



# MINUTES

## Council Meeting

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Tuesday, 20 April 2021 at 6.35pm

### **Disclaimer**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135  
CANNING HIGHWAY EAST FREMANTLE ON TUESDAY 20 APRIL 2021**

**1. OFFICIAL OPENING**

The Presiding Member opened the meeting at 6.35pm.

**2. ACKNOWLEDGEMENT OF COUNTRY**

*"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging."*

**3. ANNOUNCEMENT TO GALLERY**

*"Members of the gallery are advised that no Council decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting, unless Council, by resolution carried at this meeting, requested the CEO to take immediate action to implement the decision."*

**4. RECORD OF ATTENDANCE**

**4.1 Attendance**

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr K Donovan	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr D Nardi	
Cr A Natale	
Cr A Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr P Kocian	Executive Manager Corporate Services
Ms A Malone	Executive Manager Regulatory Services
Mr N King	Executive Manager Technical Services
Ms J May	Minute Secretary

There were 37 members of the public in attendance.

**4.2 Apologies**

Nil.

**4.3 Approved**

Nil.

**5. DISCLOSURES OF INTEREST**

**5.1 Financial**

Nil.

**5.2 Proximity**

**5.2.1 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Mayor O’Neill**

**5.3 Impartiality**

**5.3.1 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Mayor O’Neill**

**5.3.2 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr Donovan**

**5.3.3 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr Collinson**

**5.3.4 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr Natale**

**5.3.5 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr A McPhail**

**5.3.6 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr Nardi**

**5.3.7 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr Harrington**

**5.3.8 13.3.2 - S3.59 Business Plan - East Fremantle Oval – Cr M McPhail**

**6. PUBLIC QUESTION TIME**

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

**6.2 Public Question Time**

**6.2.1 Kim Stewart**

The following Public Questions were submitted.

1. Were the "partners" that the Hurricanes identified in their EOI submission contacted to confirm the information presented was true and correct?
2. Are you able to provide copies of the notes, workings and calculations that the evaluation panel put together to come to the conclusion of the officers recommendation?
3. In relation to sharing the facility, why does the letter I received dated March 30th state that "the Sea Scouts replied that they had tried, and it did not work in the past and would not work in the future"?
4. Why did the evaluation panel list neighbouring Scouts sites as a disadvantage against the Scouts retaining the facility?

Council’s Executive Manager Corporate Services, Mr Peter Kocian, provided the following responses:

1. *The Hurricanes submission contained 7 letters of support, all on official letterhead. The Town saw no reason to contact these organisations as the information was accepted.*
2. *The evaluation criteria contained in the Expression of Interest document mainly related to qualitative criteria and social benefit. This type of criteria can be very difficult to measure, and so there is always an element of subjectivity depending on the readers interpretation of the document. The Evaluation Panel undertook the evaluation individually, with a joint panel meeting held on the 18 February to finalise the scoring matrix.*

3. *It is my understanding that this quote was attributable to Scouts representatives when asked the question by Councillors at the Ordinary Meeting of March 2021 as to why long-term co-location between the Scouts and Hurricanes could not be considered as an option?*
4. *The list of advantages and disadvantages contained in the Officer's Report was not an exhaustive assessment of the responses. Whilst the Leeuwin facility could be considered as an advantage as it is an important part of the broader Scouts Network, the Evaluation Panel also saw this to be a disadvantage as the Scouts (and Rowing Club) have existing facilities in East Fremantle. The Town only possess management orders for 4 Crown Reserves that have marine/water based facilities, and Scouts Organisations have access to 2 of these.*

Mr Stewart then tabled correspondence from Paddle WA relating to Question 1 and its affiliation with the Hurricane Paddle Crew.

Mayor O'Neill advised Council would provide a response to this correspondence.

Mr Stewart then tabled correspondence from the Town dated 30 March where it was stated when asked if the Sea Scouts could share the Leeuwin facility, they had replied that they had tried, and it did not work in the past and would not work in the future. Mr Stewart disputed this view.

## **7. PRESENTATIONS/DEPUTATIONS**

### **7.1 Presentations**

Nil.

### **7.2 Deputations**

#### **7.2.1 Hurricane Paddle Crew – Leeuwin Scout Hall**

Dee Tempest and Tori Vidler addressed the meeting setting out the Club's history since its co-location with the Fremantle Sea Scouts at the Leeuwin scout hall and current and future programs for club members.

#### **7.2.2 Friends of Fremantle Sea Scouts – Leeuwin Scout Hall**

Lloyd Owens and Jessica Spalding addressed the meeting advising that the group was currently doorknocking all residences in East Fremantle seeking signatures for a petition to have the recent decision regarding tenancy of the Leeuwin scout hall overturned. They stressed the need for beach facilities for the younger scouts and considered the Camp Waller site unsuitable for this. Comments were also made regarding Council officers' rationale for the assessment of submissions received for tenancy of the building which the Group didn't consider reflect the Scouts application. They urged Council to rescind its previous decision regarding this building.

*Mayor O'Neill advised that although he had declared a proximity interest in the matter of East Fremantle Oval, he would remain present during Mr Seligmann's deputation as it involved no Council discussion or decision.*

**7.2.3 Bruce Seligmann, Hamilton Street – S3.59 Business Plan – East Fremantle Oval**

Mr Seligmann firstly congratulated the Council on getting the project to this stage, and referred to previous failed attempts.

Mr Seligmann addressed the meeting seeking further consideration of the importance of dogs in the community and the need to retain the existing amount of off leash area within the redevelopment and provide ready access to a dog-friendly well shaded alfresco area around the proposed café.

Mr Seligman expressed concerned that Council, if it saw fit, was under no obligation to respond to submissions and could proceed to approve the existing Business Plan without change or the opportunity to allow change to undertakings and transactions in the future.

He also raised the issue of ratepayers who don't receive Council's e-newsletters perhaps not having been aware of the opportunity to provide feedback on the Business Plan.

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**8.1 Cr Collinson**

**Moved Cr Harrington, seconded Cr A McPhail  
That leave of absence be granted to Cr Collinson for the Council Meeting to be held on 15 June 2021.**

(CARRIED UNANIMOUSLY)

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 Meeting of Council (16 March 2021)**

**9.1 OFFICER RECOMMENDATION**

**Moved Cr Donovan, seconded Cr Harrington  
That the minutes of the Ordinary meeting of Council held on Tuesday, 16 March 2021 be confirmed as a true and correct record of proceedings.**

(CARRIED UNANIMOUSLY)

**10. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

**10.1 Karen Dore – Youth Meet Up event**

Last week Karen Dore left the Town of East Fremantle to go to the Shire of Mundaring. Karen will be greatly missed, and even though leaving on Friday, there Karen was on Sunday morning at 7am to set up and run the Youth Meet Up which was the first of this type of event. Karen will be greatly missed.

A big thank you to staff and Councillors Nardi, Donovan, Harrington and Andrew McPhail who attended this event.

**11. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil.

## 12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

### 12.1 Town Planning Committee Meeting (6 April 2021)

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Town Planning Committee Minutes 6 April 2021

#### **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 6 April 2021, exercised its delegation in six statutory matters where at least four members voted in favour of the Reporting Officer's recommendations.

#### **Consultation**

Town Planning Committee.

#### **Statutory Environment**

Nil.

#### **Policy Implications**

Nil.

#### **Strategic Implications**

Nil.

#### **Site Inspection**

Not applicable.

#### **Comment**

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

#### **12.1 COMMITTEE RECOMMENDATION**

**Moved Cr Collinson, seconded Cr Natale**

**That the unconfirmed Minutes of the Town Planning Committee Meeting, held on 6 April 2021 be received.**

**(CARRIED UNANIMOUSLY)**



## 13. REPORTS

### 13.1 PLANNING

#### 13.1.1 Riverside Road – Left Bank – Alfresco Area

<b>File ref</b>	P/RIV15
<b>Prepared by</b>	Andrew Malone Executive Manager Regulatory Services
<b>Supervised by</b>	Gary Tuffin Chief Executive Officer
<b>Meeting Date:</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Left Bank Alfresco submissions

#### **Purpose**

The purpose of this report is for Council to receive and note the submissions received by the Town during advertising of the proposed verge alfresco area located on Council verge at the Left Bank on Riverside Road.

#### **Executive Summary**

Town staff have worked with the Left Bank management to develop their proposal for an alfresco area, located on the verge to the front of the Left Bank Hotel on Riverside Road (under the Norfolk Pines).

The Town received 56 submissions, the vast majority of these in support of the proposal. These submissions are for noting and will be used to progress discussions with the Left Bank management for the purpose of a formal request to develop the alfresco area.

#### **Background**

The Left Bank in October 2017 approached Council requesting Council consider facilitating an alfresco area to the front of the Left Bank Hotel on Riverside Road. Council's verge (under the Norfolk Pines) would be utilised for the purposes of an alfresco area.

Over the past two years, the Left Bank management presented to a Council Forum, has had ongoing operational discussions with the Town to develop this concept further and continued to demonstrate an interest in progressing the alfresco area. At the Town's most recent meeting with the Left Bank in July 2020, after Riverside Road was resurfaced (but not finished), several options were discussed. Due to the resurfacing works to Riverside Road, this project had been on hold pending completion of the works. Those works are complete and the Left Bank would like this matter formally considered by Council.

#### **Consultation**

Consultation was undertaken internally and with elected members on several occasions. External advertising resulted in the Town receiving 56 submissions during the two month advertising period. A summary of the submissions is attached.

#### **Statutory Environment**

Clarification was sought from the Department of Biodiversity, Conservations and Attractions (DBCA) in November 2020 regarding an approval/ assessment process for the alfresco area. Follow up correspondence has been sent but to date no response has been received.

The proposed alfresco area would require a Form 7 application to be submitted and approved by DBCA. A report and the drafting of more detailed plans on the proposal would be prepared by the applicant for DBCA to assess.

### **Policy Implications**

Public Places and Local Government Property Local Law 2016.

### **Financial Implications**

Whilst quotes have not been requested, a discussion with the former Operations Manager revealed an estimated cost of \$20,000 for a new footpath from Andrews Road to approximately the Bicentennial Falls. Should the proposal receive wide support, funds and associated designs for such work could occur in the coming months after the midyear budget review.

All works regarding the alfresco area are to be borne by the Left Bank (ie fencing, removal of existing footpath, shade structures, seating, concrete pads etc).

### **Risk Implications**

Risks and liabilities identified in the discussion section of this report (below).

