time for the proposed multiple dwelling development is recommended for approval subject to retaining the original conditions of approval.

Background

Zoning: R 12.5

Date request for extension received: 29 August 2018

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

August 2015 Council grant planning approval for proposed multiple dwellings.

May 2017 Council grant planning extension to approval for proposed multiple dwellings.

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Consultation

Advertising

The application was advertised to surrounding neighbours between 6 July 2015 and 20 July 2015 originally. At the close of advertising no submissions were received. The application for an extension of time to the current planning approval was not readvertised.

Community Design Advisory Committee

This application was not referred to this Committee again. The Town Planning Advisory Panel previously reviewed the development.

Statutory Environment

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015 Clause 77 of Schedule 2 - Part 9.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2015 – 2025 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.

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

Site Inspection

As previously undertaken in 2015

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 |

LOT 1 (Existing Dwelling)

The proposed dwelling has been assessed under R12.5 of TPS3.

Town Planning Scheme No. 3 Assessment

| Scheme Provision | Status |
|---------------------|--------|
| 4.2 Zone Objectives | A |
| 4.3 Zoning Table | A |

Residential Design Codes Assessment Proposed Lot 1

| Design Element | Required | Proposed | Status |
|----------------|-----------------|-----------------|--------|
| Open Space | 55% | 68.2% | A |
| Outdoor Living | N/A | N/A | N/A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | Less than 500mm | A |
| Overshadowing | 25% | Less than 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 | A |
| LPP Residential Design Guidelines Provision | Status |
| 3.7.5 Demolition | N/A |
| 3.7.6 Construction of New Buildings | N/A |
| 3.7.7 Building Setbacks and Orientation | A |
| 3.7.8 Roof Form and Pitch | A |
| 3.7.9 Materials and Colours | A |
| 3.7.10 Landscaping | A |
| 3.7.11 Front Fences | A |
| 3.7.12 Pergolas | N/A |
| 3.7.13 Incidental Development Requirements | A |
| 3.7.14 Footpaths and Crossovers | A |
| 3.7.15-20 Precinct Requirements | A |

LOT 2 (Unit 1)

The proposed dwelling has been assessed under R12.5 of TPS3.

Town Planning Scheme No. 3 Assessment

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| Scheme Provision | Status |
|---------------------|--------|
| 4.2 Zone Objectives | A |
| 4.3 Zoning Table | A |

Residential Design Codes Assessment

| Design Element | Required | Proposed | Status |
|-------------------|------------------------|---------------|----------|
| Open Space | 55% | 55% | A |
| Outdoor Living | N/A | N/A | A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | 550mm | D |
| Overshadowing | 25% | Less than 25% | A |
| Drainage | On-Site | On-Site | A |

Local Planning Policies Assessment

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

LOT 3 Unit 2

The proposed dwelling has been assessed under R12.5 of TPS3.

Town Planning Scheme No. 3 Assessment

| Scheme Provision | Status |
|---------------------|--------|
| 4.2 Zone Objectives | A |
| 4.3 Zoning Table | A |

Residential Design Codes Assessment

| Design Element | Required | Proposed | Status |
|-------------------|------------------------|---------------|----------|
| Open Space | 55% | 60% | A |
| Outdoor Living | N/A | N/A | A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | 600mm | D |
| Overshadowing | 25% | Less than 25% | A |
| Drainage | On-Site | On-Site | A |

Local Planning Policies Assessment

| LPP Residential Design Guidelines Provision | Status |
|---|--------|
| 3.7.2 Additions and Alterations to Existing Buildings | N/A |
| 3.7.3 Development of Existing Buildings | N/A |
| 3.7.4 Site Works | A |

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| | |
|--|----------|
| 3.7.5 Demolition | N/A |
| 3.7.6 Construction of New Buildings | A |
| 3.7.7 Building Setbacks and Orientation | D |
| 3.7.8 Roof Form and Pitch | D |
| 3.7.9 Materials and Colours | A |
| 3.7.10 Landscaping | A |
| 3.7.11 Front Fences | A |
| 3.7.12 Pergolas | A |
| 3.7.13 Incidental Development Requirements | A |
| 3.7.14 Footpaths and Crossovers | A |
| 3.7.15-20 Precinct Requirements | A |

LOT 4 Unit 3

The proposed dwelling has been assessed under R12.5 of TPS3.

Town Planning Scheme No. 3 Assessment

| Scheme Provision | Status |
|-------------------------|---------------|
| 4.2 Zone Objectives | A |
| 4.3 Zoning Table | A |

Residential Design Codes Assessment

| Design Element | Required | Proposed | Status |
|-----------------------|------------------------|-----------------|---------------|
| Open Space | 55% | 60% | A |
| Outdoor Living | N/A | N/A | A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | 700mm | D |
| Overshadowing | 25% | Less than 25% | A |
| Drainage | On-Site | On-Site | A |

Local Planning Policies Assessment

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

LOT 5 Unit 4

The proposed dwelling has been assessed under R12.5 of TPS3.

Town Planning Scheme No. 3 Assessment

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| Scheme Provision | Status |
|---------------------|--------|
| 4.2 Zone Objectives | A |
| 4.3 Zoning Table | A |

Residential Design Codes Assessment

| Design Element | Required | Proposed | Status |
|-------------------|------------------------|--------------|----------|
| Open Space | 55% | 64% | A |
| Outdoor Living | N/A | N/A | A |
| Car Parking | 2 | 2 | A |
| Site Works | Less than 500mm | 880mm | D |
| Overshadowing | 25% | On Driveway | A |
| Drainage | On-Site | On-Site | A |

Local Planning Policies Assessment

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

The following are the areas that Council previously exercised its discretion. For the purposes of this assessment, only the assessments under the Performance Criteria of the R-Codes and variations to the Town's other relevant policies are discussed below (extracts from the original report only), with inclusions to ensure the report is current. An additional section has also been included to address Condition 6 of the WAPC subdivision approval.

Heritage

The existing dwelling is listed on the Town's MHI as a C category dwelling. A Category C rating refers to properties involving "some heritage significance at local level" and that "places to be ideally retained and conserved". This is supported in this application by the retention of the dwelling. In practical terms, it is considered an effort should be made to allow a subdivision/ redevelopment of the subject lot to occur and include the retention of the dwelling.

Site Area Requirements

The proposed development has been designed to significantly comply with the minimum area for R30 densities, with the exception of Lots 3 and 4, which are only 10m² under the minimum lot size. As noted previously this application comprises the retention of the existing MHI listed dwelling and is based on four additional survey strata lots.

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The Town Planning and Building Committee approved the original development at approximately an R40 coding in October 2014 with the proposed development modified and approved by Council in August 2015 at approximately a R30 density.

Whilst the proposed density is approximately R30, the proposed development has been designed to significantly comply at an R12.5 density, with the exception of the actual number of dwellings permitted on the lot and some minor development standard specifications as discussed in detail below.

Building Setback

- Unit 1: Buildings on the boundary: 2 walls proposed with a nil setback.
- Unit 2: Setback requirements for western wall: 1.5 metres required. 1.2 metres provided.
- Unit 3: Setback requirements for western wall: 1.5 metres required. 1.2 metres provided.
- Unit 4: Setback requirements for western wall (ground floor): 1.5 metres required. 1.2-1.65 metres setback provided. Setback requirements for western wall (first floor): 1.2 metres required. 1.98 metres provided.

With the exception of the western ground and first floor to unit 4, all other set back variations to the 'Deemed to Comply' provisions are internal and have no impact to adjoining properties or to the streetscape. The variations to the western boundary for unit 4 are considered minor and will not significantly impact on the western dwelling.

Overall the proposed setback variations are considered minor and will not significantly impact on the adjoining neighbours, the character of the heritage dwelling or on the streetscape. In all other respects the proposed dwellings to the Lots comply with the 'Deemed to Comply' set back requirements of the R-Codes. The proposed variations as detailed above are considered can be supported.

Overlooking / Privacy Requirements

A condition is included in the officer's recommendation to require the owner to screen the boundary to a height of 1.6 metres above altered ground level to provide appropriate screening to the northern neighbour's property (should there be appropriate screening to a height of 1.6 metres at the altered ground level from the boundary fence, no additional screening is required).

The 'Design Provisions' are considered to be adequately addressed, through the provision of screening of the lot boundary to a height of 1.6 metres and offsetting the location of windows so that viewing is oblique away from any habitable area. The recommendation for screening is considered to protect the neighbour's amenity and therefore it is considered the overlooking as conditioned can be supported.

Site Fill / Retaining Wall

It is proposed a retaining wall is required on the northern and southern boundaries to a maximum height of approximately 0.88 metres, reducing to 0.55 metres. A maximum excavation of 0.8 metres is also proposed.

The applicant is proposing to retain the rear garden areas to the dwellings and to excavate the driveway.

It is proposed to fill / grade to approximately a maximum of 0.88 metres to the rear of unit 4, reducing to 0.55 metres to unit 2 and no retaining wall required for unit 1. The proposed fill will establish new finished ground levels to the dwelling enabling a level pad / ground level for the dwelling, with both excavation and fill being proposed at equal heights.

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The impact on the subject lot and adjoining lots is considered minimal, as the proposed fill only assists in establishing a suitable finished floor level for the foundations to the proposed dwelling. The proposed fill is staggered / graded and landscaping is proposed. As noted above, a condition has been included in the Officer Recommendation requiring suitable privacy screening to be provided.

It is considered the proposed fill / retaining wall significantly respects the natural ground level at the boundary of the site and the adjoining properties as viewed from the street. The proposed retaining wall is consistent with other retaining walls in the locality. It is considered the proposed fill suitably addresses the overall streetscape and is sympathetic with adjoining dwellings.

Roof Form and Pitch

The proposed primary roof pitches of the dwellings are 30° pitched roofs, consistent with the development requirements of the RDG. The rear of each of the dwellings has a 20° pitch. The roof form is significantly consistent in form with the surrounding dwellings. The rear single storey element of each of the dwellings is simplistic and reduces the overall scale, height and bulk of the dwelling to the northern properties.

WAPC Condition 6

Condition 6 of WAPC subdivision approval 1093-15 states the follow:

Dwellings being constructed to plate height on each of the proposed lots prior to the submission of the diagram or plan of survey (deposited plan).

The intent of this condition was to ensure the construction of the dwellings were constructed to 'plate height', which usually is the first stage inspection of a new dwelling undertaken (once brickwork has been completed to roof level). This was to ensure the project could not be subdivided (titles issued) prior to construction works to plate height being complete, therefore ensuring the development is substantially constructed and consistent with the approved plans. This condition restricts the development and subdivision of the property, without any practical benefit to the Town. The approved design, plan and heritage agreement of the property is still required to be complied with. The proposal will add to the Town's density in the area that is wholly consistent with the proposal.

Scheme Amendment No. 10 provisions to LPS No.3 stated that development of a higher density dual code of R40 could only occur if it was designed so that the dwellings could be developed concurrently, therefore Condition 6 as discussed above was included in the subdivision approval to ensure all dwellings were constructed concurrently. Scheme Amendment No. 10 was substantially modified by the Department of Planning, therefore the higher density dual code of R40 was not supported and deleted from the amendment. The condition is now unnecessary given the provisions of Amendment No. 10 were modified.

Additionally in the current economic environment where finance is difficult to obtain, it is considered this condition requiring the dwellings to be developed concurrently is overly onerous on the applicant. Whilst Council cannot consider directly the economics of a project, this condition is considered to add costs and complications to the project and is unnecessary. It is recommended that Council recommend to the WAPC that condition number 6 of WAPC approval 1093-15 be removed from the approved subdivision conditions. This is considered to have no significant impact to the Town.

Conclusion

The proposed development was previously approved by Council in August 2015. Mr Gauci has not been able to commence the project due unforeseen circumstance, however would like an extension to the

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existing approval to enable the project be undertaken. Due to the scale of the development it is recommended the approval be extended for a further two years. There has been no material change in the legislative assessment requirements of the proposal since previously determined by Council, therefore there is no impediments to approving the extension of the development.

The proposed development variations ultimately comes down to one significant planning issue, that of density. As assessed above, the proposed development significantly complies with the R12.5 development standards, however the proposed four grouped dwellings and retention of the existing heritage dwelling does exceed the permitted density for the area.

The proposed impacts to adjoining neighbours are considered minimal as the development has been designed to significantly comply with the 'Deemed to Comply' provisions of the R-Codes and the Acceptable Development provisions of the RDG, except where outlined above. The proposed development is considered consistent with the adjoining R30 density developments to the north and south. Whilst Scheme amendment 10 has not been supported by the Department of Planning, the proposal does support the proposed future strategic intent of the zoning and redevelopment of the area.

Based on the previous Council approval it is considered the proposal can be supported, subject to similar conditions.

11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP071018

Cr M McPhail moved, seconded Cr Nardi

That Council:

- (1) Grant an extension of time to the existing planning approval (DA P70/15) for the retention and restoration of an existing dwelling and the construction of four two storey dwellings situated at 41 (Lot16) Osborne Road, East Fremantle on the following basis and subject to the following conditions in accordance with the application plans date stamp received on 24 August 2015:**
 - (a) Prior to the issue of a Building Permit the existing dwelling at 41 (Lot16) Osborne Road is to be included on the Heritage List pursuant with clause 7.1.3 of TPS No. 3.**
 - (b) Prior to the issue of a Building Permit the land owner is to enter into a Heritage Agreement pursuant with section 29 of the Heritage of Western Australia Act 1990 in the form of words contained within the attached the draft agreement.**
 - (c) Prior to the issue of a Building Permit, a Landscape Plan, prepared by a qualified Landscape Architect, shall be submitted and approved by the Chief Executive Officer. The Landscape Plan shall include details of all plant species to be introduced and retained, a management plan for the installation and maintenance of all landscaped areas inclusive of adjacent street verge.**
 - (d) Any new crossover which is constructed under this approval is to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's RDG Policy all to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
 - (e) 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.**
 - (f) All parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**

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- (g) Screening to a height of 1.6 metres above the altered ground level is to be provided on the northern boundary, to ensure appropriate screening to the northern neighbour's property. Screening finish is to be by way of agreement between the affected property owners and at the applicant's expense. (Should there be appropriate screening to a height of 1.6 metres above the altered ground level from the boundary fence, no additional screening is required).
 - (h) Details of the materials, colours and finishes of the dwelling are to be provided at building permit application stage and approved by the Chief Executive Officer, in consultation with relevant Council Officers prior to the issue of a Building Permit.
 - (i) Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (refer footnote (i) below)
 - (j) 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.
 - (k) 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.
 - (l) 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.
 - (m) The proposed dwellings are 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.
 - (n) 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.
 - (o) 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.
 - (p) 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.
 - (q) This planning approval to remain valid for a period of 24 months from the date 2 May 2019.
- (2) Recommends to the Western Australian Planning Commission that it supports the removal/deletion of Condition No. 6 of WAPC approved Survey Strata Plan 1093-15 for the subdivision of No. 41 (Lot 16) Osborne Road, East Fremantle.

Footnote:

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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 owner.*
- (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) In regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (vi) With regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (vii) The 'alfresco' areas may not be enclosed without the prior written consent of Council.*
- (viii) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (ix) 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.

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Cr Natale declared a proximity interest in the following item as he resides at the rear adjoining property and left the meeting at 7.28pm.

11.6 Munro Street No. 3 (Lot 5059) – Additions and Alterations to Existing Dwelling, Including a Double Carport

| | |
|----------------------------|--|
| Applicant/Owner | G Young and C Terry |
| File ref | P/MUN3; P057/2018 |
| Prepared by | Christine Catchpole, Senior Planning Officer |
| Supervised by | Andrew Malone, Executive Manager Regulatory Services |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Meeting date | 2 October 2018 |
| Attachments | Nil |

Purpose

This report considers a development approval application for single storey additions and alterations to the existing dwelling, including a carport at No. 3 Munro Street, East Fremantle.

Executive Summary

The application involves additions and alterations to the existing residence, including the extension of the existing roof line toward the front property boundary to accommodate a double carport and porch in the front setback area.

The existing residence will be retained and modified internally. The roof structure to the rear outdoor living area will be refurbished to provide an undercover outdoor space and the unused carports to either side of the dwelling will provide an additional bathroom, pantry and storeroom. The extension of the existing roof line to the front of the property will provide a double carport, which will allow for the removal of the second crossover on the southern side of the property.

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

- Street front setback;
- Lot boundary setback;
- Building setbacks and orientation; and
- Location of carport.

The variations to the R-Codes and the Residential Design Guidelines can be supported with conditions of approval to ensure the heritage character and amenity of the site and streetscape is maintained. Development conditions in respect to prohibiting enclosure of the carport and patio, front fencing, crossover width, external roof fixtures and pool pump equipment are recommended.

Background

The existing dwelling was constructed c1958.

Consultation

Advertising

The application was advertised to surrounding land owners from 30 July to 7 August 2018. No submissions were received.

Community Design Advisory Committee (CDAC)

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This application was referred to the CDAC meeting of 27 August 2018. The Committee made the following comments:

- (a) *The overall built form merits;*
 - The Committee support the development on the basis of:
 - Retention of the existing house;
 - No enclosure of carport / installation of garage door;
 - Retaining heritage – Committee appreciates retention and any enhancements of existing features; and
 - Not setting a precedent for other carports or garages in the front setback.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*
 - Architectural design remains sympathetic to original design / character.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - The development is consistent with the existing streetscape.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - The Committee consider there is no significant change.
 - The Committee commented on the proposal not being disruptive to streetscape.
- (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 believe retention of existing features and dwelling will have a positive contribution in terms of sustainability.
 - Utilisation of the existing footprint of the building is encouraged.
- (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;*
 - Committee considered carport obstructed passive surveillance.
 - The Committee suggest altering internal layout of store, kitchen and pantry to improve street surveillance.
 - Committee also suggest increasing side setback for rear access purposes. This may assist with storage and allow for effective internal layout.

Applicant response

In relation to item (f) the following information explaining why design choices have been made is provided.

- *Keeping the kitchen orientation the same as the original dwelling ensures passive surveillance and line of sight to pool area which we consider essential given our young family. The removal of internal walls allows for much better surveillance from what is the heart of the household, and potentially even from the rear of the property.*

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- *As the current dwelling has no real eaves, we find this leads to reduced use of the front rooms and our front window blinds being closed to reduce glare and to provide privacy. The extended porch will address this issue.*
- *The reduction of the surveillance from the existing porch due to the relocation of the carport is more than offset by the new porch on the other side of the property as it is more useable and connected to an active/living space rather than a bedroom.*
- *Side setbacks are unchanged from the original dwelling given existing carports. Changes to the side setbacks would alter the roofline, potentially altering the front aspect and add cost to the project.*

Officer response

The applicant's response is considered reasonable in regard to addressing the CDAC comments and no further changes to the plans are considered necessary.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Inventory – Category C - Post-World War II International style (c1958)

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.*

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- 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

August 2018

Comment

LPS 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 |

| Design Element | Required | Proposed | Status |
|---|--|-------------------------|-------------|
| Street Front Setback (minor incursion) | 5.0m | 3.0m | D |
| Lot Boundary Setback | North – 1.0m North (carport) – 1.0m South – 1.5m | 983mm 983mm 867mm | D D D |
| Open Space | 50% | 67% | A |
| Outdoor Living | 36 ² m | 144m ² | A |
| Car Parking | 2 | 2 | A |
| Site Works | Excavation or fill behind a street setback line ≤ 500mm | Compliant | A |
| Retaining Walls | Retaining walls set back from lot boundaries – 1.0 Retaining walls up to or within 1.0m of a lot boundary - <0.5m high | Compliant | A |
| Overshadowing | 25% | 5.6% | A |
| Drainage | On-site | To be conditioned | 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 | A |
| 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 |

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

| Building Height Requirement | Required | Proposed | Status |
|---|--|----------|--------|
| Building Height (RDG) (top of an external wall concealed roof) | 6.5m Roof pitch not greater than 5° | 3.356m | A |

The applicant has stated the following in support of the application:

"The existing residence will be retained and sympathetically updated and modified to provide a functional dwelling which meets modern needs and future requirements for the occupants. The reconfiguration of internal walls will open the north-facing street-side of the house and provide a second living space adjacent to the rear alfresco area. The roof structure to the rear outdoor living area will be refurbished to provide a quality undercover outdoor living space with strong connection to both these internal living areas.

Portions of the existing non-functional and unused undercover carports to either side of the dwelling will be infilled to provide an additional bathroom, pantry and storeroom. The extension of the existing roof line to the front of the property will provide a double carport, which will allow for the removal of the second crossover to the property. The roof extension will also provide a porch area which is north facing, adjacent to the living areas of the house and in keeping with the architectural character of the existing dwelling."