### **Strategic Implications**

“Town of East Fremantle Strategic Community Plan 2020-2030”

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 identity through inclusive community interaction and participation*
- 1.2 *Inviting open spaces, meeting places and recreational facilities*
  - 1.2.1 *Provision of adequate facilities to support healthy and active lifestyles.*
  - 1.2.2 *Activate inviting open spaces that encourage social connection across all age groups.*
- 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 to develop community connections through events and celebrations*
  - 1.3.3 *Facilitate community group capacity building.*

“Town of East Fremantle Public Health Plan 2018-2022”

Public Health Action Plan

*1 – Healthy People and Community*

*Support the prevention of avoidable injuries: Reduce the number of dog attacks and promote responsible dog ownership.*

*2 – Healthy Places and Spaces*

*Conserve, maintain and enhance the Town’s open spaces: Implement the recommendations within the Town of East Fremantle Recreation and Community Facilities Strategy.*

### **Site Inspection**

Inspections and site meetings have occurred with internal staff. A meeting with the Left Bank management is also scheduled for Wednesday 21 April 2021.

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### Comment

The Left Bank Hotel in late 2017 approached Council administration regarding the introduction of an alfresco area to the front verge of the Left Bank Hotel on Riverside Road. This alfresco area would be “dog friendly” and is proposed in Council’s verge, where dogs are current tethered to the large Norfolk Pines. At a Council Forum in October 2018, management from the Left Bank Hotel presented their proposal for the dog alfresco area to elected members.

Over the following 24 months since that Forum, The Left Bank has indicated there has been growing demand from the community to allow dogs into The Left Bank’s beer garden. This stems from confusion in regard to regulations about whether dogs are permitted in licensed alfresco areas. Venues throughout Perth and within the City of Fremantle, allow patrons to bring their dogs into the external seating areas, either via formal approval or informally. This has caused arguments and frustration with the Left Bank’s patrons that don’t understand the differentiation between requirements of venues.

A report was prepared and presented to Council in November 2020 requesting endorsement of the proposal for the purposes of advertising. The proposal was advertised for a two month period until the end of January 2021. Fifty six submissions were received, the majority of those being in support of the proposal, however detailed queries were submitted regarding Crown Land and the management of the area. These issues/ concerns will be addressed in more detail, as a formal application is required to be submitted with detailed plans and a management plan for the area.

A dog friendly area is permissible within a venue (outdoor dining area) pursuant to the health regulations, however the food business would still need to manage the associated health and safety risks of having dogs in an area. This includes dog owners still complying with the Dog Act, including having control of the dogs with them being kept on a lead at all times. Dogs must not be permitted to make contact with food service equipment and must remain on the ground at all times. Other matters such as aggressive dogs, dog excrement and patrons’ anxiety to dogs must also be managed by the business.

The Left Bank in consultation with their own staff and clientele does not permit patrons to bring dogs into the venue. Dogs are leashed on the verge (under the Norfolk Pine) whilst patrons frequent the venue. Management is not in favour of permitting dogs into the existing outdoor areas because of potentially detrimental impacts to the existing business. The Left Bank is therefore proposing to create a “Dog Friendly” alfresco zone adjacent to The Left Bank, along Riverside Road, within Council’s verge. It is requested by the Left Bank that Council enter into a lease agreement for the purposes of utilising this space.

The application for the alfresco area proposes:

- The creation of a fenced alfresco area on the Riverside Road, along approximately 27 metre of the front verge of the venue (approximately in between the Norfolk Pine).
- the area will be serviced with food and beverage as per the rest of the venue. Signage will be placed at each end of the alfresco area to ensure patrons are aware of the extent of the licensed area.
- The alfresco area will be operated as “dog friendly”, however all patrons will be permitted in this location.
- The area is approximately 125sqm in area, with some reductions in usable area due to trees. It will abut the limestone wall at the front of the venue and extend to the road. Note the current footpath is proposed to be removed/ sealed off, but note a separate footpath is

proposed to be constructed between Andrew's Road connecting through to the Bicentennial Falls – however this is dependent on usage and need.

- The area is intended for use by approximately 40-60 patrons.
- The area will be fenced in its entirety, with entry points to the alfresco area controlled by gates.
- Fixed tables will be located in the area, umbrellas will be utilised and water bowls will be provided for dogs.
- The Left Bank will be seeking an extended trading permit to allow the sale of alcohol in this area. An Extended Trading Permit from the Department of Racing Gaming & Liquor will be required.

The proposed alfresco area would require additional works to the verge comprising of:

- Consideration of a new footpath between Andrews Road and Bicentennial Falls located adjoining the kerb/ roadside, costs to be borne by Council. The cost of the footpath for the extent of the alfresco area adjoining the Left Bank alfresco area would be requested, as this is considered to be the replacement of the existing footpath.
- Alfresco area located adjoining existing boundary wall (limestone wall) of the Left Bank.
- Existing pedestrian path from car park to Bicentennial Falls removed (adjoining Left Bank boundary). It is noted this footpath is not compliant with current access/ manoeuvrability standards as the path is too narrow.
- Fully fenced alfresco area. All landscaping, fencing, furniture costs to be borne by the Left Bank.

Potential issues relating to the alfresco area:

- Liabilities/safety relating to impeding the thoroughfare (footpath) should the existing footpath remain and the alfresco area be separated from the venue by that thoroughfare.
- Liabilities/safety relating to the location of the alfresco area and Riverside Road. Liabilities relating to alcohol consumption, animal control and Riverside Road (responsibility of the Left Bank). The proposed alfresco area will be fully fenced creating a visual and physical barrier along Riverside Road.
- Costs associated with the new footpath, approximately 130 metres length of new footpath.
- The alfresco area is not solely for use by dog owners, the area is "dog friendly" only, therefore the proposed alfresco area is an extension in service/ trade area for the venue for all customers, not just for dog owners.
- Damage to verge and trees (existing Norfolk Pines).
- Proposed Riverside Road upgrade, extent of works and proposed timeframes.
- Unknown potential future financial implications.
- Adverse impacts caused by antisocial behaviour.
- Car parking issues associated with increased popularity of the venue.

Potential Benefits:

- Further activates the river foreshore area, which already has high usage rates.
- Provides a social area of patrons and dogs close to the river in a scenic area.
- Provides a new entertainment area with river frontage.
- Improves the provision of entertainment services on Riverside Road.
- Improved infrastructure proposed including fully fenced alfresco area, seating, umbrellas etc.

- Compliant thoroughfares would be constructed on Riverside Road (subject to further assessments, profiles and investigation of the current root system of the existing Norfolk Pines).
- Works to be undertaken and paid for by The Left Bank for the extent of the frontage of the Left Bank.

A summary of the submissions is attached to this report. Administration will continue discussions with the Left Bank management prior to a formal application being submitted for Council consideration.

**13.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 010421**

**Moved Cr M McPhail, seconded Cr Natale**

**That Council:**

- (a) **accept and note the submissions received by the Town upon the completion of the public submission period for the proposed verge alfresco area at the Left Bank Hotel.**
- (b) **request the CEO progress discussions with the applicant for the submission of a detailed proposal to be further considered by Council.**

**(CARRIED UNANIMOUSLY)**

## 13.2 FINANCE

### 13.2.1 Statement of Financial Activity for Period Ended 31 March 2021

<b>Applicant</b>	Not Applicable
<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Statement of Financial Activity 31 March 2021 2. Capital Works Report 3. Financial Health Check 31 March 2021

#### **Purpose**

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 31 March 2021. A Capital Works Report and Financial Health Check summary is also appended.

#### **Executive Summary**

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

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

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

#### **Background**

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

The monthly Financial Report is appended and includes the following:

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

- Grants and Contributions

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

**Consultation**

Management team

**Statutory Environment**

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

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

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

**Policy Implications**

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

**Financial Implications**

Material variances are disclosed in the Statement of Financial Activity.

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

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

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

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

**Strategic Implications**

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

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

### Risk Implications

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

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

### Site Inspection

Not applicable.

### Comment

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





	Original Budget	YTD Budget	March Actuals
<b>Opening Surplus</b>	<b>160,328</b>	<b>226,870</b>	<b>226,870</b>
Operating Revenue	10,517,403	10,107,068	10,046,303
Operating Expenditure	(10,969,062)	(9,116,657)	(8,211,379)
Capital Expenditure	(1,026,681)	(844,750)	(745,759)
Capital Income	210,000	199,360	199,360
Financing Activities	(470,888)	(71,370)	(76,551)
Non-Cash Items	1,578,900	1,844,664	1,852,973
<b>Closing Surplus</b>	<b>0</b>	<b>2,345,185</b>	<b>3,291,818</b>
Unrestricted Cash			4,007,668
Restricted Cash			994,813

- A Capital Works Report is being auto generated within the Town's financial system and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2 and includes actual expenditure as at **1 April 2021**. The full year capital works budget (amended) has been 54.5% expended with \$746k in actual expenditure.
- Rates were levied in the month of July with rate notices issued in the first week of August. At the end of March 96% of rates levied (including arrears) has been receipted. The due date for payment of rates including the election of instalments was the 7 September.
- The asset revaluation as at 30 June 2020 resulted in an increase in asset values (buildings) of \$5.79m. Subsequently, depreciation expense has increased significantly. This will have an adverse impact on the Operating Surplus Ratio and Asset Sustainability Ratio at the end of the financial year.
- The monthly financial report now includes a Statement of Financial Position on page 6. Infrastructure and Property, Plant and Equipment has a carrying value of circa \$81.4m.

#### **Write Off**

It is recommended that Council approve writing off the following account:

Debtor Account	Amount	Comment
300836	\$2,100	A debt of \$4,500 was raised for mooring pen fees for the 2020/21 year. The debtor has not responded to any correspondence including the letter of renewal, emails, phone calls, and a formal breach notice. The Town has recouped the bond amount of \$2,400, leaving a balance of \$2,100. It is believed that the pen has been vacant since 1 July 2020, and it has since been reallocated.

**13.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 020421**

Moved Cr Natale, seconded Cr A McPhail

That Council:

1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 31 March 2021, as presented as attachment 1 to this report.
2. notes the unrestricted municipal surplus of \$3,291,818 as at 31 March 2021.
3. receives the Capital Works Report dated 1 April 2021, as presented as attachment 2 to this report.
4. receives the Monthly Financial Health Check, as presented as attachment 3 to this report.
5. pursuant to section 6.12 of the *Local Government Act 1995*, approve the following account for write off:

Debtor Account	Amount	Comment
300836	\$2,100	A debt of \$4,500 was raised for mooring pen fees for the 2020/21 year. The debtor has not responded to any correspondence including the letter of renewal, emails, phone calls, and a formal breach notice. The Town has recouped the bond amount of \$2,400, leaving a balance of \$2,100. It is believed that the pen has been vacant since 1 July 2020, and it has since been reallocated.

((CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY))

### 13.2.2 Accounts for Payment – March 2021

<b>File ref</b>	F/FNS2
<b>Prepared by</b>	John Mondini, Manager, Finance & Administration
<b>Supervised by</b>	Peter Kocian, Executive Manager, Corporate Services
<b>Meeting Date</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Monthly List of Payments – March 2021

#### **Purpose**

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 31 March 2021 and recorded in the minutes of the Council.

#### **Executive Summary**

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 March to 31 March 2021, as per the summary table.

#### **Background**

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

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

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

#### **Consultation**

Nil.

#### **Statutory Environment**

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

#### **Policy Implications**

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

#### **Financial Implications**

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

### Risk Implications

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

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

#### **STRATEGIC PRIORITY 5: Leadership and Governance**

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

*5.1 Strengthen organisational accountability and transparency*

*5.3 Strive for excellence in leadership and governance*

#### **Site Inspection**

Not applicable.

**Comment**

Payments for the period include the following significant items:

Payee	Particulars	Amount (GST Inc)
State Wide Turf Services	EG Chapman Reserve	23,804.29
SMRC	RRRC Loan Payment	27,498.01
SMRC	Waste Fees February	40,247.34
Dept of Fire and Emergency Services	2020/21 Quarterly Payment	410,936.39

**13.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030421**

Moved Cr A McPhail, seconded Cr Natale

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 31 March 2021 as recorded in the Minutes of the Council.

MARCH 2021		
Voucher No	Account	Amount
5320 - 5324	Municipal (Cheques)	\$709.62
EFT30981 – EFT31143	Municipal (EFT)	\$1,089,854.36
Payroll	Municipal (EFT)	\$268,176.86
Direct Debits	Municipal (Direct Debit)	\$52,042.76
	<b>Total Payments</b>	<b>\$ 1,410,783.60</b>

(CARRIED UNANIMOUSLY)

### 13.2.3 2021/22 Annual Budget - Notice of Intention to Impose Differential General Rates

<b>File ref</b>	F/ABT1
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Statement of Rating Objects and Reasons 2. Local Public Notice

#### Purpose

This report recommends endorsement by Council for advertising of the proposed differential general rates and minimum payments, for which public submissions are sought over a period of not less than 21 days, prior to Council adopting the differential rates.

#### Executive Summary

Under Section 6.36 of the *Local Government Act 1995*, before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c), a local government is to give local public notice of its intention to do so including an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days of the notice.

It is recommended that Council resolves to endorse the following differential general rates and minimum payments with a 2.9% increase in the rate in the dollar and minimum payments across all rating categories and calls for public submissions under Section 6.36 of the *Local Government Act 1995*.

Rate Category	Proposed Rate in \$	Proposed Minimum Payment
Residential	7.6377 cents	\$1,138
Commercial	11.3749 cents	\$1,702

#### Background

The following principles have been considered when setting the level of rates:

- Council's adopted Strategic Resource Plan (SRP) is underpinned by a **3%** annual increase in rate revenue against actual rate yield in the prior year.
- A re-balanced SRP will be presented to Council prior to the end of the financial year. An assessment of all informing plans has been undertaken, and previously unfunded projects and initiatives will be incorporated into the SRP for assessment.
- Increases in the general rate yield for the last 5 financial years were 4.15%, 2.0%, 2.5%, 2.4% and 0% (COVID). Thus, in the last four financial years, the increase in rate yield has been below the stable pricing pathway assumed in the SRP.
- In setting rates for the next financial year, Council needs to be cognisant of longer-term variables such as:
  - (i) The cumulative difference in total revenue over 15 years between a 2% annual rate increase and 3% annual rate increase is \$10.5m. This additional rate revenue would go a long way to funding capex requirements (or debt obligations) associated with the implementation of the East Fremantle Oval Redevelopment project, Preston Point Facilities Master Plan and Foreshore Master Plan, to name a few.

- (ii) The East Fremantle Oval Business Plan indicates that the Town may be required to provide an operational subsidy and contribution to start-up capital, which will require an own source funding contribution.
- (iii) As detailed in the SRP, the Current Ratio, Operating Surplus Ratio and Asset Sustainability Ratios are all projected to be below the Department's benchmark for several years. The adverse trends in ratios have featured as a significant audit finding in the last 2 years. The Town needs to grow its revenue base relative to expenditure to create available surplus for investing and financing activities.
- (iv) Total Cash-Backed Reserves will be circa \$900k at the end of this financial year. To meet the objectives and future funding requirements as outlined in Council's Cash Backed Reserves Policy, a replenishment strategy of Reserves should be considered.
- The Local Government Cost Index (LGCI) is an accurate indicator of cost movements affecting Local Governments as it makes better distinction between operating and capital costs and uses price indices that align more closely to the nature of goods and services used by Local Governments. The LGCI predicts that costs will rise by 1.4% in 2021/22 and 2% in 2022/23, and reflects an expected increase in wage, construction and machinery and equipment costs, as the economic recovery gathers pace.
- The following cost drivers will amount to a 0.5% rate increase for the Town in 2021/22; street lighting tariffs will increase by 9.6% (an increase of \$11k) and insurance will increase by between 10-15% (an increase of \$30k).
- Staff salaries and wages were frozen for the 2020/21 financial year as part of Council's response to the COVID pandemic. An increase in salaries and wages will be requested for 2021/22.

### Consultation

Budget Workshop 30 March 2021

### Statutory Environment

Section 6.33 and 6.36 of the *Local Government Act 1995* reads:

#### *6.33. Differential general rates*

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
  - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*
  - (b) *a purpose for which the land is held or used as determined by the local government;*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

#### *6.36. Local government to give notice of certain rates*

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*

- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
- (b) is to contain —
- (i) details of each rate or minimum payment the local government intends to impose;
- (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
- (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
- (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### Policy Implications

Council Policy 2.1.13 states that Council will not levy separate charges for rubbish or recycling collections for household/domestic properties.

### Financial Implications

The estimated budget deficiency to be funded from rates is estimated to be \$8,269,211, as per the indicative budget funding statement below:

Description	Draft 2021/22 Budget
Estimated Surplus Brought Forward	\$206,863
Operating Revenue (excluding Rates)	\$2,425,447
Operating Expenditure (excluding Depreciation)	(\$9,269,122)
Capital Expenditure	(\$16,682,462)
Non-Operating Grants	\$10,647,568
Proceeds from Disposal of Plant and Equipment	\$240,660
Proceeds from Loan Borrowings	\$5,000,000
Loan Repayments	(\$246,095)
Net Reserve Transfers	(\$592,070)
<b>Deficiency to be Funded from Rates</b>	<b>\$8,269,211</b>



## Strategic Implications

### Strategic Priority 5: Leadership and Governance

- 5.1 Strengthen organisational accountability and transparency.
- 5.3 Strive for excellence in leadership and governance.

## Site Inspection

Not applicable

## Comment

Rate Revenue is a substantial source of discretionary revenue for the Town, accounting for approximately 75% of total operating revenue. As such, the overall objective of the Town's rating strategy is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements of the Town as outlined in the Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan.

Section 6.32 (1) of the *Local Government Act 1995* states that when adopting the annual budget, a Local Government, to make up the budget deficiency, is to impose a general rate and minimum payment on rateable land.

The rates model has been applied in the Town's ERP, SynergySoft, with an output of the model below. The variance of 3.09% in total rate yield against residential properties is attributable to 5 additional rateable properties in this category compared to the 2020/21 Budget, as well as movements in property valuations. The full model results confirm that the proposed increase is 2.9% in rates payable.

The large variance against rate code 6, Rateable Sporting Organisations, is due to the withdrawal of the rates concession from 2020/21.

Code	Total Props	GRV Value	Min Amts	GRV %	Calculated Rates	Props on Min	Concession	Actual Rates to Raise	% Var Exp	% Var LY
01	3290	90,259,959	1138.00	7.6377	6,893,786	330	0.00	6,946,039	0.75	3.09
02	15	1,454,246	0.00	0.0000	-		0.00	-		
05	119	10,027,015	1702.00	11.3749	1,140,563	11	0.00	1,145,951	0.47	2.90
06	6	1,558,000	1702.00	11.3749	177,221		0.00	177,221	0.00	37.53
	<b>3,430</b>	<b>103,299,220</b>			<b>8,211,570</b>	<b>341</b>	<b>0</b>	<b>8,269,211</b>		

## Domestic Waste Charges Included

It is noted that the general rates for 3,290 residential properties are inclusive of the refuse & recycling collection charges (new FOGO system) and ratepayers are also provided with a tip pass valued at \$55.00. For Commercial properties the waste and recycling service charge is added separately where collection services are provided.

## 13.2.3 OFFICER RECOMMENDATION

That Council, with respect to the 2021/22 Budget, endorse:

1. the Statement of Rating Objects and Reasons as per Attachment 1.
2. an indicative 2.9% increase in the rate in the dollar and minimum payments for all differential general rate categories, which will derive \$8,269,211 in total rate revenue.
3. the following differential general rates and minimum payments for advertising, and calls for public submissions pursuant to section 6.36 of the *Local Government Act 1995*:

Rate Category	Proposed Rate in \$	Proposed Minimum Payment
Residential	7.6377 cents	\$1,138
Commercial	11.3749 cents	\$1,702

The Executive Manager Corporate Services advised that incorrect minimum payment figures had been included within the Agenda version of the officer's recommendation. These had been corrected in the above recommendation.

*Moved Cr Watkins, seconded Cr M McPhail*  
*The adoption of the Committee's recommendation.*

Amendment

**Moved Cr Harrington, seconded Cr Natale**

**That Council, with respect to the 2021/22 Budget, endorse:**

1. the Statement of Rating Objects and Reasons as per Attachment 1.
2. an indicative 2.4% increase in the rate in the dollar and minimum payments for all differential general rate categories, which will derive \$8,228,211 in total rate revenue.
3. the following differential general rates and minimum payments for advertising, and calls for public submissions pursuant to section 6.36 of the *Local Government Act 1995*:

Rate Category	Proposed Rate in \$	Proposed Minimum Payment
Residential	7.6006 cents	\$1,132
Commercial	11.3196 cents	\$1,693

(CARRIED 5:4)

The substantive motion, as amended, was put.