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

Street Front Setback - Minor Incursions (Porch)

The R-Codes allow for minor incursions into the setback for structures such as verandahs, porches, stairs and architectural features but these elements cannot protrude more than 1.0 metre into the setback area without Council approval. The porch will project an additional 2.0 metres into the setback area.

As noted above the CDAC supported the proposal, primarily because the existing dwelling was being maintained and the carport was not being enclosed. There are no objections to the proposed setback given it is not out of character with the design of the existing dwelling (forms an extension of the roof line of the residence) and is considered to comply with the 'Design Principles' of the R-Codes in that it is setback an appropriate distance to ensure maintenance of the established character, privacy and open space, accommodates utilities and landscaping and allows for services.

The proposal also complies with the Residential Design Guidelines in that additions and alterations are to match the existing front and side setbacks of the immediate locality. The proposed alterations and additions still present as a single storey house so the size and scale of the dwelling is not inappropriate.

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The CDAC did not consider the alterations to detract from the streetscape. The façade is articulated, is considered to contribute positively to the streetscape and is not contrary to the development context of the area. The porch incursion into the street setback is therefore supported.

Lot Boundary Setbacks

The lot boundary setbacks of the dwelling are not fully compliant with the R-Codes as outlined in the above table. However, the non-compliance is minimal and is a result of the applicant wishing to retain the existing building setback on each side of the dwelling and use this space to extend the house (i.e. the unused carports). This is considered to be the best design outcome in terms of retaining the dwelling's heritage character and resulting in minimal change to the façade.

Building Setbacks and Orientation

Whilst the additions to the 'contributory' building under the Residential Design Guidelines do not meet the 'Acceptable Development Provisions' the 'Performance Criteria' are considered satisfied in that the addition is setback so as to not adversely affect its visual presence to the street, the side setbacks are complementary to the streetscape and the development is oriented to address the street.

The proposed side setback is determined by the existing roofline of the dwelling, with a portion of the existing unusable carports being infilled as outlined above. The proposal has no adverse effect on the amenity of the adjoining lot being only 2.2 metres high, with a floor level approximately 500mm below the adjoining property and under the existing roofline. The proposed wall height reduces the impact of building bulk on the neighbours. For similar reasons it does not impact views or ventilation.

Location of Carport

The application proposes the construction of a double carport to the front of the dwelling 3.0 metres from the front boundary. The Residential Design Guidelines require the carport to be setback 1.2 metres behind the building line. To comply with this provision and accommodate a double carport the existing façade of the house would need to be substantially altered; a change that would impact on the heritage elements of the dwelling and is not considered desirable. Existing single carports are located along each side of the dwelling as an extension of the main roof of the house. The carports are not used and it is intended to extend the residence into this space.

It is also noted that the proposed setback of the carport complies with Clause 5.1.2 of the R-Codes in that the setback of the carport is not further forward of the 50% street setback reduction allowed (i.e. 6.0m front setback required; carport setback 3.0m). It also complies with the other requirements for carports in the front setback in that there will be an unobstructed view between the dwelling and the street. The applicant's argument that the façade of the dwelling remains the dominant element from the street and that the 'framing' of the carport reflects that of the original dwelling as does the pitch of the roof is supported.

The carport will sit well with the original dwelling in that it will be constructed with the same materials and roofing as the dwelling and have the same pitch as the existing roof. Also, the width of the verge at approximately 7.0 metres somewhat compensates for the carport being forward of the main building line as it provides greater 'green' space and increases the distance between the carport and the street. For this reason conditions are recommended which prevent side enclosure, gates or a garage door being installed.

Number of crossovers

The application is proposing one crossover of a compliant width, whereas two crossovers are currently in place. The applicant is proposing to remove the crossover on the southern side. It is therefore considered

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 2 OCTOBER 2018**



necessary to impose conditions to ensure the redundant crossover is removed, the verge reinstated and the crossover to be retained to be constructed to the correct width.

Conclusion

The Richmond Hill Precinct comprises dwellings of various scales and built forms. Many are two storey and comprise large homes. Properties in the area are characterised by the dwellings oriented to obtain river and city views. The application in regard to the subject site does not follow this pattern but is to be retained as a single storey. In doing so it complies with most of the R-Code and Town's Residential Design Guidelines provisions with the exception of the porch and carport being closer to the street front boundary and the side boundary setbacks than permitted.

Extending the living space on the ground level toward the side boundaries has required that the carport be constructed within the front setback area. This same area is already used to park vehicles on a section of hardstand. The design of the porch and carport is in keeping with the roof line of the existing dwelling and neither is enclosed. This maintains an open façade which is considered to not have a negative effect on the amenity of the neighbouring properties or result in a detrimental impact on the streetscape. However, it will make a positive contribution to the streetscape character by the removal of an additional crossover. The activation of the front facade with additional street facing windows and an additional undercover outdoor porch area to the front of the property is also of benefit. All other additions and alterations are to the rear and not visible from the street.

The variations can be supported with conditions of approval to ensure the heritage character and amenity of the site and area is maintained. Development conditions in respect to prohibiting enclosure of the carport, garage door, roof installations, front fencing, crossover width, external fixtures and pool pump equipment are recommended to ensure the proposal complies with the requirements of the R-Codes and the Residential Design Guidelines.

11.6 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION 081018

Cr Nardi moved, seconded Cr White

That Council grant development approval and exercise its discretion in regard to the following:

- (i) **Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a street setback of less than 6.0 metres and a minor incursion of less than 5.0 metres;**
- (ii) **Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback of less than 1.0 metre for the northern boundary and 1.5 metres for the southern boundary;**
- (iii) **Clause 3.7.7.3 – Building Setback and Orientation of the Residential Design Guidelines to permit an addition to a contributory building to be less than the front setback of the immediate locality and have a setback less than 100mm from the primary frontage of the existing building; and**
- (iv) **Clause 3.7.17.3 – Garages, Carports and Outbuildings of the Residential Design Guidelines to allow a carport to be setback less than 1.2m behind the building line,**

for additions and alterations to the existing dwelling, including a double carport at No. 3 (Lot 5059) Munro Street, East Fremantle, in accordance with the plans date stamped received on 27 June 2018, subject to the following conditions:

- (1) **No enclosure of the carport on any side and no installation of a garage door or gate to the front or side of the carport.**
- (2) **No enclosure of the porch on any side with permanent or temporary devices.**

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- (3) No external fixtures, fittings, satellite dishes, telecommunication devices, solar collectors, solar hot water systems or appliances, or the like to be installed on the roof of the dwelling or carport without further Council approval.
- (4) The crossover width not to exceed 5.0 metres and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016 (as amended).
- (5) The redundant crossover on the southern side of the lot to be removed. Refer to condition 6.
- (6) In cases where there is an existing crossover which is redundant the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council.
- (7) If requested by Council within the first two years following installation, the Colorbond 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.
- (8) If pool filter and pump equipment is to be relocated it is to be located a minimum distance of 1.0 metre away from all other boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
- (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 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 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.
- (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) 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) *If front fencing is proposed a fresh development application is to be submitted for Council's consideration.*
- (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 providing a record of the existing condition of the structures. Two copies of each*

MINUTES OF TOWN PLANNING MEETING
TUESDAY, 2 OCTOBER 2018



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.

Cr Natale returned to the meeting at 7.30pm and it was noted that he did not participate in the discussion nor vote on the above item.

MINUTES OF TOWN PLANNING MEETING
TUESDAY, 2 OCTOBER 2018



11.9 Petra Street, No. 55 (Lot 1) – Second Storey Additions and Alterations to a Grouped Dwelling

COMMENT

The above item was deferred to a subsequent Committee meeting pending approval being received from adjoining Strata Owner at 55A Petra Street.

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 7.30pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 2 October 2018, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Integrated Traffic Management & Movement Strategy – 05-2018/19 Tender Acceptance

| | |
|-----------------------------|--|
| Applicant: | Town of East Fremantle |
| File ref: | TEN/REGISTER 05-18/19 |
| Prepared by: | Andrew Malone, Executive Manager of Regulatory Services |
| Supervised by: | Gary Tuffin, Chief Executive Officer |
| Voting requirements: | Absolute Majority |
| Documents table: | Nil |
| Attachments: | 1. Evaluation Sheet RFT05-18/19 (Confidential Attachment) |

Purpose

To advise Council on the evaluation of the Request for Tender submissions received for suitably qualified and experienced consultant(s) to prepare an Integrated Traffic Management & Movement Strategy and to award the contract.

Executive Summary

This Tender has been undertaken for the development of a suite of strategic documents to guide the future traffic, parking, cyclist and pedestrian management and movement in the Town of East Fremantle.

The Tender was advertised with five (5) submissions received.

A detailed assessment was undertaken of all tender documents received, with two submissions shortlisted for further assessment and reference checks.

Telephone interviews were held to clarify details of the submissions and better assess the applicants understanding of the brief.

Background

The Strategy will provide strategic information to enable the Town to better plan and progress future budgeting requirements for relevant capital and/or other work and outputs.

The Strategy will evaluate the current transport network against future projected population and commercial and recreational growth and needs predictions, to facilitate an effective and efficient transport system for all traffic movements.

The tender RFT05/18-19 was advertised in the The West Australian newspaper on Saturday 1 September 2018 to seek the services of suitably qualified and experienced consultant(s) to prepare an Integrated Traffic Management & Movement Strategy.

Tenders closed at 4:00pm Thursday 20 September and five (5) submissions were received from the following :

- WSP
- Level 5 Design
- Cardno WA

- Shawmac
- GTA Consultants

Consultation

- Elected members were advised during the development of the 2018/19 Budget that this project was a priority and funds were allocated for the project to be undertaken in financial year 2018/19.
- Project Coordinator, Urban Project Planner, Operations Manager and Executive Manager Regulatory Services participated in the development and preparation of the Project Scope and Specifications and the assessment of tenders.

Prior to commencement of works, the contractor (on behalf of Council) will undertake an inception meeting with the Town where a communication and stakeholder engagement strategy will be discussed and approved.

Statutory Environment

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000. Council estimated the cost to exceed \$150,000, however through a competitive tender process tenders ranging from \$94,900 to \$157,290 were received.

Policy Implications

Purchasing Policy 4.2.4.

Financial Implications

Council has allowed for an Integrated Traffic Management & Movement Strategy to be undertaken within this financial year. Total amount budgeted was \$170,000.

The Strategy will provide strategic information to enable the Town to better plan and progress future budgeting requirements for relevant capital and/or other work and outputs.

Strategic Implications

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

Strategy Priority 3 - Building Environment – Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open space.

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

It is envisaged that the Integrated Traffic Management and Movement Strategy will consider all modes of transport to improve the accessibility of residents and visitors to employment, recreation and services. Parking, cycle and pedestrian movements will also be assessed. The primary purpose of

this Strategy is to provide guidance on co-ordinated investment in transport infrastructure and inform development decision- making within the Town.

Site Inspection

Site inspection undertaken: No

Comment

The tenders submitted all fulfilled the requirements of the Tender Criteria, namely the Compliance and Selection Criteria and exhibit a demonstrated understanding of the Town's requirements.

| | | |
|--|--------------------------------------|--|
| <p>A) Relevant Experience Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it "Relevant Experience":</p> <ul style="list-style-type: none"> (a) Provide details of similar work; (b) Provide scope of the Tenderer's involvement including details of outcomes; (c) Provide details of issues that arose during the project and how these were managed; (d) Demonstrate sound judgement and discretion; and (e) Demonstrate competency and proven track record of achieving outcomes. | <p>Weighting 40%</p> | |
| | <p>"Relevant Experience"</p> | <p>Tick if attached <input type="checkbox"/></p> |
| <p>B) Key Personnel skills and experience Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <ul style="list-style-type: none"> (a) Their role in the performance of the Contract; (b) Curriculum vitae; (c) Membership to any professional or business association; (d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and (e) Any additional information. <p>details in an attachment and label it "Key Personnel".</p> | <p>Weighting 30%</p> | |
| | <p>"Key Personnel"</p> | <p>Tick if attached <input type="checkbox"/></p> |
| <p>C) Tenderer's Resources Tenderers should demonstrate their ability to supply and sustain the necessary:</p> <ul style="list-style-type: none"> (a) Plant, equipment and materials; and (b) Any contingency measures or back up of resources including personnel (where applicable). <p>As a minimum, Tenderers should provide a current commitment schedule in an attachment and label it "Tenderer's Resources".</p> | <p>Weighting 10%</p> | |
| | <p>"Tenderer's Resources"</p> | <p>Tick if attached <input type="checkbox"/></p> |

| D) Demonstrated Understanding | Weighting 20% | |
|--|------------------------------|---|
| <p>Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:</p> <p>(a) A project schedule/timeline (where applicable);</p> <p>(b) The process for the delivery of the goods/services; and</p> <p>(c) A demonstrated understanding of the scope of work</p> <p>Supply details and provide an outline of your proposed methodology in an attachment labelled <i>“Demonstrated Understanding”</i>.</p> | “Demonstrated Understanding” | <p>Tick if attached</p> <p><input type="checkbox"/></p> |

The tenders have been assessed against the requirements of the Tender Criteria. The details of this assessment are provided under confidential cover.

Based on the evaluation results and referee checks undertaken it is recommended the tender be awarded to Cardno (Pty) WA for the following reasons:

- The quoted price is the lowest of all tender submissions and included a 10% discount if all three components of the Project Scope and Specifications were undertaken concurrently.
- They scored highly in the qualitative criteria.
- Provided a very professional submission indicating the most relevant experience on similar projects. Some example included:
 - City of Swan Integrated Transport Study
 - Wembley Activity Centre Transport Assessment
 - Kwinana District Wide Traffic Study and Transport Modelling
 - Subiaco Integrated Transport Study
 - Vincent Car Parking Policy
- Nominated an experienced project team.
- Received very positive feedback from referees.
- Projected a very professional approach and detailed knowledge of the tender documents when interviewed.
- Confirmed that the project timeframe was very achievable.
- Confirmed that they were comfortable that their tender has been priced correctly.
- Confirmed that they were not aware of any issues with the tender documentation.

12.1.1 OFFICER RECOMMENDATION

That Council:

1. accept the Tender submitted by Cardno (WA) Pty Ltd \$94,900 (excl GST) minus 10% discount if all three strategies are prepared in parallel for a total price of \$85,000 (excl GST) to complete the Integrated Traffic Management & Movement Strategy.
2. delegate to the Chief Executive Officer the power to finalise a contract with the Cardno (WA) Pty Ltd within the defined parameters of the tender.
3. Authorise the Mayor and Chief Executive Officer to sign and affix the Town’s Common Seal to the tender contract with Cardno (WA).

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Report (Containing the Statement of Financial Activity) – September 2018

| | |
|----------------------------|---|
| Applicant | Not Applicable |
| File ref | F/FNS2 |
| Prepared by | Terry Paparone, Manager Administration and Finance |
| Supervised by | Peter Kocian, Executive Manager Corporate Services |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Monthly Financial Report for the Period Ended September 2018 |

Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended September 2018.

Executive Summary

A new Monthly Financial Report template has been developed to provide an overview of key financial activity. Two Statements of Financial Activity have been prepared, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2019.

Background

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

As part of the adopted 2018/19 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances shall be:

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

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

The monthly Financial Report for the period ended September 2018 is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
 - Statement of capital acquisitions and capital funding
 - Significant Accounting Policies
 - Explanation of Material Variances
 - Net Current Funding Position

-
- Cash and Investments
 - Budget amendments
 - Receivables
 - Cashed Back Reserves
 - Capital Disposals
 - Rating Information
 - Information on Borrowings
 - Grants and Contributions

The attached Monthly Financial Reports 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

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

Policy Implications

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

Financial Implications

Material variances are disclosed in the Statement of Financial Activity.

There are no proposed changes to the current budget forecast.

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing:

- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- an explanation of each of the material variances; and
- supporting information as is considered relevant by the local government.

Strategic Implications

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

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

Site Inspection

Not applicable.

Comment

The following is a summary of headline numbers from the attached financial reports:

| | Budget | September Actuals |
|-----------------------------|----------------|-------------------|
| Opening Surplus | 782,857 | 785,889 |
| Operating Income | 10,430,366 | 8,557,465 |
| Operating Expenditure | (12,130,190) | (2,557,944) |
| Capital Expenditure | (2,980,169) | 82,728 |
| Capital Income | 307,479 | 15,000 |
| Net Transfers from Reserves | 867,277 | (11,649) |
| Non-Cash Items | 2,722,380 | 619,462 |
| Closing Surplus | 0 | 7,325,496 |
| Unrestricted Cash | | 4,863,087 |
| Rates Receivables | | 3,887,489 |
| Restricted Cash | | 2,094,283 |

- Rates were levied in the month of July;
- Year to date budgets have been amended to reflect year to date actuals in the Statements of Financial Activity to reflect actual cash flows. There are no variances to report as a result as the financial year is only three months completed;
- The capital program has commenced with \$82k in expenditure as at end of September. The majority of this expenditure relates to the John Tonkin Footpath and Node project;
- 58% of rates outstanding were collected by the end of September, meaning that the Town has a significant unrestricted cash position, with majority of these funds placed in short term deposits, ranging in term from one to four months.

12.2.1 OFFICER RECOMMENDATION

That Council receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended September 2018.

TOWN OF EAST FREMANTLE

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 September 2018

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

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**Town of East Fremantle
Information Summary
For the Period Ended 30 September 2018**

Key Information

Report Purpose

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

Overview

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

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 September 2018 of \$7,325,496.

Items of Significance

The material variance adopted by the Town of East Fremantle for the 2018/19 year is \$10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

Capital Expenditure

| | | | | |
|-----------------------------|---|----|---|---|
| Infrastructure Assets - POS | ± | \$ | - | 0 |
|-----------------------------|---|----|---|---|

Capital Revenue

| | | | |
|-------------------------------------|---|-----|---|
| Grants, Subsidies and Contributions | ± | \$0 | 0 |
| Proceeds from Disposal of Assets | ± | \$0 | 0 |

| | % Collected / Completed | Annual Budget | YTD Budget | YTD Actual |
|-----------------------------|-------------------------------|------------------|------------|------------|
| Significant Projects | | | | |

Grants, Subsidies and Contributions

| | #DIV/0! | \$ | - | \$ | - | \$ | - |
|--------------|---------|----|-----------|----|-----------|----|-----------|
| Rates Levied | 100% | \$ | 7,819,800 | \$ | 7,799,080 | \$ | 7,799,080 |

% Compares current ytd actuals to annual budget

| Financial Position | Current Year |
|------------------------------------|--------------|
| Adjusted Net Current Assets | \$ 7,325,496 |
| Cash and Equivalent - Unrestricted | \$ 4,863,087 |
| Cash and Equivalent - Restricted | \$ 2,094,283 |
| Receivables - Rates | \$ 3,887,489 |
| Receivables - Other | \$ 206,009 |
| Payables | \$ 1,005,719 |