**13.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040421**

**Moved Cr Watkins, seconded Cr M McPhail**

**That Council, with respect to the 2021/22 Budget, endorse:**

1. the Statement of Rating Objects and Reasons as per Attachment 1.
2. an indicative 2.4% increase in the rate in the dollar and minimum payments for all differential general rate categories, which will derive \$8,228,211 in total rate revenue.
3. the following differential general rates and minimum payments for advertising, and calls for public submissions pursuant to section 6.36 of the *Local Government Act 1995*:

Rate Category	Proposed Rate in \$	Proposed Minimum Payment
Residential	7.6006 cents	\$1,132
Commercial	11.3196 cents	\$1,693

(CARRIED UNANIMOUSLY)

Reasons for not Supporting Officer's Recommendation

Elected members supported a lower rate in the dollar based on the ongoing financial implications of the COVID situation and the current forecast CPI movement next year.

### 13.3 GOVERNANCE

#### 13.3.1 Delegated Authority Register

<b>File ref</b>	C/DEL1
<b>Prepared by</b>	Janine May, EA to Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Report Date</b>	20 April 2021
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Updated Delegated Authority Register (including tracked changes)

#### **Purpose**

To consider approving the delegation of designated powers and functions as listed in the Delegated Authority Register 2021 to the Chief Executive Officer and Committee pursuant to sections 5.42 & 5.16 of the *Local Government Act 1995* respectively.

#### **Executive Summary**

In accordance with section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year.

The Delegated Authority Register was last reviewed at Council's Ordinary meeting held on 19 May 2020 with some further amendments effected on 21 July and 29 October 2020 & 16 February 2021.

The reviewed Delegated Authority Register 2021 is now presented for Council's consideration and endorsement.

#### **Background**

Under Section 5.42 of the Local Government Act, Council may resolve to delegate some of its powers and duties to the Chief Executive Officer, or certain committees of Council.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register.

#### **Consultation**

Chief Executive Officer  
Executive Manager Regulatory Services  
Executive Manager Corporate Services  
Executive Manager Technical Services

#### **Statutory Environment**

Any of the duties designated in the Local Government Act 1995 may be delegated to the CEO except for those stated in section 5.43, which are:

- *Any duty requiring an absolute or higher majority of Council*
- *Accepting a tender greater than an amount set by Council*
- *Appointing an auditor*
- *Disposing of or acquiring property valued higher than an amount set by Council*

- *Deciding fees payable to elected members*
- *Borrowing money*
- *Determining objections to a Council decision of a kind referred to in Section 9.5*

Powers delegated to the CEO may be further delegated (with or without conditions) by the CEO to other officers, as deemed appropriate by the Chief Executive Officer.

The delegation of any power from Council to the Chief Executive Officer and from the Chief Executive Officer to any other officer must be in writing and when the delegated power is used it must be recorded by the officer exercising it.

A Chief Executive Officer cannot exercise delegated powers or duties if the CEO has an interest in the matter. The nature of the interest must be disclosed to the Mayor as soon as practicable after the CEO becomes aware of the interest.

#### **Policy Implications**

Various policies have been referred to in the delegations, these are detailed in the Delegated Authority Register.

#### **Financial Implications**

Nil

#### **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

#### **Strategic Priority 5: Leadership and Governance**

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency and effectiveness of services.

5.3 Strive for excellence in leadership and governance

5.3.2 Improve organisational systems with a focus on innovation

#### **Site Inspection**

Not applicable

#### **Risk Implications**

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council won't meet its statutory obligations if delegations are not reviewed annually.	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

### Comment

There have been minor amendments (marked up in red) to the following delegations, in most cases amending the Executive Manager Technical Services job title or simply adding new sub-delegations:

- DA4 Disposal of Property Other than Land
- DA7 Contract Price Variation
- DA8 Engaging Consultants/Contractors
- DA11 Issuing of Notices
- DA13 Prosecutions
- DA15 Tenders/Quotations
- DA16 Bond Refunds
- DA17 Undertaking Private Works
- DA18 Grant Applications
- DA19 Insurance
- DA22 Tender Evaluations
- DA30 Authority to Commence Prosecutions
- DA32 Subdivisional Clearance
- DA35 Ordering Thresholds
- DA53 Temporary Placement of Rubbish Skip Bins on Street
- DA57 Approval for Construction of Crossovers
- DA58 Landscaping of Street Verges
- DA60 Approval to Issue a Licence for Excavation near or the Depositing of Building Material on the Street
- DA64 Authorisation to Remove Dead or Dying Street Trees
- DA66 Authorisation to Approve the Storage of and Remove Unauthorised Dinghies from Foreshore
- DA68 Temporary Advertising Signs and Banners in Streets, Reserves and Public Places

- DA77 Graffiti Removal – Private Property

The Council, as delegator, is required to review its delegations annually. It is recommended that the Council endorses the revised Delegated Authority Register.

**13.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 050421**

**Moved Cr Natale, seconded Cr Nardi**

**That Council endorse the revised Delegated Authority Register 2021 as attached.**

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)

Mayor O'Neill declared a proximity interest in the s3.59 Business Plan for East Fremantle Oval as he lives opposite East Fremantle Oval and left the meeting at 8.40pm.

In the absence of the Presiding Member, the Deputy Mayor assumed the Chair.

Impartiality declarations had been made by Mayor O'Neill and Crs Harrington, Donovan, Collinson, A McPhail, Nardi, Natale and M McPhail as they had received honorary membership of the East Fremantle Football Club. Given there may be a perception that their impartiality on the matter may be affected, Crs Harrington, Donovan, Collinson, A McPhail, Nardi, Natale and M McPhail had declared they would consider the matter on its merits in terms of the benefit to the Town and vote accordingly.

### 13.3.2 S3.59 Business Plan - East Fremantle Oval

<b>Applicant</b>	N/A
<b>File ref</b>	R/RSO9
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	April 2021
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Table of Submissions received 2. s3.59 Business Plan (EFOPRP) 3. Traffic Count report 2021

#### **Purpose**

To consider formally proceeding with the East Fremantle Oval Precinct Redevelopment Project (EFOPRP).

#### **Executive Summary**

This report provides a summary of the 17 submissions received and officer responses in relation to the East Fremantle Oval Precinct Redevelopment Business Plan, which was advertised in accordance with section 3.59 of the *Local Government Act 1995*.

The report recommends that Council formally approve the project by absolute majority in accordance with section 3.59 of the *Local Government Act 1995*. In addition,

- (a) that the Mayor and Chief Executive Officer be authorised to affix the Town's Common Seal and sign all related documents necessary to secure the State Government Funding offer of \$20,000,000 for the project.
- (b) in accordance with section 6(3) of the *Planning and Development Act 2005*, authorises the Chief Executive Officer to advise the Department of Planning that the Town proposes to carry out public works in the form of redevelopment of the East Fremantle Oval Precinct (the Oval Precinct).

#### **Background**

The redevelopment of the East Fremantle Oval Precinct has been a longstanding objective for the Town and the community for several years, with many of the existing assets on site reaching end of useful life, and a desire from local residents to further 'open up' the precinct to encourage greater use by the community for passive recreation and enjoyment.

Previous investigations and reports undertaken for this project include:

- *Masterplan: East Fremantle Oval Precinct (2008)*
- *East Fremantle Oval Redevelopment: Stakeholder Communication and Consultation Plan (2013).*
- *East Fremantle Oval Precinct Redevelopment: Opportunities and Constraints Report (2013)*
- *East Fremantle Oval Recreation Precinct: Community Reference Group (2014)*
- *Recreation and Community Facilities Plan (2016)*
- *East Fremantle Oval Precinct Revitalisation: Shape Our Future (2018) – Vision Plan.*
- *East Fremantle Oval Precinct – Investment Logic Mapping (ILM) Workshop Report (2019)*

Council at a Special Meeting held on 27 January 2021 resolved as follows;

***That Council***

- 1. endorses the Business Plan for the East Fremantle Oval Precinct Redevelopment attached as Attachment 1 for advertising (6 weeks) in accordance with Section 3.59 of the Local Government Act 1995.***
- 2. notes and receives the East Fremantle Oval Precinct Redevelopment Operational Feasibility report prepared by Paatsch Group (Attachment 2).***

**(CARRIED UNANIMOUSLY)**

**Consultation**


The EFOPRP Business Plan (attachment #2) was advertised in the West Australian and Fremantle Herald newspapers on 6 February 2021 and in the Community Newspaper Fremantle Gazette on 11 February 2021. It was also available on the Town’s website and hard copies were available from the Administration Centre (Town Hall) during business hours. Submissions opened on 6 February and closed on 15 March 2021.

15 submissions were received by the closing date and time, and two (2) late submissions, which have also been included in the table of submissions. Unfortunately, most comments provided did not indicate either support or not for the project.

The complete list of submissions and officer comments is attached to this report in attachment #1. A summary of the key themes, comments and concerns raised by the submissions is provided below;

Key theme	Officer response
Level of commercial activities (Liquor licence, level of activity generated & noise)	<p>The Town has provided full disclosure on the type/level of commercialisation of the facility. There will be a commercial health club/gym, café/bar, a small function room (*est seating 300) and three small general-purpose spaces for related businesses ie sports physio, allied health services. It is anticipated the function room will operate as a general community facility available for hire, outside of the Football Club’s use during match days.</p> <p>The only new activity will be the introduction of a small café, otherwise all other proposed activities already exist or would be community-based activities.</p> <p><b><u>Liquor licence</u></b></p>



	<p>It is intended that the operator/Town will seek a “<i>Special Facilities</i>” liquor licence. Allowable trading hours are between 8am to 10pm</p>
<p>Location of the Main Facility (Moss Street side)</p>	<p>The development has been located in accordance with recommended best practice for Sport &amp; Recreation facilities development. Facilities are to be placed looking away from the Sun and positioned adjacent to the Centre wing position. This position also allows for the greatest opportunity to consolidate all the existing site community tenants within a single building without compromising their ability to operate. This allows for the maximum amount of landscaping forecourt/buffer to the residences on both Moss and Allen street from the new building.</p> <p>The bulk of the building footprint under this proposal is located further away from Moss Street, refer to image below (Red area shows the existing building(s) footprint.)</p>  <p>Comparison of new development and existing structures. Existing structures in red.</p>
<p>Trust</p>	<p>As stated in the business case this matter (Trust) is still under review and Council has not formally decided on which model to progress. Regardless of the final model, it is intended that Council will still maintain a level of control to ensure community outcomes and concerns are addressed. The Trust model would still ensure Council has responsibility and ultimate control of the venue.</p>
<p>Traffic impact &amp; recent traffic counts</p>	<p>A traffic impact study was completed in December 2020, noting a range of changes through the development, including an approximate 400 increased daily trip numbers due to the development.</p> <p>This was followed up by further traffic counts undertaken from 22/01/21 to 1/03/21. Refer to <b>Attachment 3</b> for further details.</p>
<p>Parking concerns (permits)</p>	<p>Onsite parking increases from 174 car bays to 203 car bays, plus an additional 40 overflow bays.</p> <p>Ranger Services have received very few complaints in relation to parking on Moss or Allen Street. The majority of complaints on both Streets are in fact in relation to alleged abandoned vehicles which have been parked for alleged long terms without moving. Generally the Rangers have identified that the vehicles are in fact a neighbour’s vehicle that has been parked outside</p>