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

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

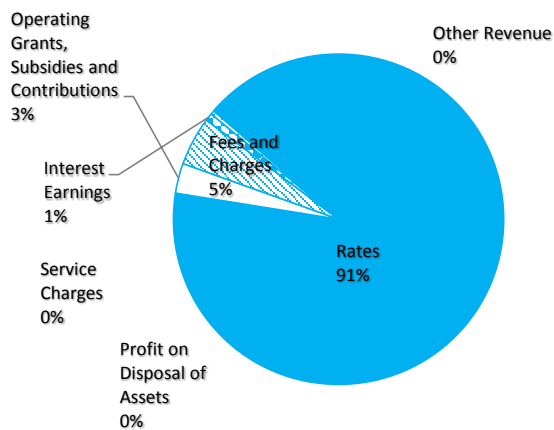
Preparation

Prepared by: Terry Paparone

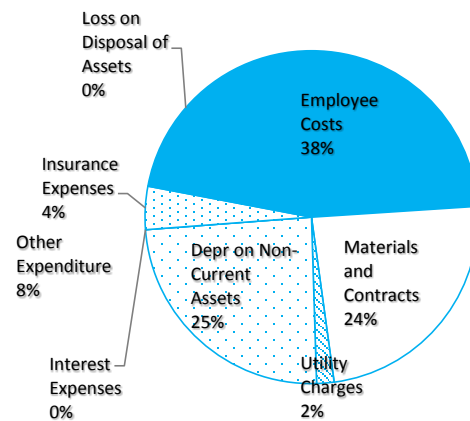
Reviewed by: Peter Kocian

Date prepared: 5 October 2018

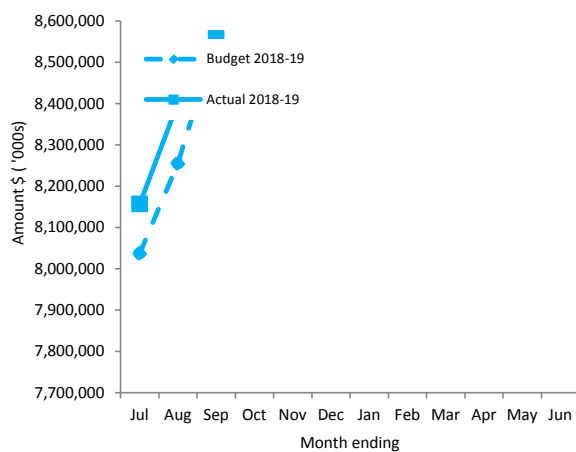
Operating Revenue



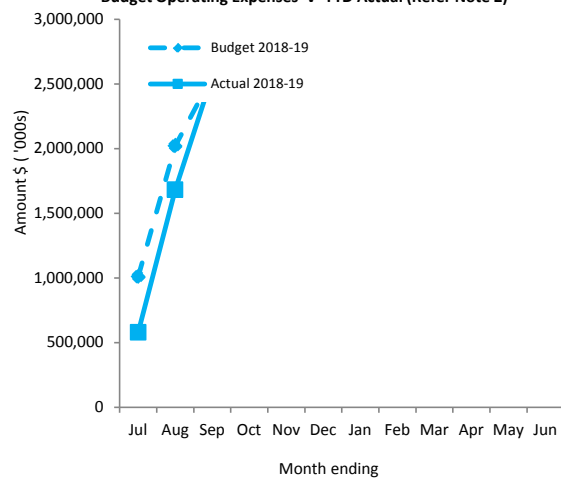
Operating Expenditure



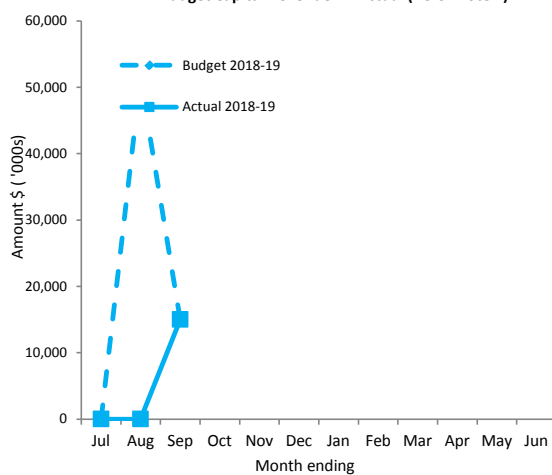
Budget Operating Revenues -v- Actual (Refer Note 2)



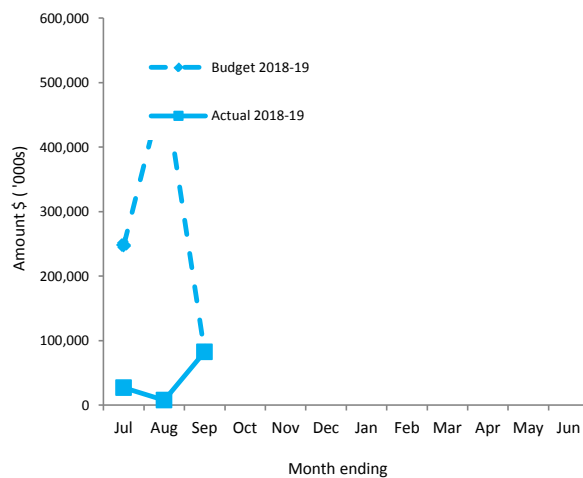
Budget Operating Expenses -v- YTD Actual (Refer Note 2)



Budget Capital Revenue -v- Actual (Refer Note 2)



Budget Capital Expenses -v- Actual (Refer Note 2)



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

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 September 2018

| | Note | Amended Annual Budget | Amended YTD Budget (a) | YTD Actual (b) | Var. \$ (b)-(a) | Var. % (b)-(a)/(a) Var. |
|--|------|-----------------------------|------------------------------|----------------------|--------------------|-------------------------------|
| Opening Funding Surplus(Deficit) | 3 | \$ 782,857 | \$ 782,857 | \$ 785,889 | \$ 3,032 | 0% |
| Revenue from operating activities | | | | | | |
| Governance | | 20,500 | 14,118 | 14,118 | 0 | 0% |
| General Purpose Funding - Rates | 9 | 7,819,800 | 7,799,080 | 7,799,080 | 0 | 0% |
| General Purpose Funding - Other | | 371,766 | 136,525 | 136,525 | 0 | 0% |
| Law, Order and Public Safety | | 29,180 | 5,861 | 5,861 | 0 | 0% |
| Health | | 14,577 | 8,508 | 8,508 | 0 | 0% |
| Education and Welfare | | 912,422 | 220,070 | 220,070 | 0 | 0% |
| Housing | | 80,080 | 21,965 | 21,965 | 0 | 0% |
| Community Amenities | | 210,000 | 112,229 | 112,229 | 0 | 0% |
| Recreation and Culture | | 389,324 | 141,103 | 141,103 | 0 | 0% |
| Transport | | 444,000 | 70,895 | 70,895 | 0 | 0% |
| Economic Services | | 107,200 | 17,119 | 17,119 | 0 | 0% |
| Other Property and Services | | 31,517 | 9,993 | 9,993 | 0 | 0% |
| | | 10,430,366 | 8,557,465 | 8,557,465 | | |
| Expenditure from operating activities | | | | | | |
| Governance | | (1,151,546) | (278,613) | (278,613) | 0 | 0% |
| General Purpose Funding | | (97,763) | (27,909) | (27,909) | 0 | 0% |
| Law, Order and Public Safety | | (154,617) | (34,771) | (34,771) | 0 | 0% |
| Health | | (197,651) | (47,304) | (47,304) | 0 | 0% |
| Education and Welfare | | (1,057,823) | (326,911) | (326,911) | 0 | 0% |
| Housing | | (55,630) | (8,531) | (8,531) | 0 | 0% |
| Community Amenities | | (2,792,901) | (443,831) | (443,831) | 0 | 0% |
| Recreation and Culture | | (3,024,758) | (901,559) | (901,559) | 0 | 0% |
| Transport | | (3,297,255) | (536,684) | (536,684) | 0 | 0% |
| Economic Services | | (127,963) | (12,886) | (12,886) | 0 | 0% |
| Other Property and Services | | (172,283) | 61,054 | 61,054 | 0 | 0% |
| | | (12,130,190) | (2,557,944) | (2,557,944) | | |
| Operating activities excluded from budget | | | | | | |
| Add back Depreciation | | 2,695,133 | 621,145 | 621,145 | 0 | 0% |
| Adjust (Profit)/Loss on Asset Disposal | 8 | 27,247 | (1,683) | (1,683) | 0 | 0% |
| Amount attributable to operating activities | | 1,022,556 | 6,618,984 | 6,618,984 | | |
| Investing Activities | | | | | | |
| Non-operating Grants, Subsidies and Contributions | 11 | 147,726 | 0 | 0 | 0 | |
| Proceeds from Disposal of Assets | 8 | 159,753 | 15,000 | 15,000 | 0 | 0% |
| Land and Buildings | | (328,885) | 1,000 | 1,000 | 0 | 0% |
| Infrastructure Assets - Roads | | (538,500) | 0 | 0 | 0 | |
| Infrastructure Assets - Public Open Space | | (213,000) | 10,000 | 10,000 | 0 | 0% |
| Infrastructure Assets - Footpaths | | (348,000) | (40,000) | (40,000) | 0 | 0% |
| Infrastructure Assets - Drainage | | (50,000) | 0 | 0 | 0 | |
| Infrastructure Assets - Other | | (105,000) | (203) | (203) | 0 | 0% |
| Infrastructure Assets - Carparks | | (705,000) | (14,153) | (14,153) | | |
| Plant and Equipment | | (671,784) | (36,372) | (36,372) | 0 | 0% |
| Furniture and Equipment | | (20,000) | (2,999) | (2,999) | 0 | 0% |
| Amount attributable to investing activities | | (2,672,690) | (67,728) | (67,728) | | |
| Financing Activities | | | | | | |
| Transfer from Reserves | 7 | 1,020,289 | 0 | 0 | 0 | |
| (Transfer to Reserves) | 7 | (153,012) | (11,649) | (11,649) | 0 | 0% |
| Amount attributable to financing activities | | 867,277 | (11,649) | (11,649) | | |
| Closing Funding Surplus(Deficit) | 3 | 0 | 7,322,464 | 7,325,496 | | |
| Check against Net Current Assets | | | | 7,325,496 | | |
| | | | | 0 | | |

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 September 2018

| | Note | Amended Annual Budget | Amended YTD Budget | YTD Actual (b) | Var. \$ (b)-(a) | Var. % (b)-(a)/(a) | Var. |
|--|------|--------------------------|--------------------------|----------------------|--------------------|-----------------------|------|
| Opening Funding Surplus (Deficit) | 3 | \$ 782,857 | \$ 782,857 | \$ 785,889 | \$ 3,032 | % 0% | |
| Revenue from operating activities | | | | | | | |
| Rates | 9 | 7,819,800 | 7,799,080 | 7,799,080 | 0 | 0% | |
| Operating Grants, Subsidies and Contributions | 11 | 1,165,936 | 251,032 | 251,032 | 0 | 0% | |
| Fees and Charges | | 1,175,630 | 409,355 | 409,355 | 0 | 0% | |
| Interest Earnings | | 192,000 | 63,581 | 63,581 | 0 | 0% | |
| Other Revenue | | 77,000 | 32,735 | 32,735 | 0 | 0% | |
| Profit on Disposal of Assets | 8 | 0 | 0 | 1,683 | | | |
| | | 10,430,366 | 8,555,783 | 8,557,465 | | | |
| Expenditure from operating activities | | | | | | | |
| Employee Costs | | (3,683,695) | (961,128) | (961,128) | 0 | 0% | |
| Materials and Contracts | | (4,464,706) | (610,490) | (610,490) | 0 | 0% | |
| Utility Charges | | (310,950) | (43,041) | (43,041) | 0 | 0% | |
| Depreciation on Non-Current Assets | | (2,695,133) | (621,145) | (621,145) | 0 | 0% | |
| Insurance Expenses | | (251,449) | (107,115) | (107,115) | 0 | 0% | |
| Other Expenditure | | (697,010) | (215,025) | (215,025) | 0 | 0% | |
| Loss on Disposal of Assets | 8 | (27,247) | 0 | 0 | | | |
| | | (12,130,190) | (2,557,944) | (2,557,944) | | | |
| Operating activities excluded from budget | | | | | | | |
| Add back Depreciation | | 2,695,133 | 621,145 | 621,145 | 0 | 0% | |
| Adjust (Profit)/Loss on Asset Disposal | 8 | 27,247 | 0 | (1,683) | (1,683) | | |
| Amount attributable to operating activities | | 1,022,556 | 6,618,984 | 6,618,984 | | | |
| Investing activities | | | | | | | |
| Grants, Subsidies and Contributions | 11 | 147,726 | 0 | 0 | 0 | | |
| Proceeds from Disposal of Assets | 8 | 159,753 | 15,000 | 15,000 | 0 | 0% | |
| Land and Buildings | | (328,885) | 1,000 | 1,000 | 0 | 0% | |
| Infrastructure Assets - Roads | | (538,500) | 0 | 0 | 0 | | |
| Infrastructure Assets - POS | | (213,000) | 10,000 | 10,000 | 0 | 0% | |
| Infrastructure Assets - Footpaths | | (348,000) | (40,000) | (40,000) | 0 | 0% | |
| Infrastructure Assets - Drainage | | (50,000) | 0 | 0 | 0 | | |
| Infrastructure Assets - Other | | (105,000) | (203) | (203) | 0 | 0% | |
| Infrastructure Assets - Carparks | | (705,000) | (14,153) | (14,153) | | | |
| Plant and Equipment | | (671,784) | (36,372) | (36,372) | 0 | 0% | |
| Furniture and Equipment | | (20,000) | (2,999) | (2,999) | 0 | 0% | |
| Amount attributable to investing activities | | (2,672,690) | (67,728) | (67,728) | | | |
| Financing Activities | | | | | | | |
| Transfer from Reserves | 7 | 1,020,289 | 0 | 0 | 0 | | |
| (Transfer to Reserves) | 7 | (153,012) | (11,649) | (11,649) | 0 | 0% | |
| Amount attributable to financing activities | | 867,277 | (11,649) | (11,649) | | | |
| Closing Funding Surplus (Deficit) | 3 | 0 | 7,322,464 | 7,325,496 | 3,032 | 0% | |
| Check against Statement by Program | | | | 7,325,496 | | | |
| | | | | 0 | | | |

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

TOWN OF EAST FREMANTLE
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 30 September 2018

Capital Acquisitions

| | YTD Actual New /Upgrade (a) | YTD Actual (Renewal Expenditure) (b) | Amended YTD Budget (d) | Amended Annual Budget | YTD Actual Total (c) = (a)+(b) | Variance (d) - (c) |
|--|--------------------------------------|---|------------------------------|-----------------------------|--------------------------------------|-----------------------|
| | \$ | \$ | \$ | \$ | \$ | \$ |
| Land and Buildings | (1,000) | 0 | 27,407 | 328,885 | (1,000) | (28,407) |
| Infrastructure Assets - Roads | 0 | 0 | 44,875 | 538,500 | 0 | (44,875) |
| Infrastructure Assets - POS | (10,000) | 0 | 17,750 | 213,000 | (10,000) | (27,750) |
| Infrastructure Assets - Footpaths | 40,000 | 0 | 29,000 | 348,000 | 40,000 | 11,000 |
| Infrastructure Assets - Drainage | 0 | 0 | 4,167 | 50,000 | 0 | (4,167) |
| Infrastructure Assets - Other | 203 | 0 | 8,750 | 105,000 | 203 | (8,547) |
| Infrastructure Assets - Carparks | 14,153 | 0 | 58,750 | 705,000 | 14,153 | (44,597) |
| Plant and Equipment | 36,372 | 0 | 55,982 | 671,784 | 36,372 | (19,610) |
| Furniture and Equipment | 2,999 | 0 | 1,667 | 20,000 | 2,999 | 1,332 |
| Capital Expenditure Totals | 82,728 | 0 | 248,347 | 2,980,169 | 82,728 | (165,620) |
| Capital acquisitions funded by: | | | | | | |
| Capital Grants and Contributions | | | | | 198,726 | |
| Borrowings | | | | | 0 | |
| Other (Disposals & C/Fwd) | | | | | 116,253 | |
| Council contribution - Cash Backed Reserves: | | | | | | |
| Vehicle, Plant and Equipment Reserve | | | | | 135,531 | |
| Office Equipment Reserve | | | | | 9,383 | |
| Arts and Sculpture Reserve | | | | | 45,000 | |
| Waste Reserve | | | | | 200,000 | |
| Commerical Precinct Development Reserve | | | | | | |
| Council contribution - operations | | | | | 2,275,276 | |
| Capital Funding Total | | | 0 | 0 | 2,980,169 | |

Note 1: Significant Accounting Policies**(a) Basis of Accounting**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

(c) Rounding Off Figures

All figures shown in this statement are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories**General**

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

Note 1: Significant Accounting Policies**(j) Depreciation of Non-Current Assets**

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

| Asset | Years |
|--------------------------|-----------------|
| Buildings | 30 to 50 years |
| Furniture and Equipment | 4 to 10 years |
| Plant and Equipment | 5 to 15 years |
| Sealed roads and streets | |
| formation | not depreciated |
| pavement | 50 years |
| seal | |
| bituminous seals | 20 years |
| asphalt surfaces | 25 years |
| Gravel Roads | |
| formation | not depreciated |
| pavement | 50 years |
| gravel sheet | 12 years |
| Formed roads | |
| formation | not depreciated |
| pavement | 50 years |
| Footpaths - slab | 40 years |

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

Note 1: Significant Accounting Policies**(o) Current and Non-Current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

(p) Nature or Type Classifications**Rates**

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service

Operating Grants, Subsidies and Contributions

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

Non-Operating Grants, Subsidies and Contributions

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure

Fees and Charges

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

Service Charges

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Interest Earnings

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Other Revenue / Income

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

Employee Costs

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

Materials and Contracts

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

Utilities (Gas, Electricity, Water, etc.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

Insurance

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

Note 1: Significant Accounting Policies

(r) Program Classifications (Function/Activity)

City/Town/Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

KEY TERMS AND DEFINITIONS - REPORTING PROGRAMS

In order to discharge its responsibilities to the community, Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the Town's Community Vision, and for each of its broad activities/programs.

| PROGRAM NAME | OBJECTIVE | ACTIVITIES |
|------------------------------------|---|---|
| GOVERNANCE | To provide a decision making process for the efficient allocation of scarce resources. | Includes the activities of members of Council and the administrative support available assisting elected members and ratepayers on matters which do not concern specific council services but are strategic in nature. |
| GENERAL PURPOSE FUNDING | To collect revenue to allow for the allocation to services. | Rating, general purpose government grants and interest revenue. |
| LAW, ORDER, PUBLIC SAFETY | To provide services to ensure bushfire prevention, animal control and community safety. | Supervision and enforcement of various local laws and acts relating to fire prevention, animal control and other aspects of public safety including emergency services. |
| HEALTH | To provide an operational framework for environmental and community health. | Inspection of food outlets and their control, food quality testing, pest control, noise control, waste disposal compliance and child health services. |
| EDUCATION AND WELFARE | To provide assistance to senior citizens welfare and home and community care. | Provision and maintenance of home and community care programs including meals on wheels, in home care, home maintenance, senior outings, respite and school holiday programs. |
| HOUSING | To assist with housing for staff and the community. | Provision and maintenance of residential rental properties. |
| COMMUNITY AMENITIES | To provide community amenities and other infrastructure as required by the community. | Rubbish collection, recycling and disposal, joint maintenance of SMRC waste management facility, administration of Town Planning Schemes, heritage protection and townscapes, maintenance of urban stormwater drainage and protection of the environment. |
| RECREATION AND CULTURE | To plan, establish and efficiently manage sport and recreation infrastructure and resources which will help the social well being and health and community. | The provision and maintenance of various community infrastructure including public halls, recreation grounds, sports pavillions, playgrounds, parks, gardens, beaches and the joint operation of the City of Fremantle Library. |
| TRANSPORT | To provide safe, effective and efficient transport infrastructure to the community. | Construction and maintenance of streets, roads, footpaths, depots, cycleways, street trees, parking facilities, traffic control, cleaning and lighting of streets. |
| ECONOMIC SERVICES | To help promote the Town and improve its economic wellbeing. | The regulation and provision of tourism, area promotion activities and building control. |
| OTHER PROPERTY AND SERVICES | To monitor and control plant and depot operations, and to provide other property services not included elsewhere. | Private works operation, plant operating costs, depot operations and unclassified property functions. |

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 2: Explanation of Material Variances

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

The material variance adopted by Council for the 2018/19 year is \$10,000 or 10% whichever is the greater.

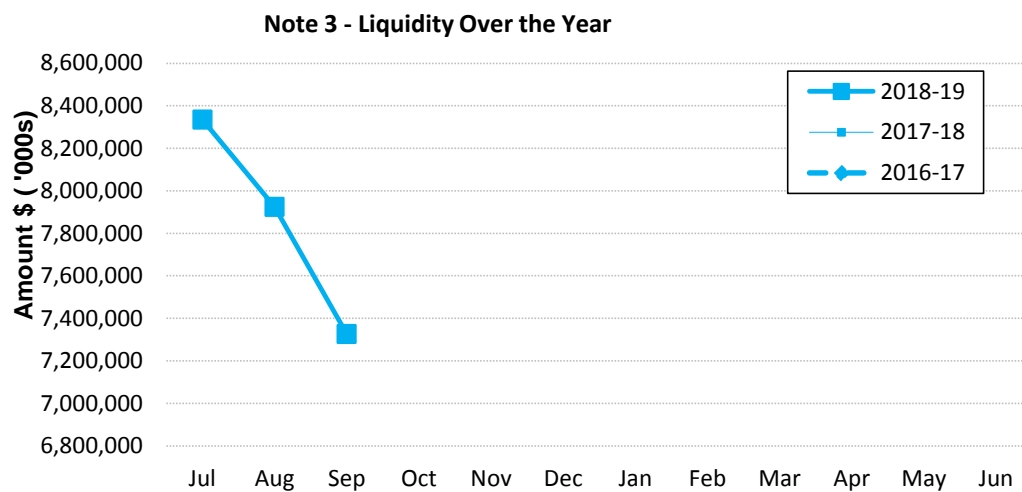
| Reporting Program | Var. \$ | Var. % | Var. | Timing/ Permanent | Explanation of Variance |
|-------------------------------------|---------|--------|------|----------------------|-------------------------|
| Operating Revenues | \$ | % | | | |
| Governance | | | | | |
| Housing | | | | | |
| Community Amenities | | | | | |
| Recreation and Culture | | | | | |
| Transport | | | | | |
| Economic Services | | | | | |
| Other Property and Services | | | | | |
| Operating Expense | | | | | |
| General Purpose Funding | | | | | |
| Law, Order and Public Safety | | | | | |
| Health | | | | | |
| Housing | | | | | |
| Community Amenities | | | | | |
| Recreation and Culture | | | | | |
| Transport | | | | | |
| Economic Services | | | | | |
| Other Property and Services | | | | | |
| Capital Revenues | | | | | |
| Grants, Subsidies and Contributions | | | | | |
| Proceeds from Disposal of Assets | | | | | |
| Capital Expenses | | | | | |
| Land and Buildings | | | | | |
| Infrastructure Assets - Roads | | | | | |
| Infrastructure Assets - POS | | | | | |
| Infrastructure Assets - Footpaths | | | | | |
| Infrastructure Assets - Drainage | | | | | |
| Infrastructure Assets - Other | | | | | |
| Infrastructure Assets - Carparks | | | | | |
| Plant and Equipment | | | | | |
| Furniture and Equipment | | | | | |

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

| | | Last Years Closing | Current |
|-------------------------------------|------|--------------------|------------------|
| | Note | 30 June 2018 | 30 Sep 2018 |
| | | \$ | \$ |
| Current Assets | | | |
| Cash Unrestricted | 4 | 1,396,010 | 4,863,087 |
| Cash Restricted - Reserves | 4 | 2,082,634 | 2,094,283 |
| Receivables - Rates | 6 | 191,475 | 3,887,489 |
| Receivables - Other | 6 | 161,691 | 206,009 |
| Interest / ATO Receivable/Trust | | (0) | (20,865) |
| Inventories | | 0 | 0 |
| | | 3,831,810 | 11,030,002 |
| Less: Current Liabilities | | | |
| Payables | | (359,978) | (1,005,719) |
| Provisions | | (603,309) | (604,504) |
| | | (963,287) | (1,610,223) |
| Less: Cash Reserves | 7 | (2,082,634) | (2,094,283) |
| Net Current Funding Position | | 785,889 | 7,325,496 |

**Comments - Net Current Funding Position**

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

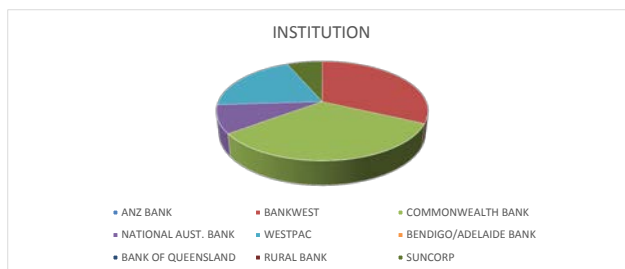
Note 4: Cash and Investments

| | Unrestricted | Restricted | Trust | Total Amount | Institution | Risk Rating (LT) | Interest Rate | Maturity Date |
|--------------------------|------------------|------------------|----------------|------------------|-----------------------|------------------|------------------|------------------|
| | \$ | \$ | \$ | \$ | | | | |
| (a) Cash Deposits | | | | | | | | |
| Municipal Bank Account | 582,544 | | | 582,544 | CBA | AA- | 1.45% | At Call |
| Reserve Bank Account | | 105 | | 105 | CBA | AA- | | At Call |
| Trust Bank Account | | | 18,786 | 18,786 | CBA | AA- | | At Call |
| Cash On Hand | 1,100 | | | 1,100 | Petty Cash/Till Float | | Nil | On Hand |
| (b) Term Deposits | | | | | | | | |
| Municipal | 702,463 | | | 702,463 | NAB | AA- | 2.33% | 09-Oct-18 |
| | 625,922 | | | 625,922 | BANKWEST | AA- | 2.65% | 07-Jan-19 |
| | 451,058 | | | 451,058 | BANKWEST | AA- | 2.65% | 21-Jan-19 |
| | 300,000 | | | 300,000 | BANKWEST | AA- | 2.55% | 23-Oct-18 |
| | 350,000 | | | 350,000 | BANKWEST | AA- | 2.58% | 06-Nov-18 |
| | 450,000 | | | 450,000 | BANKWEST | AA- | 2.61% | 26-Nov-18 |
| | 300,000 | | | 300,000 | BANKWEST | AA- | 2.55% | 14-Nov-18 |
| | 500,000 | | | 500,000 | SUNCORP | A+ | 2.65% | 04-Dec-18 |
| | 600,000 | | | 600,000 | WESTPAC | AA- | 2.65% | 10-Dec-18 |
| Trust | | | 779,334 | 779,334 | CBA | AA- | 2.15% | 19-Oct-18 |
| Reserves | | 917,939 | | 917,939 | WESTPAC | AA- | 2.70% | 05-Mar-19 |
| Reserves | | 1,176,240 | | 1,176,240 | CBA | AA- | 2.75% | 07-Feb-19 |
| Total | 4,863,087 | 2,094,283 | 798,120 | 7,755,490 | | | | |
| Less Cash on Hand | (1,100) | | | (1,100) | | | | |
| | 4,861,987 | | | 7,754,390 | | | | |

Comments/Notes - Investments and Cash Deposits

| (LT) RISK RATING | PORTFOLIO | \$ | % |
|------------------|-----------|--------------------|----------------|
| AAA | MAX 100% | | |
| AA | MAX 100% | \$7,254,390 | 93.55% |
| A (DIVESTMENT) | MAX 80% | \$500,000 | 6.45% |
| | | \$7,754,390 | 100.00% |

| INSTITUTION | \$ | % | (LT) RISK |
|-----------------------|--------------------|----------------|-----------|
| ANZ BANK | | | AA- |
| BANKWEST | \$2,476,980 | 31.94% | AA- |
| COMMONWEALTH BANK | \$2,557,008 | 32.97% | AA- |
| NATIONAL AUST. BANK | \$702,463 | 9.06% | AA- |
| WESTPAC | \$1,517,939 | 19.58% | AA- |
| BENDIGO/ADELAIDE BANK | | | BBB+ |
| BANK OF QUEENSLAND | | | BBB+ |
| RURAL BANK | | | BBB+ |
| SUNCORP | \$500,000 | 6.45% | A+ |
| | \$7,754,390 | 100.00% | |



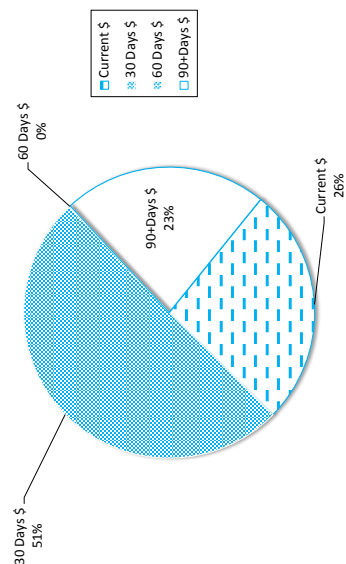
TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 6: Receivables

| Receivables - Rates Receivable | 30 Sep 2018 | 30 June 2018 | Receivables - General | Current | 30 Days | 60 Days | 90+Days | Total |
|---|--------------------|---------------------|--|----------------|----------------|----------------|----------------|----------------|
| | \$ | \$ | | \$ | \$ | \$ | \$ | |
| Opening Arrears Previous Years | 191,475 | 150,429 | Receivables - General | 28,849 | 55,078 | 118 | 24,735 | 108,780 |
| Opening Balance Deferred Rates | 28,590 | | Receivables - Parking | | | | | 87,378 |
| Rates, ESL and Service Charges Levied this year | 9,267,890 | 8,861,717 | | | | | | |
| Interim Rates Billing 2018/19 (GL 1030510) | 1,455 | | | | | | | |
| Interim Rubbish Billing 2018/19 (GL 1100810) | 1,000 | | | | | | | |
| Less Collections to date | (5,546,835) | (8,670,242) | | | | | | |
| Less Deferred Rates | (28,590) | | | | | | | |
| Equals Current Outstanding (as per TB) | 3,914,985 | 191,475 | | | | | | |
| Net Rates Collectable | 3,914,985 | 191,475 | Total Receivables General Outstanding | | | | 0 | 196,158 |
| % Collected | 58.46% | 96.21% | | | | | | |

Amounts shown above include GST (where applicable)

Note 6 - Accounts Receivable (non-rates)

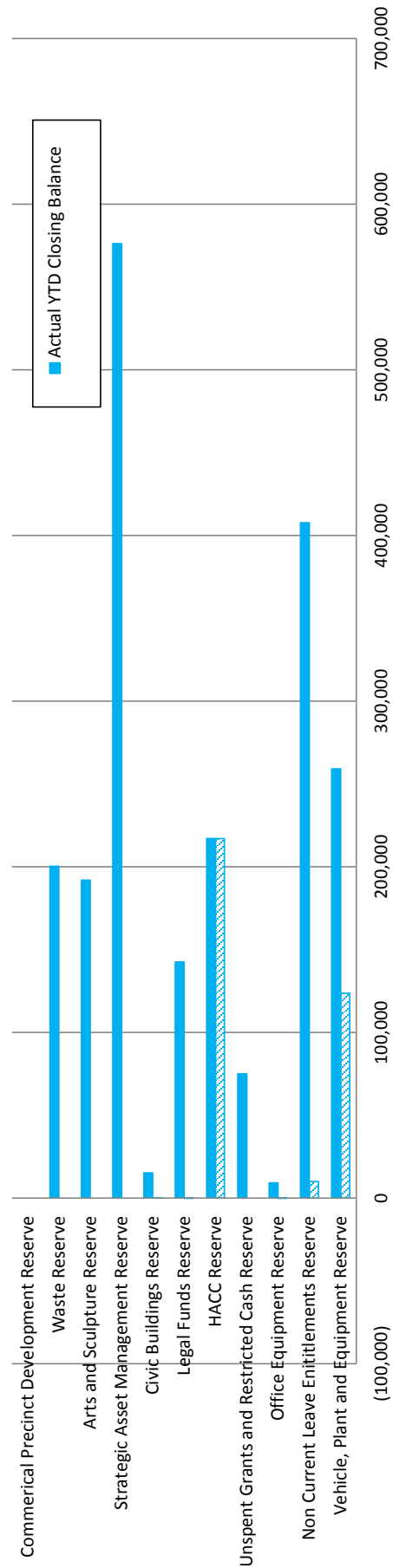


TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 7: Cash Backed Reserve

| Name | Opening Balance | Amended Budget Interest Earned | Actual Interest Earned | Amended Budget Transfers In (+) | Actual Transfers In (+) | Amended Budget Transfers Out (-) | Actual Transfers Out (-) | Amended Budget Closing Balance | Actual YTD Closing Balance |
|--|------------------|--------------------------------|------------------------|---------------------------------|-------------------------|----------------------------------|--------------------------|--------------------------------|----------------------------|
| Vehicle, Plant and Equipment Reserve | \$ 259,150 | | \$ | \$ | \$ | \$ (135,531) | 0 | \$ 123,619 | \$ 259,150 |
| Non Current Leave Entitlements Reserve | 407,665 | | | | | (397,665) | 0 | 10,000 | 407,665 |
| Office Equipment Reserve | 9,121 | | | | | (9,121) | 0 | (0) | 9,121 |
| Unspent Grants and Restricted Cash Reserve | 75,000 | | | | | (75,000) | 0 | 0 | 75,000 |
| HACC Reserve | 217,037 | | | | | | | 217,037 | 217,037 |
| Legal Funds Reserve | 142,480 | | | | | (142,480) | 0 | (0) | 142,480 |
| Civic Buildings Reserve | 15,183 | | | | | (15,183) | 0 | 0 | 15,183 |
| Strategic Asset Management Reserve | 564,668 | 58,012 | 7,865 | 58,012 | 11,649 | | | | 576,317 |
| Arts and Sculpture Reserve | 192,022 | | | 45,000 | 0 | (45,000) | 0 | | 192,022 |
| Waste Reserve | 200,308 | | | | | (200,309) | 0 | | 200,308 |
| Commercial Precinct Development Reserve | 0 | | | 50,000 | 0 | | | | 0 |
| | 2,082,634 | 58,012 | 7,865 | 153,012 | 11,649 | (1,020,289) | 0 | 350,656 | 2,094,283 |

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



TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 8: Disposal of Assets

| Asset Number | Asset Description | YTD Actual | | | Amended Budget | | |
|----------------------------|---------------------|-------------------|---------------|------------------|-------------------|----------------|------------------|
| | | Net Book Value | Proceeds | Profit (Loss) | Net Book Value | Proceeds | Profit (Loss) |
| | | \$ | \$ | \$ | \$ | \$ | \$ |
| Plant and Equipment | | | | | | | |
| PEMV259 | CEO Vehicle | | | | 26,000 | 20,000 | (6,000) |
| PEMV260 | EMRS Vehicle | | | | 15,000 | 15,000 | 0 |
| PEMV256 | Parks Vehicle | | | | 15,000 | 15,000 | 0 |
| PEMV252 | Ranger Vehicle | | | | 14,000 | 14,000 | 0 |
| PEMV242 | Mitsubishi Rosa Bus | | | | 44,000 | 44,000 | 0 |
| PE271 | Verge Mower | 13,317 | 15,000 | 1,683 | 13,000 | 11,753 | (1,247) |
| PE269 | Loader | | | | 60,000 | 40,000 | (20,000) |
| | | 13,317 | 15,000 | 1,683 | 187,000 | 159,753 | 0 |
| | | 0 | | 0 | | | (27,247) |

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

| Note 9: Rating Information | RATE TYPE | Rate in | Number of Properties | Rateable Value | YTD Actual | | | Amended Budget | | |
|----------------------------|----------------------------------|----------|----------------------|--------------------|------------------|---------------|------------|------------------|---------------|------------------|
| | | | | | Rate Revenue | Interim Rates | Back Rates | Rate Revenue | Interim Rate | Back Rate |
| | | \$ | | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| | Differential General Rate | | | | | | | | | |
| | Residential GRV | 0.068310 | 3,002 | 90,581,990 | 6,200,606 | 1,455 | | 6,187,656 | 40,000 | |
| | Commercial GRV | 0.103738 | 121 | 12,433,188 | 1,295,748 | | | 1,289,794 | | |
| | Sub-Totals | | 3,123 | 103,015,178 | 7,496,354 | 1,455 | 0 | 7,477,450 | 40,000 | 0 |
| | Minimum Payment | | | | | | | | | |
| | Residential GRV | 1,080.00 | 265 | 3,563,980 | 285,120 | | | 286,200 | | |
| | Commercial GRV | 1,615.00 | 10 | 135,755 | 16,150 | | | 16,150 | | |
| | Sub-Totals | | 275 | 3,699,735 | 301,270 | 0 | 0 | 302,350 | 0 | 0 |
| | Amount from General Rates | | 3,398 | 106,714,913 | 7,797,624 | 1,455 | 0 | 7,779,800 | 40,000 | 0 |
| | Totals | | | | | | | 7,799,079 | | 7,819,800 |

Comments - Rating Information

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 10: Information on Borrowings
 (a) Debenture Repayments

| Particulars | 01 Jul 2018 | New Loans | Principal Repayments | | Principal Outstanding | | Interest Repayments | |
|------------------------|-------------|-----------|----------------------|----------------|-----------------------|----------------|---------------------|----------------|
| | | | Actual | Amended Budget | Actual | Amended Budget | Actual | Amended Budget |
| Governance | | | \$ | \$ | \$ | \$ | \$ | \$ |
| Housing | | | | | | | | |
| Recreation and Culture | | | | | | | | |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

All debenture repayments were financed by general purpose revenue.

(b) New Debentures

No new debentures were raised during the reporting period.

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 11: Grants and Contributions

| Grant Provider | Type | Amended Budget Operating | Capital | YTD Budget | Annual Budget (d) | Expected (d)+(e) | YTD Actual Revenue |
|---|--|-----------------------------|----------------|----------------|-------------------------|---------------------|-----------------------|
| | | \$ | \$ | \$ | | | \$ |
| General Purpose Funding | | | | | | | |
| Grants Commission - General | Operating | 79,220 | 0 | 6,602 | 79,220 | 79,220 | 20,914 |
| Grants Commission - Roads | Operating | 40,546 | 0 | 3,379 | 40,546 | 40,546 | 8,565 |
| Education and Welfare | | | | | | | |
| Home and Community Care Program | Operating | 828,170 | 0 | 69,014 | 828,170 | 828,170 | 200,064 |
| Community Amenities | | | | | | | |
| Recycling Grant | Operating | 51,000 | 0 | 4,250 | 51,000 | 51,000 | 0 |
| Recreation and Culture | | | | | | | |
| Club Development Grant | Operating | 40,000 | | 3,333 | 40,000 | 40,000 | 0 |
| Minor Grants - Rec and Culture | Operating | 40,000 | 0 | 3,333 | 40,000 | 40,000 | 21,489 |
| Transport | | | | | | | |
| Roads To Recovery Grant - Cap | Non-operating | 0 | 147,726 | 12,311 | 147,726 | 147,726 | 0 |
| Direct Grant | Operating | 6,000 | 0 | 500 | 6,000 | 6,000 | 0 |
| Street Lighting Subsidy | Operating | 4,800 | 0 | 400 | 4,800 | 4,800 | 0 |
| Stirling Bridge Verge Maintenance Agreement | Operating | 7,200 | 0 | 600 | 7,200 | 7,200 | 0 |
| Developer Contribution Carparking | Operating | 120,000 | 0 | 10,000 | 120,000 | 120,000 | 0 |
| TOTALS | | 1,216,936 | 147,726 | 113,722 | 1,364,662 | 1,364,662 | 251,032 |
| SUMMARY | | | | | | | |
| Operating | Operating Grants, Subsidies and Contributions | 1,216,936 | 0 | 101,411 | 1,216,936 | 1,216,936 | 251,032 |
| Operating - Tied | Tied - Operating Grants, Subsidies and Contributions | 0 | 0 | 0 | 0 | 0 | 0 |
| Non-operating | Non-operating Grants, Subsidies and Contributions | 0 | 147,726 | 12,311 | 147,726 | 147,726 | 0 |
| TOTALS | | 1,216,936 | 147,726 | 113,722 | 1,364,662 | 1,364,662 | 251,032 |

12.2.2 Accounts for Payment – September 2018

| | |
|---------------------|--|
| File ref | F/FNS2 |
| Prepared by | Terry Paparone, Manager Finance & Administration |
| Supervised by | Peter Kocian, Executive Manager Corporate Services |
| Meeting Date | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Monthly List of Payments – September 2018 |

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 2018.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 September to 30 September 2018, 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 4.2.4 Purchasing Policy