	<p>another resident's home (eg. car owner's family members have more vehicles than can be parked within or on the carriageway outside their own property or other cars were parked outside a neighbour's home as no parking was available outside their home at time of arrival).</p> <p>Most residents are willing to allow neighbours short term parking outside their homes as they may need to park.</p> <p>Residents of Moss Street between Marmion Street and George Street previously had time limited parking bays adjacent to the homes on the residential side of Moss Street (opposite East Fremantle Oval), these 3p (3 hour) restriction signs were removed at residents' request.</p> <p>Each residence was allowed two permits allowing extended parking above the sign posted limit. As many residents have more than two cars (some families had 5) this meant family members could not park on street in reasonable proximity to their respective homes and hampered residents' visitors, especially during social gatherings such as parties, weddings etc.</p> <p>The implementation of parking time restrictions and parking permits are in fact considered more detrimental to residents than standard parking.</p>
<p>Sustainable Environmental initiatives</p>	<p>Council is very supportive of maximising opportunities to incorporate sustainable environmental initiatives.</p> <p>As part of the project scope, the design will need to adhere to the new Building Codes for energy efficiency. As from 1st May 2021 the revised codes will require the building to implement an even greater level of efficiency. The design team will apply the most effective an efficient building systems and construction systems to reduce the resource consumption of the building. A specialist energy consultant will be included in the team whose primary role will be to assist in guiding and monitoring the best ESD outcomes within the project budget.</p>
<p>Concern regarding financial sustainability of the facility.</p>	<p>The financial modelling has been independently provided by specialist sport and leisure facility advisory firms Paatsch Group and NS Group, with specialist sport and leisure market research firm ActiveXchange having completed the demand assessment underpinning the modelling. The financial and commercial model has also been market tested with specialist operators in the sport and leisure facility area thru a market sounding process.</p> <p>As mentioned in the (s3.59) Business Plan, to reduce Council's exposure to fully subsidising the facility, various contingency plans have been explored and identified to assist with an operating deficit.</p> <p>It must be remembered that the commercial side of the facility is only one aspect, primarily it's a community facility. Like many other local government facilities and services in the state, it is most likely the community component of the building and surrounds will need some level of subsidy as a community facility.</p>

Further opportunities will be provided to the Community and Sports Clubs through the formation of various Working/Reference Groups that will be established to assist during the final design process.

### **Statutory Environment**

As per the requirements set out under Section 3.59 of the *Local Government Act 1995*, a Business Plan for a major land transaction was prepared for the East Fremantle Oval Precinct Redevelopment.

*The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of –*

- (a) its expected effect on the provision of facilities and services by the local government; and*
- (b) its expected effect on other persons providing facilities and services in the district; and*
- (c) its expected financial effect on the local government; and*
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) any other matter prescribed for the purposes of this subsection.*

The Act sets out the Town's requirements to advertise the business plan as outlined below (as per s3.59(4)):

*(4) The local government is to –*

- a) give Statewide public notice stating that –*
  - i. the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
  - ii. a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
  - iii. submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

**AND**

- b) make a copy of the business plan available for public inspection in accordance with the notice.*
- c) publish a copy of the business plan on the local government's official website*

*(5) After the advertising period has closed, Council will be required to consider any submissions made and may then decide, with absolute majority required, to proceed with the ongoing undertakings and transactions proposed. Any future undertakings and transactions will be required to not significantly differ from what was proposed in the advertised Business Plan.*

### **Policy Implications**

Nil.

### **Financial Implications**

The commercial tenancies to be integrated within the development include:

- Health club/ gym.

- Allied health tenants.
- Café/Bar and function space.

A direct “Market Sounding” process was undertaken to identify if there were any parties in the market who would be interested in leasing these spaces and if so, what would be their expected turnover, demand for services and leasing rates. This was also undertaken to test and confirm the commercial projections used in the “Confidential Business” Case. The market engagement undertaken indicates strong demand for a high-end health club and allied health tenants to be co-located within the facility, with little market appetite for a full food and beverage service. A detailed analysis of each party met with has been documented in the confidential “*Commercial Market Engagement Key Outcomes Report*”.

Investigations were undertaken to see whether the Town would be interested in managing/operating these three tenancies themselves. However, through consultation with Council, it was determined that the leasing of these spaces to an external tenant to operate is the preferred option as it:

- ensures the tenant leasing the space has experience and knowledge in its respective sector.
- avoids high start-up costs.
- keeps the Town at arm’s length from the facility (risk mitigation).
- is relatively straight forward methodology.

The preferred management model is for an external management entity to be appointed to manage the day-to-day operations of the facility.

Based on the stakeholder engagement, benchmarking analysis, preferred governance structure and market sounding, a 10-year operating cashflow has been developed for the precinct in order to determine its operational viability in the “confidential” Business Case.

The financial operating model prepared in the confidential business case indicates a small net profit could be achieved, which includes allowances for maintenance, capital sinking fund contributions and cost allowances for loss of revenue to EFFF and Bowls for food and beverage sales, gate revenue and existing sub-tenants, respectively.

Expected financial contribution from the Town for the first 10 years (including loan repayments):

	Year 1	Year 2	Year 3	Year 4	Year 5
Net Profit	-\$300,792	\$328,435	\$95,978	\$117,258	\$139,564
Contribution by others	\$180,792	0	0	0	0
Finance Repayment	-\$307,947	-\$307,947	-\$307,947	-\$307,947	-\$307,947
<b>Total forecast payments by TOEF</b>	<b>-\$427,947</b>	<b>\$20,488</b>	<b>-\$211,969</b>	<b>-\$190,689</b>	<b>-\$168,383</b>

	Year 6	Year 7	Year 8	Year 9	Year 10
Net Profit	\$182,793	\$208,047	\$234,480	\$281,651	\$330,877
Finance Repayment	-\$307,947	-\$307,947	-\$307,947	-\$310,351	-\$307,947
<b>Total forecast payments by TOEF</b>	<b>-\$125,154</b>	<b>-\$99,900</b>	<b>-\$73,467</b>	<b>-\$28,700</b>	<b>\$22,930</b>

Council has secured a twenty (\$20) million-dollar commitment from the State Government to co-fund the project.

Proposed project funding:

• Town of East Fremantle (Proposed Treasury loan)	\$ 5,000,000
• Town of East Fremantle (Reserves by 2022/23)	\$ 1,000,000
• External agencies (State Government) – commitment secured	\$20,000,000
• <u>External agencies (Federal Government, AFL and others)</u>	\$ 594,874
	<b>\$26,594,874</b>

The project estimate has been provided by a qualified Quantity Surveyor Ian Silver (Cost Management Intelligence) based on 100% schematic design.

#### Proposed WA Treasury Corporation Loan

It has been proposed that the Town will part fund the construction of the facility via a WA Treasury Corporation Loan for an amount up to \$5 million (Indicative WA Treasury quote received 11/01/21).

Loan amount	\$5,000,000
Loan Term	20 years
Fixed Interest rate	1.90%
Annual Capital Repayment	\$ 209,489
Annual Interest Payment	\$ 92,381
<b>Total Annual payment</b>	<b>\$ 301,870</b>

#### Ongoing Asset Maintenance

The detailed business plan proposes that a sinking fund be established in Year 3, and an allocation of \$270,080 be transferred annually to a reserve account to be held for the future asset maintenance requirements of the facility and surrounds.

#### **Risk Implications**

A full project risk assessment is contained within the detailed Business Plan which identifies 45 potential project risks and provides relevant mitigation strategies. The assessment covers the following risk categories;

- SHE/Safety in Design
- Stakeholder /Political
- Financial
- Environmental
- Organisational
- Planning
- Project Delivery
- Incoming Service Delivery
- Sporting venue/Site Specific Design Issues

#### **Strategic Implications**

##### **Strategic Community Plan 2020-2030**

*Strategic Priority 1: Social*

*A socially connected, inclusive and safe community.*

Objective

1.2 Inviting open spaces, meeting places and recreational facilities

Strategies

1.2.1 Provision of adequate facilities to support healthy and active lifestyles.

1.2.2 Activate inviting open spaces that encourage social connection across all age groups.

Measures of success

Community perception of value of recreational facilities and meeting spaces

**2019 Community Scorecard Report feedback**

**Sport and recreation facilities**

**Challenges | identified by the community**

- Perceived lack of progress and improvement of the East Fremantle Oval area.
- Limited sport and recreation facilities in the area, especially for youth.
- Lack for support for local sporting groups.

**Actions | suggested by the community**

1. Move forward with redevelopment of the East Fremantle Oval area.
2. Maintain and enhance sport and recreation within the precinct.
3. Protect and provide more recreation facilities, especially for youth.
4. Improve support of local sporting groups, clubs and volunteers.

**Community Voices**

"Clever Plan for East Fremantle Oval."

"Redevelopment of the East Fremantle oval needs to be pushed along so that the amenity can be used by more than just the football club."

"East Fremantle Oval redevelopment...don't build on this A class reserve."

"Work to be done on East Fremantle Oval, Bowling Club, Croquet Club etc."

"East Fremantle Football oval - buildings. Tricolore club rooms and toilets need upgrade. More drink fountains along foreshore and kept in working order."

"I would really like to see progress on the East Freo Football Oval precinct, it presents a great opportunity for the Town to create a wide variety of spaces for passive / active recreation as well as community facilities for all generations as these are virtually non-existent (playgroup and sports clubs aside)."

"Supporting our local sporting clubs and the majority of the community. NOT just the noisy few with only their own agenda in mind i.e. The redevelopment of the EFFC precinct. Keep "The Sharks" in East Fremantle. Our children need something or someone to aspire to in all sports. Football, sailing, scouting to name but a few."

"Increase Budget Allowance to improving major sporting facilities i.e. East Fremantle Oval. Providing monies for supporting 'not for profit' sporting facilities for maintenance to existing facilities."

"Clubs and Sporting Clubs - They are great for our community and volunteers because Clubs add structure for our children to play sport and have fun."

"Improve recreational facilities and access along foreshore. Upgrade community sporting facilities (not shark park)."

"More spaces for youth - basketball courts - Geraldton foreshore is great."