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 2018 be received, as per the following summary table:

| SEPTEMBER 2018 | | |
|---------------------|---------------------------|----------------|
| Voucher No | Account | Amount |
| 5180 – 5183 | Municipal (Cheques) | 1,094.92 |
| EFT26413 – EFT26520 | Electronic Transfer Funds | \$972,788.20 |
| Payroll | Electronic Transfer Funds | \$250,467.61 |
| Superannuation | Electronic Transfer Funds | \$40,231.86 |
| Credit Card | Corporate Credit Card | \$363.72 |
| | Total Payments | \$1,264,946.31 |

| TOWN OF EAST FREMANTLE | | | | | |
|--|--------------|---|---|--------------------|--------------------|
| List of Accounts paid by the Chief Executive for September 2018 & submitted for the information of the Council Meeting to be held on 16 October 2018 | | | | | |
| Cheque | Payment Date | Supplier | Description | Inv Amount | Cheque |
| CHEQUES | | | | \$ | \$ |
| 5180 | 05/09/2018 | TOEF | ADMIN PETTY CASH RECOUP 31/08/18 | 149.69 | 149.69 |
| 5181 | 05/09/2018 | TOEF | RESPITE CENTRE PETTY CASH RECOUP 23/08/18 | 435.40 | 435.40 |
| 5182 | 19/09/2018 | WATER CORPORATION | LODGE MENT FEES MINOR BUILDING APPLICATION - 42 GLYDE STREET BP1773065-9 | 36.78 | 36.78 |
| 5183 | 28/09/2018 | TOEF | RESPITE CENTRE PETTY CASH RECOUP 14/09/18 | 473.05 | 473.05 |
| | | | | | |
| | | | CHEQUE TOTAL | \$ 1,094.92 | \$ 1,094.92 |
| EFTs | | Supplier | Description | Inv Amount | EFT |
| EFT26413 | 05/09/2018 | ATO | GST PAYABLE AUGUST 18 | 56,418.00 | 56,418.00 |
| EFT26414 | 05/09/2018 | AUSTRALIAN SERVICES UNION | PAYROLL DEDUCTIONS AUGUST 18 | 77.70 | 77.70 |
| EFT26415 | 05/09/2018 | CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS AUGUST 18 | 416.37 | 416.37 |
| EFT26416 | 05/09/2018 | BUNNINGS | VARIOUS HARDWARE | 115.06 | |
| | | | VARIOUS HARDWARE | 210.99 | |
| | | | HARDWARE FOR CENTRE BASED RESPITE | 35.17 | 361.22 |
| EFT26417 | 05/09/2018 | CITY OF FREMANTLE | CONTRIBUTION TO CITY OF FREMANTLE LIBRARY & TOY LIBRARY OPERATIONAL COSTS - FIRST INSTALMENT | 82,500.00 | |
| | | | DANCE HALL DAYS - AGED FRIENDLY EVENT SERIES. CONTRIBUTION TO PARTNERSHIP PROJECT. | 1,100.00 | 83,600.00 |
| EFT26418 | 05/09/2018 | FREMANTLE HERALD | HALF PAGE ADVERTISEMENT EF OVAL PRECINCT REVITALISATION | 1,151.30 | 1,151.30 |
| EFT26419 | 05/09/2018 | MCLEODS | PROFESSIONAL FEES - ANNUAL AUDIT REQUEST | 176.00 | 176.00 |
| EFT26420 | 05/09/2018 | MAYOR JIM O'NEILL | MAYORAL ALLOWANCE, SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 4,416.68 | 4,416.68 |
| EFT26421 | 05/09/2018 | ST JOHNS AMBULANCE ASSOC | HACC STAFF FIRST AID TRAINING | 796.50 | 796.50 |
| EFT26422 | 05/09/2018 | TELSTRA | HACC MOBILE PHONE | 3.58 | |
| | | | RESPITE CENTRE PHONE | 119.83 | 123.41 |
| EFT26423 | 05/09/2018 | TITAN FORD | 15000 KM SERVICE ON FORD RANGER 1GDV 315 | 519.50 | 519.50 |
| EFT26424 | 05/09/2018 | WA FIRE PROTECTION | 3 MONTH INSPECTION OF FIRE HYDRANTS AT VARIOUS LOCATIONS | 684.09 | 684.09 |
| EFT26425 | 05/09/2018 | SYNERGY | POWER SUPPLY VARIOUS LOCATIONS | 559.50 | 559.50 |
| EFT26426 | 05/09/2018 | YOUNGS PLUMBING SERVICE | REPAIR LEAKING TOILET AT HENRY JEFFREY CLUBHOUSE | 167.20 | 167.20 |
| EFT26427 | 05/09/2018 | MAJOR MOTORS | SCHEDULED SERVICE OF ISUZU 75 190 REGO 1GKM815 | 679.44 | 679.44 |
| EFT26428 | 05/09/2018 | FASTA COURIERS | COURIER COSTS 01/08/18 - 15/08/18 | 71.10 | 71.10 |
| EFT26429 | 05/09/2018 | GHD PTY LTD | REVITALISATION OF EAST FREMANTLE OVAL PRECINCT - CLAIM 2 | 21,054.99 | 21,054.99 |
| EFT26430 | 05/09/2018 | MCGEES NATIONAL PROPERTY CONSULTANTS | SEABED RENT, JETTY MOORING LICENCE, POSTAGE & PETTIES & MANAGEMENT FEES 01/09/18 - 30/11/18 | 13,237.20 | 13,237.20 |
| EFT26431 | 05/09/2018 | KOOL LINE ELECTRICAL | CHECK AND REPAIR THE HOT WATER SYSTEM - TENNIS CLUB | 1,042.50 | |
| | | | DISCONNECT POWER POINTS AT DOVENBY HOUSE AS DIRECTED | 385.00 | |
| | | | REPAIR VERANDAH LIGHTS AT DOVENBY HOUSE AS DIRECTED | 345.00 | 1,772.50 |
| EFT26432 | 05/09/2018 | DEPARTMENT OF FIRE AND EMERGENCY SERVICES | 2018/19 ESL QUARTER 1 CONTRIBUTION | 410,890.25 | 410,890.25 |
| EFT26433 | 05/09/2018 | CR. JENNY HARRINGTON | SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 1,542.00 | 1,542.00 |
| EFT26434 | 05/09/2018 | WOOLWORTHS | CATERING - 24/8/18 | 60.90 | |
| | | | RESPITE CENTRE GROCERIES - 20/08/18 | 142.39 | |
| | | | RESPITE CENTRE GROCERIES - 27/08/18 | 238.10 | 441.39 |
| EFT26435 | 05/09/2018 | CR. CLIFF COLLINSON | SITTING FEES FOR SEPTEMBER 18 | 1,292.00 | 1,292.00 |
| EFT26436 | 05/09/2018 | DAVID GRAY & CO. PTY LTD | 30 X 240L RUBBISH BINS, 100 BIN AXLES, 200 BIN WHEELS, 20 240L GREEN BIN LIDS, 50 240L YELLOW BIN LIDS | 4,949.67 | |
| | | | 6 X BIN SECURITY STANDS, 6 X BIN SECURITY LOCK WITH BAR | 1,276.44 | |
| | | | 200 X BIN LID PINS | 154.00 | 6,380.11 |
| EFT26437 | 05/09/2018 | RAC BUSINESSWISE | RAC ROADSIDE ASSISTANCE RENEWAL 18/19 - FLEET VEHICLES | 2,380.00 | 2,380.00 |
| EFT26438 | 05/09/2018 | CR. DEAN NARDI | SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 1,542.00 | 1,542.00 |
| EFT26439 | 05/09/2018 | CARINYA OF BICTON | HACC CENTRE BASED DAY CARE MEALS - JULY 18 | 1,384.45 | 1,384.45 |
| EFT26440 | 05/09/2018 | T-QUIP | SUPPLY TORO GROUNDMASTER 7210 REAR DISCHARGE MOWER AS PER QUOTE 180365, TRADE IN OF TORO GROUNDMASTER 7210 | 15,510.00 | 15,510.00 |
| EFT26441 | 05/09/2018 | FOODWORKS EAST FREMANTLE | ADMIN. WORKS, MEETING AND HACC CONSUMABLES AUGUST 18 | 404.80 | 404.80 |
| EFT26442 | 05/09/2018 | OFFICEWORKS | PRINTING FOR HACC CENTRE BASED RESPITE | 6.90 | 6.90 |
| EFT26443 | 05/09/2018 | WESTERN AUSTRALIA POLICE | NATIONAL POLICE CHECK - 3 X HACC VOLUNTEERS | 47.70 | 47.70 |
| EFT26444 | 05/09/2018 | FOCUS NETWORKS | MANAGED PROACTIVE SERVICE - MONTHLY COMPUTER JULY 18, MONTHLY MICROSOFT/ LINUX SERVER JULY 18, MONTHLY SERVER INFRASTRUCTURE JULY 18, APPLICATION JULY 18, NETWORK DEVICE JULY 18 | 3,729.00 | |
| | | | ADDITIONAL CHARGES - SUPPORT SERVICES OUTSIDE NORMAL SERVICE SCOPE - JULY 18 | 248.82 | 3,977.82 |
| EFT26445 | 05/09/2018 | ALLWEST RAPID HIRE | HIRE OF BOBCAT | 1,662.65 | 1,662.65 |
| EFT26446 | 05/09/2018 | ENVIRO SWEEP | STREET SWEEPING TOWN ROADS AS PER SCHEDULE FOR JULY 2018 | 5,637.50 | 5,637.50 |
| EFT26447 | 05/09/2018 | WORLD DIESEL | TOWING AND MECHANICAL REPAIRS FOR BUS 1DTB605 | 1,181.17 | 1,181.17 |
| EFT26448 | 05/09/2018 | CR. MICHAEL MCPHAIL | DEPUTY MAYORAL ALLOWANCE, SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 2,062.84 | 2,062.84 |
| EFT26449 | 05/09/2018 | CR. TONY WATKINS | SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 1,542.00 | 1,542.00 |
| EFT26450 | 05/09/2018 | MARKETFORCE | REQUEST FOR TENDERS AD - ROAD RESURFACING & FOOTPATH PROGRAMS 2018/19 | 706.44 | 706.44 |
| EFT26451 | 05/09/2018 | REPCO | SUPPLY OF NEW BATTERY FOR FORD RANGER UTE - 1GDV315, SUPPLY OF TYRE INFLATER FOR DEPOT SHED | 338.15 | 338.15 |
| EFT26452 | 05/09/2018 | CR. ANDREW MCPHAIL | SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 1,542.00 | 1,542.00 |
| EFT26453 | 05/09/2018 | CR. ANDREW WHITE | SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 1,542.00 | 1,542.00 |
| EFT26454 | 05/09/2018 | HUBBLES YARD | CATERING 21/08/18, | 357.50 | |
| | | | CATERING 31/07/18 | 385.00 | 742.50 |

| | | | | | |
|----------|------------|--|--|-----------|-----------|
| EFT26455 | 05/09/2018 | APARC AUSTRALIA | MONTHLY CHARGES FOR PARKING MACHINES INCLUDING LICENCE AND COMMUNICATION COSTS - AUGUST 18 | 165.00 | 165.00 |
| EFT26456 | 05/09/2018 | FREMANTLE CHAMBER OF COMMERCE | CORPORATE MEMBERSHIP 2018-2019 | 2,860.00 | 2,860.00 |
| EFT26457 | 05/09/2018 | ZIRCADATA | OFFSITE STORAGE, BARCODES, LODGEMENT AND TRANSPORTATION 2018 / 2019 YEAR - 26/07/18 - 25/08/18 | 76.81 | 76.81 |
| EFT26458 | 05/09/2018 | CELLARBRATIONS AT EAST FREMANTLE | REFRESHMENTS | 494.93 | 494.93 |
| EFT26459 | 05/09/2018 | KEYS BROS | FURNITURE STORAGE - HISTORIC AND CHAMBER FURNITURE - 29/07/18 - 25/08/18 | 260.00 | 260.00 |
| EFT26460 | 05/09/2018 | STATE WIDE TURF SERVICES | SUPPLY AND LAY 1020 SQUARE METRES OF JUMBO ROLL KIKUYU TURF AROUND CRICKET NETS AT HENRY JEFFERY OVAL | 28,050.00 | 28,050.00 |
| EFT26461 | 05/09/2018 | APPARATUS GROUP | ART CONSULTANCY SERVICES - TOWN HALL ART - BALANCE OF STAGE 1 COMMENCEMENT | 1,562.00 | 1,562.00 |
| EFT26462 | 05/09/2018 | TREE'S A CROWD TREE CARE | PRUNE LARGE GUM TREE AT 32 SEWELL STREET | 3,630.00 | |
| | | | PRUNE TREES AWAY FROM STREET LIGHT AT RACEWAY PARK | 275.00 | 3,905.00 |
| EFT26463 | 05/09/2018 | SIGNARAMA MYAREE | EAST FREMANTLE OVAL PRECINCT PROJECT, 10 X CORFLUTE SIGNS | 462.00 | 462.00 |
| EFT26464 | 05/09/2018 | Cr. TONY NATALE | SITTING FEES & ICT ALLOWANCE FOR SEPTEMBER 18 | 1,542.00 | 1,542.00 |
| EFT26465 | 05/09/2018 | MAD HAT MEDIA PTY LTD | EAST FREMANTLE'S GEORGE STREET FESTIVAL, PROVISION OF ARTWORK FOR MAGAZINE ADVERTISING, AS PER BRANDING | 484.00 | |
| | | | EAST FREMANTLE'S GEORGE STREET FESTIVAL - PROVISION OF ARTWORK FOR CALICO BAGS, AS PER BRANDING | 484.00 | 968.00 |
| EFT26466 | 05/09/2018 | SOFTWARE SITE | PO35508 - ADOBE ACROBAT PRO PROFESSIONAL 2017 X4 LICENSES FOR PLANNING DEPARTMENT | 1,150.00 | 1,150.00 |
| EFT26467 | 05/09/2018 | DI MIMI | CATERING 28/08/18 | 400.40 | |
| | | | CATERING 06/08/18 | 286.00 | 686.40 |
| EFT26468 | 05/09/2018 | DELI DI MONDO | CATERING 14/08/18 | 462.00 | 462.00 |
| EFT26469 | 05/09/2018 | UPBEAT EVENTS | GEORGE STREET FESTIVAL 2018, PROVISION OF STAGE SOUND, SOLAR POWERED WITH PA / CONSOLE / LIGHTING / OPERATOR AND DUMPSTER DISCO SYSTEM WITH OPERATOR (11AM TO 6PM) - 50% DEPOSIT | 2,161.50 | 2,161.50 |
| EFT26470 | 05/09/2018 | EVENT & CONFERENCE CO. | ATTENDANCE AT WASTE AND RECYCLE CONFERENCE 2018 - S GALLAUGHER | 500.00 | 500.00 |
| EFT26471 | 05/09/2018 | A LITTLE RAY OF SUNSHINE | LOOK LOCAL, BUSINESS TO BUSINESS EVENT, ASSISTANCE WITH CATERING COSTS | 220.00 | 220.00 |
| EFT26472 | 05/09/2018 | PETER NETHERWAY | REFUND OF OVERPAYMENT OF PARKING TICKET - LEEUWIN LAUNCHING RAMP CAR PARK | 32.00 | 32.00 |
| EFT26473 | 05/09/2018 | SHRED-X PTY LTD | 240 LITRE BIN EXCHANGE - 13/08/18 | 10.12 | 10.12 |
| EFT26474 | 05/09/2018 | BLOSSOM CATERING | CATERING FOR CDAC MEETING 27/08/18 | 70.50 | 70.50 |
| EFT26475 | 05/09/2018 | JOHN MCLOUGHLIN | REFUND OF LIFETIME DOG REGISTRATION | 250.00 | 250.00 |
| EFT26476 | 05/09/2018 | ALINTA ENERGY | GAS USE VARIOUS LOCATIONS | 181.65 | 181.65 |
| EFT26477 | 05/09/2018 | METRO CONCRETE | CONSTRUCT PRAM RAMPS AND PEDESTRIAN ISLANDS AS DIRECTED ON PRESTON POINT ROAD | 10,725.00 | |
| | | | REPAIRS TO PRAM RAMP @ CNR GLYDE AND MARMION ST. REPAIRS TO FOOTPATH ON MOSS ST AS DIRECTED. | 2,898.50 | 13,623.50 |
| EFT26478 | 05/09/2018 | KELVIN WONG | REIMBURSEMENT FOR PURCHASE OF MICROSOFT VISIO PROFESSIONAL 2016 | 39.27 | 39.27 |
| EFT26479 | 18/09/2018 | TOWN OF EAST FREMANTLE | REIMBURSEMENT / REINSTATEMENT FOOTPATH WORKS | 200.00 | |
| | | | MOORING PEN EARLY EXIT FEE/ CANCELLATION OF LEASE | 534.25 | 734.25 |
| EFT26480 | 18/09/2018 | BLAIR HARRISON | FOOTPATH DEPOSIT REFUND | 1,500.00 | 1,500.00 |
| EFT26481 | 18/09/2018 | BRIAN GUINAN | FOOTPATH DEPOSIT REFUND | 1,500.00 | 1,500.00 |
| EFT26482 | 18/09/2018 | TRULINE CONSTRUCTION | FOOTPATH DEPOSIT REFUND | 1,500.00 | 1,500.00 |
| EFT26483 | 18/09/2018 | PORT BOURARD HOMES | FOOTPATH DEPOSIT REFUND | 1,300.00 | 1,300.00 |
| EFT26484 | 18/09/2018 | SHARON ALICIA CHALWELL | SUMPTON GREEN HIRE BOND | 304.00 | 304.00 |
| EFT26485 | 18/09/2018 | BEVERLEY JEFFERIES | MOORING PEN BOND REFUND | 1,465.75 | 1,465.75 |
| EFT26486 | 19/09/2018 | MARGARET HAYES | RATES REFUND | 659.96 | 659.96 |
| EFT26487 | 19/09/2018 | AUSTRALIA POST | POSTAGE COSTS AUGUST 18 | 947.69 | 947.69 |
| EFT26488 | 19/09/2018 | BUNNINGS | SHELVING FOR CENTRE BASED DAY RESPIRE CENTRE | 232.78 | |
| | | | 40 X PLASTIC TUBS, 2 X FURNITURE DOLLIES | 455.20 | |
| | | | VARIOUS HARDWARE FOR MAINTENANCE | 558.63 | 1,246.61 |
| EFT26489 | 19/09/2018 | BOC LIMITED | CONTAINER SERVICE FOR JULY 2018 | 45.46 | 45.46 |
| EFT26490 | 19/09/2018 | EAST FREMANTLE FOOTBALL CLUB | REIMBURSEMENT OF MAINTENANCE OF EF OVAL AS PER AGREEMENT 01/07/18 - 31/10/18 | 10,833.36 | 10,833.36 |
| EFT26491 | 19/09/2018 | IMPRINT PLASTIC | ID BADGE FOR ANDREW DRIVER | 10.45 | |
| | | | STAFF NAME BADGES X 3 | 39.60 | 50.05 |
| EFT26492 | 19/09/2018 | TELSTRA | HACC MOBILE PHONE 0400046402 | 7.32 | 7.32 |
| EFT26493 | 19/09/2018 | SYNERGY | POWER SUPPLY VARIOUS LOCATIONS | 8,198.90 | 8,198.90 |
| EFT26494 | 19/09/2018 | ZIPFORM PTY LTD | POSTAGE COSTS - DELIVERY LETTER TO RESIDENTS, EAST FREMANTLE OVAL PRECINCT PROJECT FLYER | 3,609.90 | |
| | | | EAST FREMANTLE OVAL PROJECT FLYER | 2,949.48 | |
| | | | FREMANTLE RECYCLING CENTRE - LETTERS TO RESIDENTS, FLYER, ENVELOPES, LETTERHEAD | 4,389.32 | |
| | | | POSTAGE COSTS - DELIVERY LETTER TO RESIDENTS, FREMANTLE RECYCLING CENTRE | 3,609.90 | 14,558.60 |
| EFT26495 | 19/09/2018 | FASTA COURIERS | COURIER COSTS 15-31 AUGUST 18 | 65.19 | 65.19 |
| EFT26496 | 19/09/2018 | SMRC LOAN REPAYMENT ACCOUNT | RRRC LOAN REPAYMENT SEPTEMBER QUARTER | 28,994.17 | 28,994.17 |
| EFT26497 | 19/09/2018 | SWAN LOCK SERVICES | PURCHASING AND CUTTING OF 2 NEW ABLOY KEYS AS PER CODE SD424 - 1301 | 100.50 | 100.50 |
| EFT26498 | 19/09/2018 | KOOL LINE ELECTRICAL | REPAIRS SECURITY LIGHT ON FRONT OF BUILDING AND EMERGENCY EXIT LIGHT IN KITCHEN. | 449.42 | |
| | | | REPAIRS TO GATE BUZZER AT DEPOT | 760.00 | |
| | | | REPAIRS TO LIGHT AT J DOLAN PARK | 168.00 | 1,377.42 |
| EFT26499 | 19/09/2018 | SOUTHERN METROPOLITAN REGIONAL COUNCIL | MSW GATE FEES FOR AUGUST 18 - 13/08 - 31/08 | 40,033.32 | |
| | | | GREEN WASTE GATE FEES FOR AUGUST 18 | 90.00 | |
| | | | MSW GATE FEES FOR AUGUST 18 - 01/08-12/08 | 20,019.41 | |
| | | | MRF GATE FEES FOR AUGUST 18 - MIXED RECYCLABLES | 8,139.92 | 68,282.65 |
| EFT26500 | 19/09/2018 | BUILDING COMMISSION | BUILDING SERVICES LEVY COLLECTED AUGUST 18 | 780.69 | 780.69 |

ATTACHMENT 1

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12.2.3 Community Assistance Grants and Sponsorship Program – 2018-2019 (Round Two) Request Approvals

| | |
|----------------------------|---|
| File ref | A/CFG1 |
| Prepared by | Karen Dore, Economic and Community Development Officer |
| Supervised by | Peter Kocian, Executive Manager Corporate Services |
| Meeting Date | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Community Grants Advisory Group Minutes dated 03/10/18 |

Purpose

Council is requested to consider endorsing the recommendation from the Community Grants Advisory Group meeting, held on 3 October 2018, to approve the four (4) Community Assistance Grants 2018-2019 (Round Two) requests.

Executive Summary

The Community Grants Advisory Group met on 3 October 2018 to assess six (6) submissions received under the Community Assistance Grants (CAG) Program, 2018-2019.

| Group | Purpose | Amount requested |
|--|------------------------------------|--------------------|
| East Fremantle Cricket Club | Infrastructure – concrete patio | 5,000.00 |
| East Fremantle Croquet Club | Equipment – international balls | 980.00 |
| East Fremantle Junior Cricket Club | Equipment – match balls | 2,000.00 |
| East Fremantle Lawn Tennis Club | Infrastructure – bumper wall | 1,290.00 |
| Hurricane Dragon Boat & Outrigger Canoe Club | Equipment – training | 908.18 |
| Richmond Primary School P&C | Infrastructure – mosaic entry wall | 2000.00 |
| TOTAL | | \$12,178.18 |

The Advisory Group members, being community members Suzi Nelson and John Chisholm, and Chief Executive Officer Gary Tuffin (apologies from Mayor Jim O'Neill and Cr Andrew McPhail) discussed all six (6) submissions and recommended that the following four (4) requests be funded as requested.

| Group | Amount requested |
|--|-------------------|
| East Fremantle Croquet Club | 980.00 |
| East Fremantle Junior Cricket Club | 2,000.00 |
| East Fremantle Lawn Tennis Club | 1,290.00 |
| Hurricane Dragon Boat & Outrigger Canoe Club | 908.18 |
| SUB-TOTAL | \$4,912.18 |

Background

The Community Grants and Sponsorship Policy and the Community Assistance Grants Program were adopted by Council in June 2016 to provide an orderly and consistent way of dealing with small funding requests on an annual basis. The program was introduced for the first time in 2016-2017 financial year and the following allocations have been made to date:

- 2016-2017 \$9,305.00
- 2017-2018 \$9,699.00
- 2018-2019 \$7,300.28 (of \$20,000.00) allocated to date

Submissions totalling \$12,178.18 have been received for 2018-2019 Round Two, which closed on Monday 24 September 2018. A balance of \$12,699.72 is available.

Consultation

Local community groups were informed of the opportunity through the following mediums;

- Town's email newsletter – August and September editions
- Direct email (37 clubs / groups) – 31 July 2018, with a follow up in late August
- Facebook – 2 August and 24 August
- Website – www.eastfremantle.wa.gov.au/community/community-assistance-grants-cag-program-2018-2019-now-open.aspx

Statutory Environment

Not applicable.

Policy Implications

1.2.2 Community Grants and Sponsorship

Financial Implications

An allocation of \$20,000.00 is included in the 2018-2019 budget. Should all of the recommended applications be approved the total amount released in Round Two would be \$4,912.18, leaving a balance of \$7,787.54 for a third round of funding.

Strategic Implications

Community Strategic Plan 2017-2027:

Strategic Priority 1 – Social – A socially connected, inclusive and safe community

1.1 Facilitate appropriate local services for the health and wellbeing of the community

- 1.1.1 Facilitate or partner to ensure a range of quality services are provided at a local level*
- 1.1.2 Strengthen the sense of place and belonging through inclusive community interaction and participation*

1.2 Inviting open spaces, meeting places and recreational facilities

- 1.2.1 Provision of adequate recreational, sporting and social facilities*
- 1.2.2 Activate inviting open spaces that encourage social connection*

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 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

All members of the Community Assistance Grants Advisory Committee were fully agreeable to the following recommendation.

12.2.3 OFFICER/COMMITTEE RECOMMENDATION

That Council:

- 1. fund the following grant applications:**
 - \$ 980.00 East Fremantle Croquet Club
 - \$ 1,734.00 East Fremantle Junior Cricket Club
 - \$ 1,290.00 East Fremantle Lawn Tennis Club
 - \$ 908.18 Hurricane Dragon Boat and Outrigger Canoe Club;
- 2. advise all applicants of the outcomes; and**
- 3. commit the balance of \$7,787.54 for a third round of funding to be advertised in January 2019.**

MINUTES

1. DECLARATION OF OPENING OF MEETING

The CEO welcomed everyone and declared the meeting open at 5.35pm.

2. RECORD OF ATTENDANCE

2.1 Attendance

John Chisholm, Community Member

Suzi Nelson, Community Member

Gary Tuffin, Chief Executive Officer

Karen Dore, Economic & Community Development Officer

2.2 Apologies

Mayor Jim O'Neill

Cr Andrew McPhail

Peter Kocian, Executive Manager Corporate Services

3. DISCLOSURES OF INTEREST

3.1 Financial

Nil

3.2 Proximity

Nil

3.3 Impartiality

Nil

4. BUSINESS

4.1 Community Assistance Grants Submissions (Round Two) 2018-2019

| | |
|----------------------|--|
| File ref | A/CGF1 |
| Prepared by | Karen Dore, Economic & Community Development Officer (ECDO) |
| Meeting Date: | 2 October 2018 |
| Attachments | 1. Summary of Submissions (Round Two) 2018-2019 2. CAG 2018-2019 Guidelines (Round Two) |

Purpose

To review the submissions in order to make a recommendation to Council.

Background

The Community Grants and Sponsorship Policy and the Community Assistance Grants Program were adopted by Council in June 2016 to provide an orderly and consistent way of dealing with small funding requests on an annual basis. The aim of the program is to provide financial assistance to community groups to help build capacity within the community in relation to recreation and leisure activities. The CAG program is intended for small grants only, and does not prevent clubs from seeking assistance for larger contributions from Council for more substantial capital projects.

The program was introduced for the first time in 2016-2017 financial year and the following allocations have been made:

- 2016-2017 \$9,305.00
- 2017-2018 \$9,699.00
- 2018-2019 \$7,300.28 (of \$20,000.00) allocated to date

MINUTES OF COMMUNITY ASSISTANCE GRANTS
PROGRAM COMMITTEE MEETING
TUESDAY 2 OCTOBER 2018



Consultation

Local community groups were informed of the opportunity through the following mediums;

- Town's email newsletter – August and September editions
- Direct email (37 clubs / groups) – 31 July 2018, with a follow up in late August
- Facebook – 2 August and 24 August
- Website – www.eastfremantle.wa.gov.au/community/community-assistance-grants-cag-program-2018-2019-now-open.aspx

2018-2019 Submissions

Submissions totalling \$12,178.18 have been received for 2018-2019 Round Two, which closed on Monday 24 September 2018. A balance of \$12,699.72 is available.

Each submission was discussed in detail;

East Fremantle Cricket Club

\$5,000.00 for infrastructure (concrete patio)

The Committee did not feel that the project was sufficiently progressed for funding to be approved. It was suggested that the Club liaise with the Town with regards to the proposed upgrade to a Council owned facility, including discussions regarding planning requirements and possible funding assistance.

Declined: 52% of a \$9,630.00 project

East Fremantle Croquet Club

\$980.00 for equipment (international balls)

The Committee were fully supportive of the application, acknowledging that whilst the group had been previously funded in this financial year that was for infrastructure.

APPROVED: 100% of a \$980.00 project – \$980.00

East Fremantle Junior Cricket Club

\$2,000 for equipment (match balls)

The Committee were fully supportive of the application, but noted that as the request was above the 33% indicated in the guidelines the approved amount should reflect this. It was acknowledged that the Club were also active in seeking funding through other avenues.

APPROVED: 33% of a \$5,200.00 project – \$1,734.00

East Fremantle Lawn Tennis Club

\$1,290.00 for infrastructure (bumper wall)

The Committee were fully supportive of the application, acknowledging that the project was the final stage of a three-stage project to improve facilities for juniors and the general public. It was noted that a condition of funding would be that approval be gained from the Department of Biodiversity, Conservation and Attractions.

APPROVED: 33% of a \$3,872.00 project – \$1,290.00

Hurricane Dragon Boat and Outrigger Canoe Club

\$908.18 for equipment (training)

The Committee were fully supportive of the application, however there was general conversation regarding the guidelines allowing several funding applications within one financial year without matching / supplementary funding.

APPROVED: 100% of a \$908.18 project – \$908.18

Richmond Primary School P&C

\$2,000.00 for infrastructure (entry wall mosaic)

Whilst supporting the intent of the project, the Committee raised concerns regarding the infrastructure being on being on Crown Land that was vested in the Education Department.

Declined: 30% of a \$6,710.00 project

Should all of the recommended applications be approved the total amount released in Round Two would be \$4,912.18, leaving a balance of \$7,787.54 for a third round of funding.

COMMITTEE RECOMMENDATION

That the Community Grants Advisory Group recommends that Council:

(a) fund the following grant applications;

- \$ 980.00 East Fremantle Croquet Club
- \$ 1,734.00 East Fremantle Junior Cricket Club
- \$ 1,290.00 East Fremantle Lawn Tennis Club
- \$ 908.18 Hurricane Dragon Boat and Outrigger Canoe Club; and

(b) advise all applicants of the outcomes.

5. CLOSURE OF MEETING

The Chief Executive Officer thanked everyone for their attendance and declared the meeting closed at 6.15pm.

12.2.4 Sundry Debtors Write-Off

| | |
|----------------------------|--|
| File ref | F/DTC1 |
| Prepared by | Terry Paparone, Manager Administration and Finance |
| Supervised by | Peter Kocian, Executive Manager Corporate Services |
| Meeting Date | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Bad Debts Report (Confidential Attachment) |

Purpose

The purpose of this report is to seek Council approval to write-off one general Sundry Debtor amounting to \$1,975.34 and ninety five Parking Infringement debtors totalling \$11,978.65.

Executive Summary

As per Council's Debt Collection Policy 4.4.2 and Infringement Debt Management Policy 4.4.3 it is recommended that the write-offs appended to this report be approved by Council, pursuant to section 6.12 of the *Local Government Act 1995*.

Background

On the 18 September 2018 Council adopted Debt Collection and Infringement Debt Management Policies in accordance with section 6.12(1) of the *Local Government Act 1995*.

As per DA76 – 2018 (delegated authority), *the CEO and the Executive Manager of Corporate Services have the power to defer, waive, grant concession or write-off any amount of money owed to the Town of East Fremantle, under the above Act. The conditions imposed on the delegation are that write-offs must not exceed \$500.00 for individual transactions.*

There is one general Sundry Debtor amounting to \$1,975.34 which dates back to 2016 whilst there are ninety five Parking Infringements debtors totalling \$11,978.65 which span 2006 to 2014. Please see the attached Confidential Report outlining these debts.

There are a number of steps undertaken to recover outstanding costs which include issuing reminder letters, follow-up phone calls, final demand letters, negotiating payment options and if feasible, instigating legal action.

Whilst reasonable efforts have been made over a period of time to recover these debts, it is not viable to continue the recovery process due to officers' time and legal costs associated with the debts.

Consultation

Executive Manager Corporate Services
Rates Officer
Finance officer

Statutory Environment

Local Government Act 1995

Section 6.12 (1)(c) of the Local Government Act 1995 gives Council the power to write-off amounts of money owing to Council.

"Power to defer, grant discounts, waive or write-off debts"

(1) Subject to subsection (2) and any other written law, a local government may –

*(a) when adopting the annual budget, *grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or*

(c) write-off any amount of money, which is owed to the local government*

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulates the exercise of that power.

Policy Implications

As per Council's Debt Collection Policy 4.4.2 and Infringement Debt Management Policy 4.3.3 adopted on the 18 September 2018.

Financial Implications

The proposed write-offs as outlined in the Confidential report totalling \$13,953.99 will be reflected in the financial statements.

Strategic Implications

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services

Site Inspection

Not applicable

Comment

The purpose of this report is to seek Council approval to write-off sundry debts amounting to \$13,953.99. Numerous attempts to recover these debts have been time consuming and further attempts would not be cost effective.

A small proportion of sundry debtors require ongoing follow up. In circumstances where it is not viable to seek legal action for the recovery of outstanding fees, Council's option is to write-off the debt.

12.2.4 OFFICER RECOMMENDATION

That Council resolves to write-off the various sundry debts totalling \$13,953.99 as per the Confidential Report.

12.2.5 Replacement of Bus – Commonwealth Home Support Programme

| | |
|---------------------|--|
| File ref | H/CHC1 |
| Prepared by | Peter Kocian, Executive Manager Corporate Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Absolute Majority |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

Council is requested to consider the purchase of a new bus to support the provision of services under the Commonwealth Home Support Programme (CHSP).

Executive Summary

The Town has historically operated two buses to support the provision of services under the Home and Community Care (HACC) Programme (which has now transitioned to the Commonwealth Home Support Programme). The 2018/19 Budget includes the disposal of one of the buses (plant number P4069), with the remaining bus experiencing a number of failures in recent months. It is recommended that the second bus also be disposed, with the proceeds from the sale of both buses part-funding the purchase of a fit-for-purpose bus.

Background

Council previously considered a discussion paper on the use of HACC vehicles at a Concept Forum. The following is an extract from this discussion paper:

PEMV234 Mitsubishi Rosa 1DTB 605

*The Centre Based Day Care operates Tuesday through to Friday using **PEMV234** this is the older of the buses but has better access for clients. It is a 23 seater bus with hoist. We at times need to remove a number of seats to allow room for wheel chair clients this then reduces the number of clients that we are able to pick up.*

Our numbers have increased to full capacity each day now there are approximately up to 20 clients on any given day. We are picking up and dropping of clients from various locations across Cockburn, Melville and Fremantle and the trip usually takes approximately 1.5 hours.

The 14 seater Hi Ace Van is used daily to assist with the pickup and drop off of clients. We also need the extra seats for volunteer workers and staff when we are on outings. The van is also a safety net should we have an emergency or illness we can quickly transport the person home or to a GP without loading all the other clients onto the bus and leaving venues early.

This bus has had repeated problems with exhaust issues and the problem is still ongoing, after some research it appears that it is common with this vehicle.

PEMV242 Mitsubishi Rosa 1DXU 938

*This bus is used for **Monday Social outings**, we are funded for Social Support 5,782 hours. We usually have approximately 12-14 clients a trip but occasionally can increase up to 18 depending on where they are going. Clients pay \$8.00 per day. There are 2 paid staff (casuals) on the day, driver and bus aid. Clients that attend this service are fully independent.*

*This bus is also used for **Thursday Shopping Trip**, we pick up from various locations and approximately 8-12 clients attend each week. The bus takes them to Spud Shed in Jandakot and*

then on to Gateways Cockburn. Pick up starts at 8.15am and clients return home at approximately 2.30pm. There are 2 paid staff on this bus the driver and bus aid. The driver is our regular gardener the rest of the week he is a full time permanent employee, the bus aid is casual. Clients pay \$2.50 each way we are funded for trips for this service.

We have found this bus to be unsuitable for Centre Based Users as access is very poor for getting client seated, the aisles are very narrow and staff struggle to secure clients seat belts and walking frames safely. Also it has high headrests and clients are unable to see or communicate with others on the trips.

Following discussion with Council, it was resolved as part of the 18/19 Budget to dispose of the Mitsubishi Rosa 1DXU938.

Consultation

Coordinator HACC Services & Supervisor Centre Based Day Care

Statutory Environment

Council is required to approve expenditure not included in the Annual Budget by an absolute majority decision, pursuant to section 6.8 of the *Local Government Act 1995*.

Policy Implications

There are no Council Policies relative to this issue.

Financial Implications

A quote has been obtained for budget purposes. The estimated cost of the supply of a 25 seat 2018 FUSO Rosa Bus is \$131k ex GST. A side lift wheelchair and other accessories is a further \$42k.

Strategic Implications

1.1 Facilitate appropriate local services for the health and wellbeing of the community

Comment

The Town of East Fremantle is a funded CHSP provider, with funding guaranteed for the 18/19 and 19/20 financial years as per the following schedule.

| Program | Activity Name | Grant Amount (ex GST) | GST (if applicable) | Total (incl GST) |
|----------------|---|----------------------------------|--------------------------------|-----------------------------|
| Home Support | Centre Based Respite – Care Relationships and Carer Support – 4-82ZXMA1 | \$17,454 | \$0 | \$17,454 |
| Home Support | Flexible Respite – Care Relationships and Carer Support – 4-82ZXMA1 | \$69,262 | \$0 | \$69,262 |
| Home Support | Home Maintenance – Community and Home Support – 4-82ZXMA1 | \$110,663 | \$0 | \$110,663 |
| Home Support | Domestic Assistance – Community and Home Support – 4-8309Y3L | \$155,182 | \$0 | \$155,182 |
| Home Support | Transport – Community and Home Support – 4-8309Y69 | \$168,868 | \$0 | \$168,868 |
| Home Support | Social Support – Individual – Community and Home Support – 4-8309Y97 | \$387,750 | \$0 | \$387,750 |
| Home Support | Social Support – Group – Community and Home Support – 4-8309YC5 | \$456,801 | \$0 | \$456,801 |
| Total | | \$1,365,980 | \$0 | \$1,365,980 |

The Commonwealth Government has recently announced up to \$50m in growth funding, available to existing CHSP providers this financial year, with growth funding to be provided as recurrent funding. Given this commitment, the indications are positive that CHSP funding will continue beyond the 19/20 financial year.

The Town of East Fremantle is also preparing a Business Case this financial year to assess whether a full time Centre Based Day Care is a viable model under a fee for service arrangement. That is, the Town is planning to continue to provide services irrespective of the future funding model under the CHSP.

There are 164 active clients, with 53 from the East Fremantle postcode. The bus is used to support Centre Based Day Care arrangements, and therefore is a critical element of the service model. Given the Council has an aspiration to continue to provide services in the medium to long-term, it is important that plant and equipment is cost effective and fit for purpose.

The remaining bus has experienced the following issues in recent months:

- Gearbox issue resulting in bus requiring tow to repair centre – Gear position sensor replaced at a cost of \$806, Tow cost \$375 TOTAL: \$1,181
Bus off-road for 3 days.
- Start issues caused by fuel and oil mixing: Fuel pump replaced at a cost of \$3,765.
- Start issues when engine is warm: Currently needing a replacement of the engine control unit – unit was assessed to see if it could be repaired but was found to be non-repairable. A replacement engine control unit will cost approximately \$5,500 - \$6,000.
Bus has been off road for 7 days for repair and diagnostics of engine control unit

The disposal of the other bus has been deferred, with this bus brought back into service. However, this is not a viable solution moving forward as this bus has access/mobility restrictions.

The Town is holding \$217k in the HACC Reserve. This is an accumulated balance of surplus funds with major transfers completed pre 09/10 financial year. Funds in this Reserve can be applied for any purpose relating to the programme.

12.2.5 OFFICER RECOMMENDATION

That Council:

1. endorse the purchase of a new bus at an estimated cost of \$173k ex GST to support the provision of services under the Commonwealth Home Support Programme;
2. note that the recommended funding strategy is to dispose of both of the existing buses allocated to the Commonwealth Home Support Programme, and fund the net changeover out of the HACC Reserve;
3. pursuant to section 6.8 of the Local Government Act 1995, approve the following variation to the 2018/19 Budget, resulting in nil change in net current assets as at 30 June 2019:

| Description | Adopted Budget | Amended Budget | Change in Net Current Assets |
|--|----------------|----------------|------------------------------|
| Capital Expenditure – Purchase of new 2018 FUSO Rosa Bus | \$0 | (\$171,000) | (\$171,000) |
| Proceeds from Sale of Assets | \$44,000 | \$75,000 | \$31,000 |
| Transfer from HACC Reserve | \$0 | \$140,000 | \$140,000 |
| | | | \$0 |

12.3 GOVERNANCE REPORTS

12.3.1 Authority to Affix the Common Seal – Deed of Extension and Variation of Lease – JP MacKenzie Centre

| | |
|---------------------|---|
| File ref | R/RSS1 |
| Prepared by | Peter Kocian, Executive Manager Corporate Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Deed of Extension and Variation of Lease between the Town of East Fremantle and Minister for Education |

Purpose

The purpose of this report is to obtain Council authorisation to affix the Common Seal to the Deed of Extension and Variation of Lease for the use of the facility at the JP MacKenzie Centre, between the Town of East Fremantle and the Minister for Education.

Executive Summary

The existing Lease Agreement between the Town of East Fremantle and the Minister for Education, for the use of the facility at the JP MacKenzie Centre as an off-site early childhood centre, expired on the 30 June 2017. A Deed of Extension has been prepared by the State Solicitors Office for the lease to be extended to 30 June 2027, under the same terms and conditions as the head lease.

Background

Authorisation from Council is required to affix the Common Seal on all documents as per the *Local Government Act 1995 s9.49 (a) 4 - Execution of Documents*.

Consultation

Not applicable.

Statutory Environment

Local Government Act 1995 s9.49 (a) - Execution of documents:

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
 - (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
 - (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
-

- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

Policy Implications

There are no Council Policies relative to this issue.

Financial Implications

The amount of annual rent payable in the first year will be \$2,209.07, and will increase by the amount of the Perth CPI thereafter.