**Town of East Fremantle Corporate Business Plan**

	<i>Strategy</i>		<i>Action</i>
1.2.2	Activate inviting open spaces that encourage social connection	1.2.2.1	Implement a Business Case for the revitalisation of the East Fremantle Oval Precinct

**Recreational Community Facilities Plan 2016**

**4.1 Action Plan**

**East Fremantle Oval Precinct**

- East Fremantle Oval to service the whole Est Fremantle Community.
- Consolidate as many community facilities into a single community hub.

### Site Inspection

Not applicable

### Comment

The Town, in partnership with East Fremantle Football Club, the East Fremantle Bowls Club, the East Fremantle Croquet Club, East Fremantle Playgroup, and other community members, has worked jointly on the development of a new Integrated Community, Sport and Leisure Precinct at East Fremantle Oval. The Town has developed a strong alliance with these participating clubs and community members which will enable the development of a sustainable community precinct which will deliver significant opportunities for leisure, sport and community participation.

The s3.59 Business Plan was based on the 100% schematic design work undertaken by the following multi-disciplinary design team;

Service	Firm
Architect	Peter Hunt Architect
Mechanical Engineers	RVAC Design
Electrical Engineers	BEST Consultants
Hydraulic Consultants	Hutchinson and Associates
Landscape Consultants	Ecoscape
Quantity Surveyor	Ian Silver
Structural Engineers	BPA Engineering
Civil Engineers	BPA Engineering
Traffic Engineer	Shawmac
Land Surveyors	Oracle Surveys
Structural Engineers	BPA Engineering

A facility of this type will be a first, as the Town does not currently have any dedicated community facilities, that are available to all.

Key objectives of the project include:

- To maximise opportunities for local residents to pursue an active healthy lifestyle by offering access to both organised sports and passive landscape open areas, and for all age groups.
- To provide a venue where local sporting groups can develop and excel with access to quality facilities.
- To build and facilitate opportunities for social connections for all age groups.
- To reflect, retain the historical stories through a new interpretation, and opportunities to create new stories.
- To create opportunities for potentially existing or new businesses to thrive.
- To provide an iconic landmark building that contributes and integrates to the unique park setting, and reflects a contemporary design that is empathetic to the characteristics of the East Fremantle Precinct.
- To develop and increase the 'green footprint' of the precinct with improved soft landscaping, trees and new opportunities for a variety of passive and high energy activities.
- To provide a building design that is welcoming to all, through the use of scale, texture, form and protection.
- To provide a building design that connects with the various external spaces and functions.
- A sustainable development that exceeds the minimum standards.

- To ensure traffic movement is managed so to not substantially be increased (provide multi exit points), and sufficient off-street parking caters for the new development functional requirements.
- To provide a project that is built within the project budget.
- To provide a project that provides a high level of operational efficiencies including low running and maintenance costs.

The key planning design principles:

- Retain the A class reserve attributes which holds intrinsic community values, and where possible improve the amenity to a higher standard and level.
- Locate the various sports disciplines as close as possible to a shared building amenity. In order for this to best be achieved the existing oval needs to be reduced in size by 35 metres and rotated off the north south axis. This enables a greater area for a building envelope to be established. It also allowed the building envelope to be located in the centre of the site, which reduced the potential building overshadowing impact on adjacent residences and allowed a landscape buffer to be retained on all the boundaries.
- Locate the new East Fremantle Football Club Building facility to the centre, east west short axis of the new oval. This will achieve the best viewing and connectivity for Club Officials, players and Members.
- Locate the building elements and car parking into areas that do not impact the visual amenity of the adjacent residents.
- Retain the existing amenity of Locke Park, which includes the open grassed areas, pathway system, gazebo structure and significant trees. The existing Sumpton Green building on the south side of the park will be relocated to a new location on Moss street.
- Convert the existing north east corner of the site (which is currently the existing croquet facility and the lawn bowls), into public open grassed passive recreation space. This area is identified for potential repurposing for a nature-scape and Community Interactive Gardens.
- Located on the east side on the site on Allen street is the existing residential buildings and the Town's Works Depot. At this stage both those facilities are to remain operational and accessible. This area has been identified for long term future re-development.

The East Fremantle precinct is primarily medium/ small scale residential, with a significant proportion being of heritage style, value and quality. In keeping with the consistency of this aspect of the Town, the new development will strive in its own architectural style to portray a similar quality and aesthetics that will be valued and retained for many years to come.

The proposed development consists of four main functions, sport club facilities, the health club, function room, and the community hall. It is important that the overall building form responds and identifies to each of these four key functions, but at the same time reflects a unified building design that is cohesive in aesthetics and design language. The design will be seen as iconic and a landmark facility, specifically designed for this unique park setting, that the whole Town can identify with and take ownership of for many years to come.

It is vitally important that the development is perceived as visually attractive and welcoming. This will be achieved through displays of human activation, to find easy entries, the use of materials that are familiar, and the arrangement and scale of elements that are composed and presented in a friendly manner. It also requires a significant integration of external landscaping that draws the visitor onto the site and into the building.



One of the key design features that dominates the aesthetics of the proposed concept is the reinterpretation of the 'verandah'. It is applied as a negative space which connects the various primary and secondary entry points. The verandah of generous proportion allows the ability for large areas of glass walls to the various internal spaces to be protected from the issues of solar gain.

The design incorporates generous amounts of glazing to each of the key functional spaces. This aspect creates a high level of building transparency and displays the various internal activities and functions from an external vantage position. In reverse this provides a panoramic connection from the internal spaces to the football oval, lawn bowls, croquet and parks.

The design of the floor plan revolves around 10 key areas, they are;

1. East Fremantle Football Club office and officials' area
2. East Fremantle Football Club change rooms
3. Gymnasium Health Club
4. Function Room
5. Community Hall
6. Play Group Centre
7. Café/bar
8. Lawn Bowls
9. Croquet
10. New football oval

These areas have been arranged to best suit their functionality, outlook and relationship with adjoining areas.

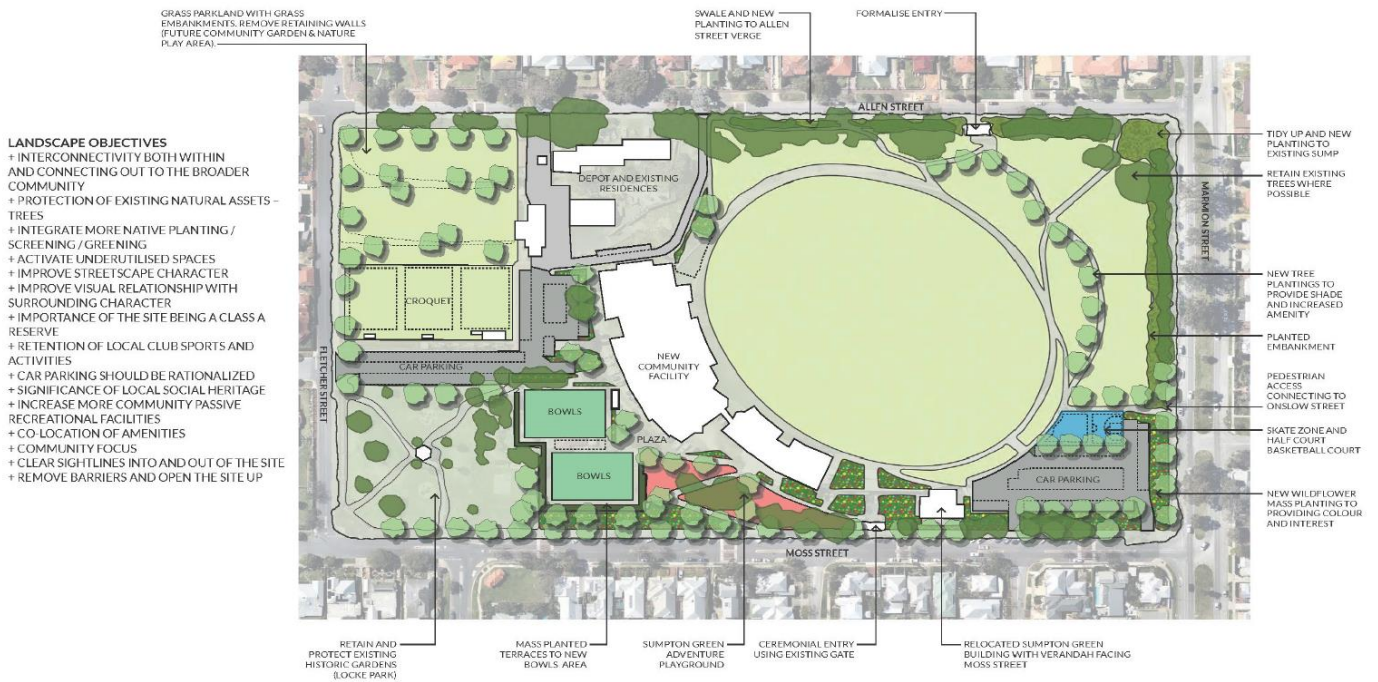
#### Landscaping - Pedestrian circulation and connections

The landscape design seeks to promote connectivity throughout the precinct and into the broader community through landscaped pedestrian connections that provide clear sight lines and prioritise pedestrian movement.

The topography and level changes pose challenges to universal access however equal access can be achieved to all areas of the precinct from the surrounding street network and proposed car parking. Pedestrian circulation will aim to create a logical and legible path networks with clear sight lines that allow movement through the precinct and connect destinations.

#### Landscaping - Perimeter landscape buffer

The 10m wide perimeter landscape buffer will provide the precinct with a green street frontage. It will include significant tree planting and mass planting. Plant species will be low water use and primarily native to the Fremantle area and WA, to minimise dependence on irrigation and reinforce the local identity. The buffer will include infiltration zones, swales and other Water Sensitive Urban Design (WSUD) treatments as part of the precinct's sustainable stormwater management.



### Integration of Public Art.

As part of the percent for art requirements, the project will involve and commission public artist(s) to provide integrated art. The commissions could include both two and or three-dimensional pieces, externally or internally, which would provide another element of interest and reason to visit the facility.

### Conclusion

The Town has undertaken considerable work on the EFOPRP and the project is well advanced. Whilst individual concerns (17 submissions) have been raised regarding the types of operations within the facility, and the potential impact on traffic & parking, community support for the project generally remains very strong.

If Council resolves not to approve the project (Business Plan), the Town will be unable to progress the project, thus relinquishing the \$20m State Government grant.