Strategic Implications

Council support of early childhood development is in accordance with Strategic Priority 1 'Social' in the strategic Community Plan:

1.2 Facilitate appropriate local services for the health and wellbeing of the community

Site Inspection

Not applicable

Comment

It is determined that the disposition is exempt from the requirements of section 3.58 of the *Local Government Act 1995*, as it satisfies Regulation 30 (2)(b) of the *Local Government (Functions and General) Regulations 1996*:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

The description of the land is Lot 6228 on Deposited Plan 49506. The Town holds a Management Order over this Reserve, with power to lease for any term not exceeding 21 years subject to consent of the Minister for Lands. The Deed of Extension is therefore subject to the consent of both the Town and the Minister for Lands. The consent of the Town may be granted by the Execution of the Deed by the

Town. However, the Minister for Lands cannot grant retrospective consent, so the commencement date of the Deed of Extension must be the date on which the Minister grants consent.

Council is now requested to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Deed of Extension as presented.

12.3.2 OFFICER RECOMMENDATION

That Council:

- 1. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town of East Fremantle to the Deed of Extension and Variation of Lease, for the use of the facility at the JP MacKenzie Centre as an off-site early childhood centre, between the Town of East Fremantle and Minister for Education;**
- 2. seek consent from the Minister for Lands for the Deed of Extension and Variation of Lease, with the commencement date to be amended to the date on which the Minister grants consent.**

FORM E2 - LAA

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997
TRANSFER OF LAND ACT 1893 AS AMENDED

EXTENSION OF LEASE

| LEASE NUMBER | DESCRIPTION OF LAND (Note 1) | EXTENT | VOLUME | FOLIO |
|--------------|----------------------------------|--------|--------|-------|
| K758715 | Lot 6228 on Deposited Plan 49506 | Whole | LR3137 | 999 |

LESSOR-REGISTERED PROPRIETOR OF LAND (Note 2)

TOWN OF EAST FREMANTLE of P O Box 1097 Fremantle WA 6959

LESSEE-REGISTERED PROPRIETOR OF LEASE (Note 3)

MINISTER FOR EDUCATION of care of Department of Education, 151 Royal Street East Perth WA 6004

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (Note 4)

Nil

The LESSOR HEREBY EXTENDS the above lease for the term of

Ten (10) years

from the

1st

day of

July

Year

2017

upon the terms and conditions and subject to the covenants

contained therein with the variation following. (Note 5)

As set out in the attached Deed of Extension and Variation of Lease

Dated this

day of

Year

LESSOR/S SIGN HERE (Note 6)

See page 5 of the attached Deed

LESSEE/S SIGN HERE (Note 6)

See page 5 of the attached Deed

This extension shall not affect any dealing registered subsequent to the above Lease unless the person in whose favour such dealing was registered consents.

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet, Form B1 should be used with appropriate headings. The boxed sections should only contain the words "see page..."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
4. Duplicate Lease to be produced.
5. Where issued, the Duplicate Certificate of Title is required to be produced or if held by another party then arrangements must be made for its production.

NOTES

1. **DESCRIPTION OF LAND**
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.
The Volume and Folio number to be stated.
2. **LESSOR**
State full name and address of the Lessor/Lessors (Registered Proprietor) as shown on Certificate of Title and the address/addresses to which future notices can be sent.
3. **LESSEE**
State full name of the Lessee/Lesseees (Registered Proprietors of Lease) and the address/addresses to which future notices can be sent.
4. **LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS**
In this panel show (subject to the next paragraph) those Limitations, interests, encumbrances and notifications affecting the leased land recorded after the lease:
a) On the certificates(s) of title;
(i) In the Second Schedule; or
(ii) If no Second Schedule, that are encumbrances;
AND
b) On the lease, that are encumbrances not recorded on the certificate(s) of title.
(Unless to be removed by action or document before registration hereof)

Do not show any:
(a) Easement Benefits or Restrictive/Covenant Benefits; or
(b) Subsidiary interests or changes affecting a limitation, etc, that is to be entered in the panel (eg, if a mortgage is shown, do not show any partial discharges or any document affecting either).
The documents shown are to be identified by nature and number. The plan/diagram encumbrances shown are to be identified by nature and plan/diagram number. Strata/survey-strata plan encumbrances are to be described as "Interests on strata/survey-strata plan".
If none show "nil".
5. **TERM AND VARIATIONS**
Term to be stated in years, months and days or as the case may be. State variation in the panel provided.
6. **LESSORS, LESSEES EXECUTION**
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of witnesses must be stated.

OFFICE USE ONLY**EXTENSION OF LEASE**

LODGED BY State Solicitors Office

ADDRESS 28 Barrack Street Perth WA 6000

PHONE No. 9264 1176

FAX No. 9264 1440

REFERENCE No. 2644-05

ISSUING BOX No. 59N

PREPARED BY State Solicitors Office

ADDRESS 28 Barrack Street Perth WA 6000

PHONE No. 9264 1176 FAX No. 9264 1440

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

| | |
|----------|-----------------|
| 1. _____ | Received Items |
| 2. _____ | Nos. |
| 3. _____ | |
| 4. _____ | |
| 5. _____ | Receiving Clerk |
| 6. _____ | |

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

2017

TOWN OF EAST FREMANTLE

AND

MINISTER FOR EDUCATION

DEED OF EXTENSION AND VARIATION OF LEASE

**STATE SOLICITOR'S OFFICE
COMMERCIAL AND CONVEYANCING
PERTH**

TELEPHONE : (08) 9264 1176

SSO : 2644-05

THIS DEED OF EXTENSION AND VARIATION OF LEASE is made the day
of 201

B E T W E E N:

TOWN OF EAST FREMANTLE of P O Box 1097 Fremantle Western Australia
("Lessor")

and

MINISTER FOR EDUCATION a body corporate constituted pursuant to the provisions
of the School Education Act 1999 of care of Department of Education, 151 Royal Street East
Perth Western Australia ("Lessee")

RECITALS

- A. By the Lease the Lessee was entitled to a leasehold interest in the Premises for the Term subject to payment of the Rent and the observance and performance of the Lessee's Covenants.
- B. The reversion expectant upon the determination of the Term is vested in the Lessor.
- C. Following the Expiry Date, the Lessee remained in occupation of the Premises pursuant to clause 4(e) of the Lease.
- D. At the request of the Lessee, the Lessor has agreed to vary the Lease and grant to the Lessee an extension of the Lease for the Extended Term upon the terms and conditions contained in this Deed.

OPERATIVE PART WHEREBY the parties AGREE as follows -

INTERPRETATION

1. (1) In this Deed unless the contrary intention appears -

"Business Day" means a day other than a Saturday, Sunday or public holiday in Perth Western Australia;

"Expiry Date" means the date of expiration of the Term;

"Extended Term" means the extended term described in item 3 of the Schedule;

"Lease" means the lease and the assignments extensions and variations (if any) to that lease described in item 2 of the Schedule;

"Lessee's Covenants" means all or any of the covenants and agreements contained in or implied by the Lease to be observed and performed by the Lessee;

"Lessor's Covenants" means all or any of the covenants and agreements contained in or implied by the Lease on the part of the Lessor to be observed and performed;

"Premises" means the premises described in item 1 of the Schedule;

"Rent" means the rent reserved by the Lease and any variation of that rent;

"Schedule" means the schedule to this Deed;

"Term" means the term of the Lease and any renewal or extension of that term prior to the Extended Term.

(2) In this Deed:

- (a) headings are for convenience only and do not affect interpretation;
- (b) unless defined in clause 1(1) of this Deed, words defined in the Lease have the same meaning when used in this Deed;

and unless the context indicates a contrary intention:

- (c) a reference to any person includes that person's executors, administrators, successors, substitutes and assigns, including any person taking by way of novation;
- (d) a reference to this Deed or to any other agreement, deed or document includes, respectively, this Deed or that other agreement, deed or document as amended, novated, supplemented, varied or replaced from time to time;
- (e) words importing the singular include the plural (and vice versa), words denoting a given sex include the other sex and words denoting individuals include corporations (and vice versa);
- (f) a reference to any legislation or to any section or provision of any legislation includes any statutory modification or re-enactment or any statutory provision substituted for it and ordinances, by-laws, regulations and other statutory instruments issued under any legislation;
- (g) references to parties, clauses, schedules, exhibits or annexures are references to parties, clauses, schedules, exhibits and annexures to or of this Deed and a reference to this Deed includes any schedule, exhibit and annexure;
- (h) if any day appointed or specified by this Deed for the payment of any money or doing of any thing falls on a day which is not a Business Day, the day so appointed or specified will be deemed to be the next Business Day;
- (i) if more than one person is under an obligation to act or not to act under this Deed, the liability of those persons so identified binds each of them severally and every two or more of them jointly; and
- (i) if more than one person receives the same benefit under this Deed the benefit is to be enjoyed by each of them severally.

LEASE

2. The Lessor LEASES to the Lessee the Premises and the Lessee accepts that lease for the Extended Term SUBJECT to payment of the Rent and the observance and performance of the other Lessee's Covenants.

COVENANTS BY LESSEE

3. The Lessee agrees with the Lessor to perform and observe the provisions of the Lease to be performed and observed by the Lessee as though those provisions were fully set out in this Deed and to do so at all times during the Extended Term.

COVENANTS BY LESSOR

4. The Lessor agrees with the Lessee to perform and observe the provisions of the Lease to be performed and observed by the Lessor as though those provisions were fully set out in this Deed and to do so at all times while the Lessor has care, control and management of the Premises.

VARIATIONS

5.
 - (a) The Lease will be varied in the manner stated in item 5 of the Schedule so that from and including the commencement of the Extended Term, the Lease is to be read and construed as incorporating those variations and will bind the parties to the Lease and this Deed accordingly.
 - (b) The parties agree that except as varied by this Deed, the Lease remains in full force and effect.

MUTUAL AGREEMENTS

6.
 - (1) The terms and provisions contained or implied in the Lease (as may be varied by this deed) shall apply during the Extended Term except any right of renewal exercised prior or pursuant to this Deed.
 - (2) The Rent payable at the commencement of the Extended Term is the amount set out in item 4 of the Schedule but subject to review in accordance with the terms of the Lease.
 - (3) The Lessee shall pay all costs of and incidental to instructions for and preparation of this Deed.
 - (4) The parties will promptly do and perform all further acts and execute and deliver all further documents required by law or reasonably requested by any other party to carry out and effect the intent and purpose of this Deed.
 - (5) This Deed shall be governed by the laws of the State of Western Australia. Each party irrevocably submits to the exclusive jurisdiction of courts exercising jurisdiction in Western Australia and courts of appeal from them in respect of any proceedings arising in connection with this Deed or the Lease. Each party irrevocably waives any objection to the venue of any legal process in these courts on the basis that the process has been brought in an inconvenient forum.

SCHEDULE1. PREMISES

Lot 6228 on Deposited Plan 49506 and being the whole of the land in Qualified Certificate of Crown Land Title Volume LR3137 Folio 999

2. LEASE

Registered Lease K758715 made between the Lessor and the Lessee for a term of 10 years commencing on 1 July 2006

3. EXTENDED TERM

10 years commencing on 1 July 2017 and expiring on 30 June 2027

4. RENT

\$()

5. VARIATIONS

On and from the commencement date of the Extended Term, item 6 of the Schedule to the Lease is amended to read:

"Ten (10) years commencing on 1 July 2017"

EXECUTED as a Deed.

THE COMMON SEAL of the)
TOWN OF EAST FREMANTLE)
was hereunto affixed in the presence of:)

Mayor

Chief Executive Officer

Print full name

Print full name

SIGNED for and on behalf of the)
MINISTER FOR EDUCATION by)
JENNIFER ANN MCGRATH)
Deputy Director General of the)
Department of Education,)
the officer delegated this authority)
pursuant to sections 224 and 225)
of the *School Education Act 1999 (WA)*)
in the presence of)

____/____/____

Witness signature

Witness Full Name (Please print)

Witness address (Please print)

Witness occupation (Please print)

12.3.2 Ranger Authorisation – Interim Relief Ranger (November 2018/January 2019)

| | |
|---------------------|--|
| File ref | H/PRR1 |
| Prepared by | Peter Kocian, Executive Manager Corporate Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | Nil |

Purpose

This report is informing Council that the Chief Executive Officer will be exercising delegation DA21 Appointment of Authorised Officers, to appoint the relief Ranger Mr Brian Gaudet as an Authorised Officer of the Town of East Fremantle.

Executive Summary

Mr Brian Gaudet of WA Contract Ranger Services has been engaged to provide relief ranger services for the months of November 2018 and January 2019. As such, he is required to be appointed as an Authorised Officer to perform functions under legislation.

Background

A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws (section 9.10 (1) of the *Local Government Act 1995*).

The Chief Executive Officer has been provided a delegation by Council, DA21 Appointment of Authorised Officers, to appoint Authorised Officers as required.

Consultation

Not applicable.

Statutory Environment

Section 9.10 of the *Local Government Act 1995* provides for the local government to appoint Authorised Officers.

Functions and powers are conferred directly to an Authorised Officer (as opposed to a Delegation) under the following legislation:

- *Bushfire Act 1954 and Regulations*
- *Control of Vehicles (Off-road Areas) Act 1978*
- *Dog Act 1976 and Regulations*
- *Cat Act 2011 and Regulations*
- *Litter Act 1979*
- *Caravan Parks and Camping Grounds Act 1995*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*

Policy Implications

There are no Council Policies relative to this issue.

Financial Implications

The approximate cost of relief ranger services is \$8,000.

Strategic Implications

1.3 Facilitate appropriate local services for the health and wellbeing of the community

Site Inspection

Not applicable

Comment

The Chief Executive Officer is to appoint Mr Brian Gaudet as an Authorised Officer of the Town of East Fremantle, and to issue an authorisation letter/card.

12.3.2 OFFICER RECOMMENDATION

That Council note that the Chief Executive Officer will exercise delegated authority pursuant to delegation DA21 Appointment of Authorised Officers, to:

1. appoint Mr Brian Gaudet as an Authorised Officer for the Town of East Fremantle, for the purposes of performing particular functions in regard to enforcement under the following Acts, Regulations and Local Laws:
 - *Bushfire Act 1954 and Regulations*
 - *Control of Vehicles (Off-road Areas) Act 1978*
 - *Dog Act 1976 and Regulations*
 - *Cat Act 2011 and Regulations*
 - *Litter Act 1979*
 - *Caravan Parks and Camping Grounds Act 1995*
 - *Local Government Act 1995*
 - *Local Government (Miscellaneous Provisions) Act 1960*
 - *Cat Local Law 2016*
 - *Dog Local Law 2016*
 - *Parking Local Law 2016*
 - *Public Places and Local Government Property Local Law 2016*
2. appoint Mr Brian Gaudet as an authorised person for the following purposes of the *Local Government Act 1995*:
 - S3.24 Certain provisions about land
 - S3.31 General procedures for entering property
 - S3.33 Entry under warrant
 - S3.34 Entry in an emergency
 - S3.36 Opening Fences
 - S3.39 (1) Remove and impound goods
 - S3.40A (1) Remove and impound an abandoned vehicle wreck
 - S3.44 Notice to collect goods if not confiscated
 - S9.11 Persons found committing breach of Act to give name and address on demand
 - S9.13A Notice to prevent continuing contravention
 - S9.16 Giving a notice (infringement notice)

12.3.3 Amendment to Policy 4.2.7 – Parking Infringement Appeals

| | |
|----------------------------|---|
| File ref | C/POL1 |
| Prepared by | Peter Kocian, Executive Manager Corporate Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil. |
| Attachments | 1. Parking Infringement Appeals Policy (with tracked changes) |

Purpose

The purpose of this report is for Council to consider amending Policy No 4.2.7 Parking Infringement Appeals, to exclude the circumstance of a 'valid ticket was purchased' as a reason for an infringement to be withdrawn.

Executive Summary

To provide general parking infringement appeal information and protocols for the administration to determine the circumstances where a parking infringement appeal will be considered.

Background

Council adopted Policy 4.2.7 Parking Infringement Appeals at the June 2018 Ordinary Meeting. The Policy has been developed to provide clarity with regard to how the Town of East Fremantle will determine the circumstances where a parking infringement appeal will be considered.

The Policy is divided into three tables outlining:

- Table 1. Circumstances under which an infringement will be withdrawn
- Table 2. Circumstances under which an infringement may be withdrawn
- Table 3. Circumstances under which an infringement will not be withdrawn

Consultation

Council Forum 9 October 2018.

Statutory Environment

Council is to determine the Policies of the local government pursuant to section 2.7 (2) (b) of the *Local Government Act 1995*.

Policy Implications

Policy 4.2.7 Parking Infringement Appeals is presented with tracked changes.

Financial Implications

In the 2017/18 financial year, the Town issued 488 infringements for 'Failure to display ticket clearly in parking station', with a total value of \$41,850.

Strategic Implications

1.1 Facilitate appropriate local services for the health and wellbeing of the community.

Site Inspection

Not applicable

Comment

It is recommended that Policy 4.2.7 Parking Infringement Appeals be amended to remove the circumstance of 'A valid ticket was purchased' from Table 2 (circumstances under which an infringement may be withdrawn) and the inclusion of 'Failure to display a valid parking ticket' in Table 3 (circumstances under which an infringement will not be withdrawn). That is, failure to display a valid parking ticket will no longer be considered as a valid reason for appeal.

The reason for this proposed change is four-fold:

- Prior to the adoption of the Parking Infringement Appeals Policy, Staff were occasionally exercising delegated authority to reduce the penalty for 'failure to display a valid parking ticket', which has created an ambiguous precedent for the assessment of appeals moving forward.
- The issuance of infringements for this offence is the one that impacts highest on Rangers operational time when issuing infringement notices. This is because where a parking ticket is not displayed on the dashboard, the Ranger is required to extend their efforts to ascertain if a ticket has fallen on the floor, been left on a seat, left in centre consoles or hidden by a sunshade placed over the windscreen. Where Rangers can see a ticket clearly enough to ascertain it is a valid ticket then no infringement is issued. In cases where a ticket can be seen but cannot be read (details obscured from view) then Rangers record if the ticket may or may not be a Town of East Fremantle ticket (by size, colour, font type and size) and then issue the infringement notice. Where there is no ticket noted by the Ranger then an infringement is issued.
- On top of the extra time already spent on such infringements there are then the factors of time and resources for Council Officers to draft appeal responses. In many cases such infringed drivers do not appeal until they receive Councils' final notice in which case Council has incurred a further \$19.50 costs as this is the fee that the Department of Transport charges Councils for providing vehicle owner name and address details in order for Councils to issue a final notice after the Statutory 28 day appeal period has expired and driver has not appealed by that time.
- The failure to display is in fact an offence and if Rangers are to maintain a service level that is equitable, fair and impartial to all drivers, then infringements that are issued should be upheld.

The proposed Policy change will bring the Town's Policy in line with other local governments such as the City of South Perth.

12.3.3 OFFICER RECOMMENDATION

That Council adopt amended Policy No 4.2.7 Parking Infringement Appeal attached to this report.

PARKING INFRINGEMENT APPEALS

| | |
|--------------------------------|---|
| Policy Number: | 4.2.7 |
| Type: | Governance – Financial Management |
| Legislation: | |
| Delegation: | DA62 Withdrawal, Amendment & Collection of Infringement Notices |
| Other Related Document: | Town of East Fremantle Parking Local Law 2016 |

Objective

The objectives of this policy are to provide:

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

Policy Scope

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

Policy

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

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

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

Officers will apply a 10 minute leniency prior to issuing a parking infringement notice for exceeding a time limit.

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

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

Table 1. Circumstances under which an infringement will be withdrawn

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

Table 2. Circumstances under which an infringement may be withdrawn

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

Table 3. Circumstances under which an infringement will not be withdrawn

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

| | |
|-----------------------------------|---------------------|
| Responsible Directorate: | Regulatory Services |
| Reviewing Officer: | EMRS |
| Decision making Authority: | Council |
| Policy Adopted: | 19/06/18 |
| Policy Amended: | |
| Next Review Date: | |

12.4 OPERATIONS REPORTS

12.4.1 Road Resurfacing Program 2018/19 – Tender Acceptance

| | |
|-----------------------------|--|
| Applicant: | Town of East Fremantle |
| File ref: | TEN/REGISTER 01-18/19 |
| Prepared by: | Stephen Gallagher, Operations Manager |
| Supervised by: | Gary Tuffin, Chief Executive Officer |
| Voting requirements: | Absolute Majority |
| Documents table: | Nil |
| Attachments: | 1. Evaluation Sheet RFT01-18/19 (Confidential Attachment) |

Purpose

To advise Council on the evaluation of the Request for Tender submissions received for the Road Resurfacing Program 2018/19 and to award the contract.