**13.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060421**

Moved Cr M McPhail, seconded Cr Nardi

That Council:

1. consider and note the responses provided to the 17 submissions received in relation to the s3.59 Business Plan for the East Fremantle Oval Precinct Redevelopment Project.
2. approve the project and instruct the Chief Executive Officer to proceed with the East Fremantle Oval Precinct Redevelopment.
3. authorise the Mayor & Chief Executive Officer to affix the Common Seal and sign all documents necessary to secure the \$20 million dollar funding offer from the State Government for the East Fremantle Oval Precinct Redevelopment project.
4. in accordance with section 6(3) of the *Planning and Development Act 2005*, authorises the Chief Executive Officer to advise the Department of Planning that the Town proposes to carry out public works in the form of redevelopment of the East Fremantle Oval Precinct (the Oval Precinct).

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)

*The Mayor returned to the meeting at 8.48pm and resumed the Chair. It was noted he did not speak or vote on the previous item.*

### 13.3.3 Foreshore Dinghy Management

<b>Applicant</b>	N/A
<b>File ref</b>	R/FMP1
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting date</b>	20 April 2021
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Draft Amended Policy 4.2.2 Foreshore Dinghy Management

#### **Purpose**

It is recommended that Council adopt the amended Foreshore Dinghy Management Policy as presented.

#### **Executive Summary**

At its meeting of 18 February 2020, Council adopted the Foreshore Dinghy Management Policy. The Policy has subsequently been reviewed by the Department of Biodiversity, Conservation and Attractions, and an amended Policy is presented for adoption.

#### **Background**

Council has made a determination under the Town of East Fremantle Public Places and Local Government Property Local Law 2016 to formalise a dinghy storage area adjacent to the Leeuwin Car Park.

The Department of Biodiversity, Conservation and Attractions (DBCA) has issued a permit for the dinghy storage facility, dated 29 March 2021 and expiring 29 March 2022. There are several conditions attached to the permit, specific to the protection of existing vegetation.

DBCA has reviewed Council's Policy and have recommended a couple of minor amendments as per the tracked changes in the attached document.

GFG Consulting have provided the Town with a site plan and a technical drawing/specification for the timber bollards. Installation will occur prior to the end of the financial year.

#### **Consultation**

- May 2019 Council Concept Forum
- May 2019 Ordinary Council Meeting
- February 2020 Ordinary Council Meeting

#### **Statutory Environment**

*Swan and Canning Rivers Management Act 2006*

Corporate Policy Statement No. 45 – Planning for miscellaneous structures and facilities in the Swan Canning Development Control Area (June 2016)

#### **Policy Implications**

An amended Policy with tracked changes is presented for consideration.

### Financial Implications

The 2020/21 Budget included an allocation of \$5k against account E11258 Foreshore Maintenance for preliminary costs associated with this project. A budget variation of \$5k is requested to finalise the project.

### Strategic Implications

Strategic Priority 4: Natural Environment is relevant from the Strategic Community Plan.

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

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The absence of a policy framework will result in unmanaged dinghy storage, resulting in both amenity and environmental impacts	Possible (3)	Moderate (3)	Moderate (5-9)	ENVIRONMENT Uncontained, reversible impact managed by a coordinated response from external agencies	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

**Comment**

Following the installation of the bollards, the Town will implement the Foreshore Dinghy Management Policy. The first step of implementation will be to provide a notice on all existing dinghies that owners need to contact the Town Administration to assess eligibility for the allocation of a dinghy storage position, as per the following priority order:

- Long term mooring holders who are the Town of East Fremantle residents
- Long term mooring holders who are not Town of East Fremantle residents
- Small water craft owners who are the Town of East Fremantle residents
- Small water craft owners who are not the Town of East Fremantle

**13.3.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070421**

Moved Cr Watkins, seconded Cr M McPhail

That Council:

1. adopt the amended Foreshore Dinghy Management Policy as presented.
2. pursuant to section 6.8 of the *Local Government Act 1995*, approve the schedule of budget variations below resulting in an unfavourable movement of \$5k in net current assets as at 30 June 2021.

Account No.	Description	Current Budget	Amended Budget	Variance	Comment
E11258.500	Foreshore Maintenance	(\$5,000)	(\$10,000)	(\$5,000)	To fund the installation of the bollards for the dinghy storage area.
Change in Net Current Assets				(\$5,000)	

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)

### 13.3.4 Climate Action Reference Group Strategic Objectives

<b>File ref</b>	H/CCAP
<b>Prepared by</b>	Connor Warn, Waste and Sustainability Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Draft Strategic Objectives Climate Emergency Strategy

#### **Purpose**

The purpose of this report is for Council to endorse and approve for community comment the seven Strategic Objectives formulated the Climate Action Reference Group for future inclusion into the Climate Emergency Strategy.

#### **Executive Summary**

Responding to the Climate Emergency requires a major cultural shift within the community and the operations of the Town. It is essential that this Climate Emergency Strategy has an overarching mandate from Council, with Council and the Executive Management group leading the way.

The Strategic Objectives will act as the backbone for the Town's future Climate Emergency Strategy (CES), which will provide a framework for Council to address the climate emergency. Following the construction of the CES, a Climate Emergency Action Plan (CEAP) will be prepared. The CEAP will focus on the actions and projects the Town can undertake to ensure the strategic objectives are achieved.

#### **Background**

At the Ordinary Council Meeting on 19 November 2019, the Town recognised the Climate Emergency and supported the call to action for all levels of government to make efforts to manage and adapt to the impacts of climate change. On 25 February 2020 at the Annual Electors' meeting, a resolution was passed to develop a Community Climate Action Plan (CCAP). At the subsequent Council meeting, Council resolved to support the development of a CCAP. In June 2020 Council invited community members and subject matter experts who lived, worked, owned property or had vested interest in the Town of East Fremantle, to nominate to be part of Council's Climate Action Reference Group (CARG).

Over the last four months the ten members of the Climate Action Reference Group have prepared the Climate Emergency Strategic Objectives. The objectives will act as the foundation for the Climate Emergency Strategy, an overarching document providing a framework for Council to act at the necessary scale to address the climate emergency, on behalf of the East Fremantle community.

#### **Consultation**

The Strategic Objectives were constructed by the CARG with the assistance of two elected members and Town staff.

It is proposed the Objectives will be advertised for community input prior to being incorporated into the CES for Council consideration.

### Statutory Environment

Nil

### Policy Implications

Nil

### Financial Implications

The 2020/21 Budget included an allocation of \$80,000 which was placed into reserve for the implementation of sustainable initiatives. Funding for the 2021/22 Budget includes \$80,000 plus \$20,000 for operational activities which will also be placed into reserve to fund large scale projects determined from the Climate Emergency Action Plan.

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not review the proposed Objectives and CES is delayed further	Rare (1)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No



## Strategic Implications

Town of East Fremantle Strategic Community Plan 2020-2030:

### **Strategic Priority 1: Social**

- 1.1 *Facilitate appropriate local services for the health and wellbeing of the community.*
- 1.2 *Inviting open spaces, meeting places and recreational facilities.*

### **Strategic Priority 3: Built Environment**

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

### **Strategic Priority 4: Natural Environment**

- 4.1 *Conserve, Maintain and enhance the Town's open spaces.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
- 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.*

### **Strategic Priority 5: Leadership and Governance**

- 5.1 *Strengthen organisational accountability and transparency.*
- 5.2 *Proactively collaborate with the community and other stakeholders.*
- 5.3 *Strive for excellence in leadership and governance.*

## Site Inspection

N/A

## Comment

The Climate Emergency Strategy is proposed to be a guiding document providing the framework for

Council to address the climate emergency. It is the first part of Council's three-step response:

### **Step 1 Climate Emergency Strategy**

includes visions and high-level goals to set the direction for how Council responds to the climate emergency (this Strategy)

### **Step 2 Action Plan**

includes detailed programs, projects, and actions to meet the high-level goals and visions set out in the Climate Emergency Strategy.

### **Step 3 Implementation**

puts the programs, projects, and actions in place.

Once endorsed by Council the Strategic Objectives will ensure the Climate Emergency Strategy is designed in a way that will give structure to help Council move beyond business as usual, develop a sustainable culture recognising the climate emergency and work with the community, other partners, and other levels of government to address the climate threat.

**OFFICER RECOMMENDATION**

That Council:

1. consider and endorse the Strategic Objectives provided by the Climate Action Reference Group.
2. authorise the CEO to advertise the Strategic Objectives to the community for 21 days for the purposes of public comment.
3. note a further report will be provided at the completion of the Climate Emergency Strategy for Council endorsement.

*Moved Cr Natale, seconded Cr Collinson  
The adoption of the Officer's recommendation.*

Amendment

*Moved Cr M McPhail, seconded Cr A McPhail  
Strategic Objective 6 be deleted and its contents be reorganised under the remaining objectives.*

(LOST 1:8)

Amendment

*Moved Cr A McPhail  
That the words "and endorse" be deleted from part 1 of the motion.*

(LAPSED FOR WANT OF A SECONDER)

The substantive motion was put.

**13.3.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080421**

**Moved Cr Natale, seconded Cr Collinson**

**That Council:**

- 1. consider and endorse the Strategic Objectives provided by the Climate Action Reference Group.**
- 2. authorise the CEO to advertise the Strategic Objectives to the community for 21 days for the purposes of public comment.**
- 3. note a further report will be provided at the completion of the Climate Emergency Strategy for Council endorsement.**

(CARRIED UNANIMOUSLY)



14. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil.
15. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**  
Nil
16. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**  
Nil.
17. **NEW BUSINESS OF AN URGENT NATURE**  
Nil
18. **MATTERS BEHIND CLOSED DOORS**  
Nil.
19. **CLOSURE**  
There being no further business, the Presiding Member declared the meeting closed at 9.05pm.

*I hereby certify that the Minutes of the ordinary meeting of the **Council** of the Town of East Fremantle, held on **20 April 2021**, Minute Book reference **1. to 19.** were confirmed at the meeting of the Council on*

*18 MAY 2021*

  
\_\_\_\_\_  
Presiding Member

## ATTACHMENTS TO COUNCIL MEETING MINUTES

20 APRIL 2021

Minute No	Subject
12.1	Town Planning Committee Meeting (6 April 2021)
13.1.1	Riverside Road – Left Bank – Alfresco Area
13.2.1	Statement of Financial Activity for Period ended 31 March 2021
13.2.2	Accounts for Payment – March 2021
13.2.3	2021/22 Annual Budget – Notice of Intention to Impose Differential General Rates
13.3.1	Delegated Authority Register
13.3.2	S3.59 Business Plan – East Fremantle Oval
13.3.3	Foreshore Dinghy Management
13.3.4	Climate Action Reference Group Strategic Objectives

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TOWN OF  
EAST FREMANTLE

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# MINUTES

## Town Planning Committee

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### Tuesday 6 April 2021 at 6.30pm

#### **Disclaimer**

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 I) 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.