Executive Summary

This Tender has been undertaken as part of the Capital Works Program that was approved by Council in this financial year's budget. The works are scheduled to be completed during November 2018.

The Tender was advertised with seven submissions received.

A more detailed assessment was done on the Tenders in accordance with Sections 1.6 Evaluation Process and 1.7 Selection Criteria.

Background

As part of the Towns 2018-19 Capital Works program, tender RFT01/18-19 was advertised in the West Australian newspaper on 18 August 2018 to select a contractor to provide road resurfacing services on the following roads around the Town:

- Council Place
- Glyde Street
- King Street
- Moss Street
- Preston Point Road
- Sewell Street
- View Terrace
- Woodhouse Road

Tenders closed at 4:00pm Friday 31 August and there were seven (7) submissions received from the following Tenderers:

1. Fulton Hogan
2. Roads 2000
3. Advantesting Civil Engineering
4. Downer EDI Works
5. Industrial Road Pavers
6. Merger Contracting Pty Ltd
7. Boral Resources WA

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Operations Supervisor

Interviews were held with the shortlisted tenderers to clarify details of the submissions and better assess the applicants. Also, as part of the tender assessment process Tenderer referees were contacted for details on previous work performance.

Prior to commencement of works, the contractor (on behalf of Council) will distribute a letter to all affected properties.

Statutory Environment

Local Government Act 1995 s3.57 – Tenders for providing goods or services

- (3) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (4) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Policy Implications

Purchasing Policy 4.2.4.

Financial Implications

Council has allowed \$370,614 for the road resurfacing in their 2018/19 Budget.

Strategic Implications

Nil

Site Inspection

Yes

Comment

The tenders submitted must fulfill the requirements of the Tender Criteria, namely the Compliance and Selection Criteria:

| Qualitative Criteria | Weighting |
|---|-----------|
| Service Delivery Plan | |
| Relevant Experience <ul style="list-style-type: none">In delivering services of the nature of this tenderDemonstrated successful completion works of a similar nature for the Town of East Fremantle or other Local Government Authorities | 35% |
| Capacity to Deliver the Services <ul style="list-style-type: none">Professional SkillsKey personnelSupport facilitiesPlant, equipment and materials; and | 25% |

| | |
|---|------|
| <ul style="list-style-type: none">Any contingency measures or back up of resources including personnel (where applicable) | |
| Service Delivery Plans <ul style="list-style-type: none">Methodology for providing the services andTimetable for delivering the services | 20% |
| Reports from Referees <ul style="list-style-type: none">Provide written references | 5% |
| Tenderer Resources <ul style="list-style-type: none">Plant, equipment and materials: andAny contingency measures or back up of resources including personnel (where applicable). | 15% |
| Total | 100% |

The shortlisted tenderers have demonstrated satisfactory experience and were assessed against the requirements of the Tender Criteria, namely the Compliance and Selection Criteria. The details of this assessment are provided under confidential cover.

Based on the evaluation results it is recommended that the Tender be awarded to Fulton Hogan for \$319,786.87 (Ex GST).

12.4.1 OFFICER RECOMMENDATION

That Council

- 1. accept the Tender submitted by Fulton Hogan for \$319,786.87 (Ex GST) to complete the Road Resurfacing Program 2018/19.**
- 2. delegate to the Chief Executive Officer the power to finalise a contract with the Fulton Hogan within the defined parameters of the tender.**
- 3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract with Fulton Hogan for the Road Resurfacing Program 2018/19.**

12.4.2 Public Art Mural – JP MacKenzie Building

| | |
|----------------------------|--|
| File ref | A/ART1 |
| Prepared by | Karen Dore Economic & Community Development Officer |
| Supervised by | Peter Kocian, Executive Manager Corporate Services |
| Meeting Date: | 16 October 2018 |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | 1. Public Art Panel Minutes, 8 October 2018 2. Mural Design Proposal “A-B”, Jarrad Martyn |

Purpose

To consider the endorsement of the recommendation from the Public Art Panel (the Panel) for the installation of a mural on the JP MacKenzie building, Hubble Street, East Fremantle. It is intended that this installation be complete prior to East Fremantle’s George Street Festival (25 November 2018).

Executive Summary

The ageing mural on the JP MacKenzie building, Hubble Street, East Fremantle was identified as being beyond repair. The Panel discussed whether the original mural should be recreated or whether a new mural should be installed. As murals are considered ephemeral art pieces it was suggested that there be a new artwork installed that draws its theme from the Town’s Public Art Strategy 2017.

“Ephemeral Art cannot be bought, sold or traded, and the sculpture merges back into the environment as its materials gradually degrade.”

<https://lighthouse.mq.edu.au/article/please-explain/what-is-ephemeral-art>

Background

The Town of East Fremantle Public Art Panel held their first meeting on Monday 16 July 2018 where they considered a discussion paper titled “Food for Thought”. This paper summarised twenty one public artwork ideas that had been to the Town.

From those ideas the Panel identified those which it would like to investigate further, including the replacement of the deteriorated mural on the corner of Hubble and George Street.

At their meeting held on Monday 20 August 2018 the Panel requested that, as per the recommendation of FORM**, nine WA artists be invited to submit an expression of interest to undertake the proposed installation. The decision to call for expressions by invitation, rather than advertisement, was made due to the tight timeline of having the installation completed prior to the Festival.

Five expressions of interest were received. These were considered at the Public Art Panel meeting held on Monday 17 September 2018. Three artists were selected to further submit a Concept Design Proposal.

The seven Concept Design Proposals were considered at the Public Art Panel meeting held on Monday 8 October 2018.

Consultation

Public Art Panel
Patricia Burvill (Original Artist)
East Fremantle Primary School (Tenant)

FORM**

***FORM is an independent, non-profit cultural organisation that develops and advocates for excellence in creativity and artistic practice in Western Australia. FORM advised that the*

Panel:

- 1. Call for Expressions of Interest from artists (either via invitation or public advertisement);*
- 2. Request three of these artists to provide a Concept Design Proposal for a fixed fee of \$500, noting that these concepts remain the intellectual property of the artist.*
- 3. Select one Concept to be the final work.*

Statutory Environment

Nil

Policy Implications

Town of East Fremantle Strategic Community Plan 2017-2027

Strategic Priority 1 – Social – A socially connected, inclusive and safe community

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

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

Town of East Fremantle Public Art Strategy 2017

The Artistic Theme identified for George Street is:

- **Discover:** East Fremantle's agricultural past, relating to food gathering, to complement the eateries on the street.
- **Connect:** people to people, people to ideas – celebrate local people and rituals, energetic, comfortable and casual. Consider how people use this place...
- **Encounter:** impressions of the natural environment, tactile and interactive.

Financial Implications

The funds for this installation would be drawn from the Arts and Sculpture Reserve.

| | |
|----------------|---|
| \$1,500 | 3 x Concept Design Proposal |
| \$5,000 | 1 x Installation (materials and labour) |
| <u>\$6,500</u> | <u>Total</u> |

The cost of preparing the wall (removal of old piece) and the addition of graffiti proofing will be additional to the above costs.

Strategic Implications

Nil.

Site Inspection

The wall has been inspected by the Town's Operations Manager and each of the three artists who were requested to submit Concept Design proposals.

Comment

The submissions provided were circulated to the Panel members and were discussed at the meeting. It was agreed that the preferred submission by Jarrad Martyn's entitled Mural A-B be recommended to Council for consideration for installation.

12.4.2 PANEL RECOMMENDATION

That Council endorse the installation of Mural Concept Design A-B, by artist Jarrad Martyn, on the Hubble Street facing wall of the JP MacKenzie building corner of George Street, East Fremantle.

1. DECLARATION OF OPENING OF MEETING

The meeting was declared open at 4.45pm.

2. RECORD OF ATTENDANCE

2.1 Attendance

| | |
|---------------------|---|
| Cr Jenny Harrington | Chairperson |
| Mr Tony Jones | |
| Mr Barry Scotland | |
| Mr Gary Tuffin | Chief Executive Officer (CEO) |
| Mr Peter Kocian | Executive Manager Corporate Services (EMCS) |
| Ms Karen Dore | Economic & Community Development Officer (ECDO) |

2.2 Apologies

| | |
|-------------------------|-------------------|
| Mayor Jim O'Neill | |
| Ms Olga Cironis | |
| Ms Carmel O'Neill | |
| Mrs Christine Catchpole | Town Planner (TP) |

3. ACCEPTANCE OF PREVIOUS MINUTES

PANEL RESOLUTION

Moved Cr Harrington, seconded Mr Scotland

That the minutes of the Public Art Panel meetings held on Monday 16 July 2018, Monday 20 August 2018 and Monday 17 September 2018 be confirmed as a true and correct record of proceedings.

CARRIED

4. BUSINESS

4.1 Action Plan

Items for future consideration have been moved to the (proposed) Draft Action Plan / Budget Summary (see end of document).

4.2 External Window Vinyl Installation

The Panel re-discussed the submitted concept and requested that the Artist resubmit the concept in the preferred colours, with a visual representation of them on the proposed building.

- Cost of concept – \$500 // Estimate for installation – \$1,400

ACTION: ECDO to liaise with Artist as soon as possible.

4.3 Hubble Street Insta Wall

The seven Concept Design Proposals, submitted by three artists, were perused and discussed by the Panel.

- Cost of concept (3) – \$1,500 // Budget for installation (14m x 4m wall) – \$5,000
- Cost of preparation and anti-graffiti coating to be advised by Operations

The Panel **recommended** that proposal "A-B" by Jarrad Martyn be considered by Council for installation.

ACTION: ECDO to prepare a report for the October Ordinary Council Meeting requesting that Council endorse the installation of Jarrad Martyn's proposal "A-B".

4.4 George Street Mural – Baha’i

The Panel are not supportive of the proposed installation, due largely to the location. The suggestion was raised that the proponent consider an alternative site.

ACTION: ECDO to advise proponent of Panel sentiments and liaise with regards to other sites, as soon as possible.

4.5 Glasson Park Public Toilet Artwork

More information will be provided by the Town’s Project Coordinator when available.

4.6 Town Hall Installation

The Panel reviewed the report provided by the Town’s Project Coordinator. The Public Art Panel **recommended** that an amount of up to \$50,000 be allocated from the Art and Sculpture Reserve and considered by Council for the initial purchase of artwork in 2018-2019, to be selected from the Acquisition Proposal Report.

ACTION: Project Coordinator to prepare a summary of highly recommended items from the Acquisition Proposal Report to be presented to the Panel in a future workshop for their consideration and recommendation to Council.

4.7 Raceway Park Public Art

Verbal quote received for the repair of “Pacing Horses” (Vittorio Ulinovich 2000) - \$8,000. Further options to be sought before a recommendation is made.

ACTION: Mr Jones to liaise with Vittorio with regards to possible alternative options.

4.8 Silas Street Roundabout

The Panel agreed that due to the unique location, and its special requirements (vertical, clear line of sight, frangible, outdoor, solar powered – heart / centre of Town), a piece should be commissioned rather than borrowed.

- An estimate of \$50,000 including installation was suggested.

ACTION: ECDO to prepare draft brief for consideration by the Panel (schedule for February 2019).

4.9 Banner Poles

Noted that Operations are awaiting feedback from MRWA.

4.10 Bus Shelters

Agreed that a digital print onto quality alucobest material would be the best way to undertake these installations.

ACTION: ECDO to ascertain measurements and collect quotes for undertaking this preparation of these panels with artwork supplied, as soon as possible.

4.11 Turnstile Booths

The requirement for the George Booth Park turnstile buildings to be enclosed presents an opportunity to do so with public art window

ACTION: ECDO to prepare Scope, to call for Expressions of Interest (schedule for December 2019).

4.12 Ms Olga Cironis

Ms Cironis’ resignation from the Panel, for personal reasons, was tabled.

ACTION: ECDO to send a letter of thanks for her contributions and extend an invitation to the artists involved in the George Street Exhibition to consider joining the Panel.

5. NEXT MEETING

To be advised.

6. CLOSURE OF MEETING

The meeting closed at 6.00pm.

BUDGET SUMMARY / ACTION PLAN *All amounts are shown excluding GST*

Note: a request to access the balance of funds within the Reserve can be submitted via a formal report to Council

| ITEM | SUPPLIER | STATUS | AMOUNT | BALANCE |
|--|---|---------------|-------------|-----------------|
| Proposed | | | | |
| Annual Budget Allocation | | | | \$45,000 |
| Vinyl Installation Concept Design | George Howlett | Submitted | \$500 | \$44,500 |
| Hubble St Insta Wall Concept Design | Patricia Burvill / Jarrad Martyn / Jessee Lee Johns | Underway | \$1,500 | \$43,000 |
| Hubble St Insta Wall Installation | To be selected | To be decided | \$5,000 | \$38,000 |
| Pending | | | | Priority |
| Bus Shelters | Digitally printed alucobest | Estimate | \$50,000 | 2018-2019 |
| External Vinyl Installation | George Howlett | Estimate | \$1,400 | 2018-2019 |
| Richmond Raceway Public Art | Vittorio Ulinovich | Requirement | MAINTENANCE | 2018-2019 |
| Silas Street Roundabout | Call for EOI | Estimate | \$50,000 | 2019-2020 |
| Turnstile Booths | Call for EOI | Estimate | \$20,000 | 2019-2020 |
| (proposed)Draft Action Plan | | | | Priority |
| Building Projections | | Idea | \$2,400 | |
| Festival Exhibition Purchase | Local Artists | Idea | | 2019-2020 |
| Mural (Ari & Esmay Laneway) | Jarrad Martyn | Request | \$2,300 | 2019-2020 |
| Annual Art Awards | Town | 2019-2020 | | 2019-2020 |
| George Street underpass light installation | George Howlett | Idea | | |



12.4.3 Proposed Retaining Wall – Sea Container at Henry Jeffery Oval

| | |
|----------------------------|--------------------------------------|
| File ref | R/RSB1 and R/RS06 |
| Prepared by | Stephen Gallagher Operations Manager |
| Supervised by | Gary Tuffin Chief Executive Officer |
| Meeting Date | 16 October 2018 |
| Voting requirements | Absolute Majority |
| Documents tabled | Nil |
| Attachments | 1. Location map – retaining wall. |

Purpose

To seek Council's authorisation to incur unbudgeted expenditure of \$15,000 for the installation of a retaining wall at the rear of the cricket nets at Henry Jeffery Oval.

Executive Summary

Council has received complaints from residents in relation to the location of a sea-container that has recently been installed adjacent to the new cricket nets at Henry Jeffery Oval.

The sea container is used for the storage of the East Fremantle Junior Cricket Club's (EFJCC) equipment, mainly (3) three bowling machines.

To address these concerns it is recommended that a retaining wall be built at the rear of the cricket nets, and the sea-container be relocated to this position.

Background

On the 21 March 2017, Council considered and supported the request from the East Fremantle Junior Cricket Club for the upgrade of the cricket nets and the installation of a sea container for storage of cricket equipment.

The ETFJCC was granted approval from the Department of Biodiversity, Conservation and Attraction (Parks & Wildlife Services) for the new structures.

Since its completion the Town has received a number of complaints from local residents in regards to the sea-container's impact on the surrounding amenity, and have requested it be relocated.

Consultation

An on-site meeting was held on 12 September 2018 attended by the Mayor, CEO, Operations Manager and a Preston Point Road resident.

The site was also visited by elected members during the annual capital works & facilities bus tour.

If Council elects to relocate the sea container, it is recommended that property owners along that section of Preston Point Road be canvassed to seek feedback on the preferred option.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* states;

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

* Absolute majority required.

(1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Financial Implications

The recommended retaining wall has been estimated to cost \$12,000, plus miscellaneous works of \$3,000 (ie returfing etc). Total expected cost \$15,000.

The works will consist of a 22 metre long limestone wall with additional 2 metre returns back into the bank. The wall will start at 0.6m in height at the eastern end and increase gradually to 1.8m high at the western end.

Should Council elect to construct the retaining wall it will be necessary to authorise the expenditure and amend its budget accordingly.

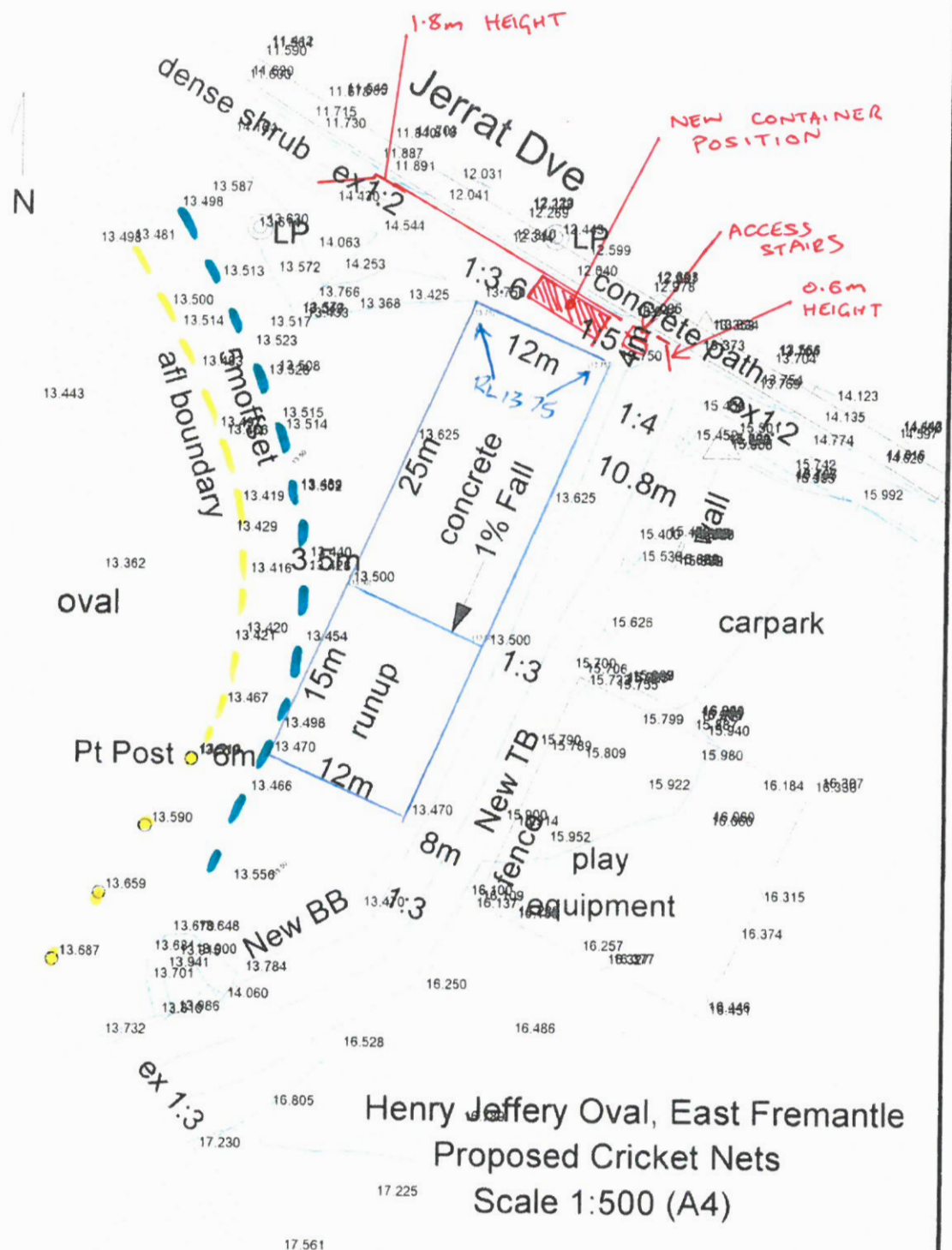
Comment

It is recommended that the sea-container be relocated to the north/river side of the nets and to accommodate this move a retaining wall be built. This solution will visibly screen out the sea-container from Preston Point Road.

12.4.3 OFFICER RECOMMENDATION

That:

- 1. Council's preferred option to address concerns regarding the sea container located on Henry Jeffery Oval is for the construction of a retaining wall at the rear of the cricket nets.**
- 2. prior to undertaking the construction of the retaining wall, property owners along that section of Preston Point Road be advised of the proposed additional works, and invited to provide feedback.**
- 3. subject to no objections to the proposal, the works be undertaken.**
- 4. subject to (3) above, Council in accordance with section 6.8 of *Local Government Act 1995* authorises expenditure of \$15,000 for the construction of the retaining wall, and that the 2018/19 Budget be amended accordingly as part of the Budget mid-year review.**



Job 5483Design 13.04.2018
Survey&Drawn by S.McMaster
mb 0407 774 079

- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 16. NEW BUSINESS OF AN URGENT NATURE**
- 17. MATTERS BEHIND CLOSED DOORS**
- 18. CLOSURE**