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**MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 6 APRIL 2021.**

**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

Presiding member opened the meeting at 6.30pm 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.”*

**ANNOUNCEMENT TO GALLERY**

*“Members of the gallery are advised that no Committee decision from tonight’s meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting”.*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

The following members were in attendance:

Cr C Collinson Presiding Member

Mayor J O’Neill

Cr J Harrington

Cr A Natale

Cr D Nardi

The following staff were in attendance:

A Malone Executive Manager Regulatory Services

K Culkin Minute Secretary

There were 9 members of the public in attendance.

**3.2 Apologies**

Nil

**3.3 Leave of Absence**

Nil

**4. MEMORANDUM OF OUTSTANDING BUSINESS**

Nil

**5. DISCLOSURES OF INTEREST**

**5.1 Financial**

Nil

**5.2 Proximity**

Nil

**5.3 Impartiality**

Nil



**6. PUBLIC QUESTION TIME**

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

Nil

**6.2 Public Question Time**

Nil

**7. PRESENTATIONS/DEPUTATIONS**

**7.1 Presentations**

Nil

**7.2 Deputations**

Nil

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 Town Planning Committee (2 March 2021)**

**8.1 OFFICER RECOMMENDATION**

Moved Mayor O'Neill, seconded Cr Natale

That the minutes of the Town Planning Committee meeting held on 2 March 2021 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

**9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

**10. REPORTS OF COMMITTEES**

Nil

**11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)**

**PROCEDURAL MOTION**

**Moved Cr Nardi, seconded Cr Natale**

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

**(CARRIED UNANIMOUSLY)**

**11.2 Hubble Street No.93 (Lot 172) - Proposed alterations and additions to existing dwelling**

<b>Owner</b>	Greg Mithen & Julie Monument
<b>Applicant</b>	John Chisholm
<b>File ref</b>	P10/21
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	6 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Place record form</li><li>4. Plans date stamped 17 March 2021</li><li>5. Community engagement checklist</li></ol>

**Purpose**

The purpose of this report is for Council to consider a development application for proposed alterations and additions to an existing dwelling at No. 93 (Lot 172) Hubble Street, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions to an existing Category B heritage dwelling. The dwelling has sat vacant and dilapidated for a considerable number of years and the proposed development is a welcome proposal to restore the dwelling. The existing dwelling is to be significantly renovated and extended, resulting in the retention of a heritage listed dwelling, a vast improvement to the streetscape and the removal of asbestos from the site.

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Ground Floor – 1.5m required, 1.4m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Ground Floor - Ancillary dwelling - 1m required, 0m provided;
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey - Ancillary dwelling – 1.1m required, 0m provided;
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey -4.5m required, 2.92m provided;

- (v) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey – 1.5m required, 1.4m provided;
- (vi) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 degrees provided; and
- (vii) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling - Plot Ratio – 70m<sup>2</sup> plot ratio maximum required, 71m<sup>2</sup> provided.

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

### **Background**

Zoning: Residential R20

Site area: 508m<sup>2</sup>

Heritage: Category B

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

DA P112/13 – Storage and laundry – approved 17 December 2016.

DA P113/13 - Restoration works – approved 17 December 2015.

### **Consultation**

#### Advertising

The application was advertised to surrounding landowners from 24 February to 11 March 2021.

#### Community Design Advisory Committee (CDAC)

The application was referred to CDAC members. No comments were received.

#### External Consultation

Nil

### **Statutory Environment**

*Planning and Development Act, 2005*

*Residential Design Codes of WA*

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

### **Policy Implications**

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

*Local Heritage Survey – Category B*

*Fremantle Port Buffer Zone Area 2*

### **Financial Implications**

Nil

### **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 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.
  - 3.1.3 Plan for improved streetscapes.
- 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 within resource capabilities.
  - 3.3.2 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.
  - 4.1.3 Improve and protect the urban forest and tree canopy.
- 4.2 Enhance environmental values and sustainable natural resource use.
  - 4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.
- 4.3 Acknowledge the change in our climate and understand the impact of those changes.
  - 4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

**Risk Implications**

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

**Site Inspection**

A site inspection was undertaken.

**Comment**

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town’s Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes.

A summary of the assessment is provided in the following tables.

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			

Southern wall – main dwelling – ground floor	1.5m	1.4m	D
Western wall – ancillary dwelling	1.1m	1.2m	A
Northern wall – ancillary dwelling – ground floor	1m	0m	D
Northern wall – ancillary dwelling – upper storey	1.1m	0m	D
Northern wall – main dwelling – ground floor	4.5m	2.92m	D
Southern wall – main dwelling – upper storey	1.5m	1.4m	D
Northern wall – main dwelling – upper storey	1.5m	2.92m	A
Carport - northern wall	0m	0m	A
Open Space	50%	59.9%	A
Wall height	6m	5.8m	A
Roof height	9m	8.051m	A
Front Setback of Carport	>1.2m from building line	>1.2m from building line	A
Car Parking	1-2 cars	>2 cars	A
Site Works			N/A
Visual Privacy			N/A
Sightlines	Truncation or height to 0.75m	Gate and fence with >60% visual permeability Gate widening = 4.5m inclusive of 1.5m sightline	A
Overshadowing	<25%	21%	A
Ancillary Dwelling (plot ratio)	70m <sup>2</sup>	71m <sup>2</sup>	D
Drainage	To be conditioned		

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	N/A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
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
3.7.16.3 Garages and Carports	A
3.7.16.4.3.1 Fremantle Port Buffer Area	Area 2

This development application proposes alterations and additions to an existing Category B heritage dwelling. The dwelling has sat vacant and dilapidated for a considerable number of years and the proposed development is a welcome proposal to restore the building and ensure its retention for the long term.

The existing heritage dwelling, which has significant amounts of asbestos and has been modified internally by the previous owners, is to be significantly renovated and extended. The original front of the dwelling is to be retained (and the original façade to be reinstated) with the double storey additions to be located at the rear of the original building along with an ancillary dwelling. Timber weatherboards are to be used extensively on the front of the building.

Seven variations are requested to the requirements of the Residential Design Codes and one variation is requested to the Residential Design Guidelines in relation to lot boundary setbacks, ancillary dwelling plot ratio and roof pitch. The variations are considered to be relatively minor and do not have a significant impact on the amenity of neighbouring properties nor detrimental impacts on the streetscape.

Lot Boundary Setback - Southern Wall – Main Dwelling – Ground Floor

The southern wall on the ground floor of the dwelling is proposed to be 24.075m long and 3.5m high. It has major openings and is required to be 1.5m from the southern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the wall is 1.4m from the southern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- reduced impacts of building bulk on adjoining properties;
- adequate direct sun and ventilation reaches the building, open spaces and adjoining properties; and
- minimal overlooking and loss of privacy on adjoining properties.

The wall location is such that it is only marginally less than the setback required by the deemed to comply requirements. Sunlight and ventilation are still able to reach the area directly adjacent to the wall and there are no privacy issues from elevated windows or floor levels along this section of the proposed development.

Lot Boundary Setback - Northern Wall – Ancillary Dwelling – Ground Floor

The northern wall on the ground floor of the ancillary dwelling is proposed to be 5.84m long and 2.712m high. It has no major openings and is required to be 1m from the northern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the wall is 0m from the northern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Makes more effective use of the space for enhanced privacy for occupants or outdoor living areas;
- Reduces impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties;
- Minimal overlooking and loss of privacy on adjoining properties; and
- Does not have any adverse amenity impacts on the adjoining property.

The applicant wishes to utilise all available land area for the future residents of the lot in the rear section of the property. The wall location is such that it achieves the above by not creating a 1m wide portion of land that cannot be used for any useful purpose. Sunlight and ventilation are still able to reach the area directly adjacent to the wall and there are no privacy issues as there are no elevated windows along this section of the proposed development. The development has no impact on the streetscape, as the ancillary dwelling is located at the rear of the property and it is part of a development that will see the renovation of a severely dilapidated Category B heritage building.

Lot Boundary Setback - Northern Wall – Ancillary Dwelling – Upper Storey

The northern wall on the upper storey of the ancillary dwelling is proposed to be 5.84m long and 4.8m high. It has no major openings and is required to be 1.1m from the northern boundary in accordance with the

Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case the wall is 0m from the northern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons;

- Makes more effective use of the space for enhanced privacy for occupants or outdoor living areas;
- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties;
- Minimal overlooking and loss of privacy on adjoining properties;
- Does not have any adverse amenity impacts on the adjoining property; and
- Direct sun to major openings of habitable rooms and outdoor living areas for adjoining properties is not restricted.

It helps to utilise all available land area for the future residents of the lot. The wall location is such that it is only marginally less than what is required by the deemed to comply requirements and for the reasons mentioned above the proposed nil setback can be supported.

#### Lot Boundary Setback - Northern Wall – Main Dwelling – Ground Floor

The northern wall on the ground floor of the dwelling is proposed to be 24.075m long and 4m high. It has major openings and is required to be 4.5m from the northern boundary, in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case, the wall is 3m from the southern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

Notwithstanding the reduced setback, it is considered there is still a significant separation distance between the wall and the lot boundary, as the setback is to be utilised for a driveway for the dwelling. Sunlight and ventilation can easily reach the area directly adjacent to the wall as it faces directly north and there are no privacy issues from elevated windows or floor levels along this section of the proposed development.

#### Lot Boundary Setback - Southern Wall – Main Dwelling – Upper Storey

The southern wall on the upper storey of the main dwelling is proposed to be 9.23m long and 5.8m high. It has no major openings and is required to be 1.5m from the southern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i. In this case, the wall is 1.4m from the southern boundary. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Reduced impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

The wall location is such that it is marginally less than what is required by the deemed to comply requirements. Sunlight and ventilation can still reach the area directly adjacent to the wall. There are no privacy issues from elevated windows or floor levels along this section of the proposed development as all openings are above 1.6m from the finished floor level of the upper storey.

### Roof Pitch

Although most of the roof has a pitch of 30 degrees, the join between the heritage component of the dwelling and the new addition at the rear has a section of roof that has a 5 degrees pitch. In accordance with the acceptable development provisions 3.7.8.3 A4.1, the roof is supposed to have a pitch of 30 degrees. The reduced pitch of 5 degrees can be supported based on performance criteria 3.7.8.3 P4. Overall, the roof pitch complements the traditional form of surrounding development in the immediate locality. The flatter section of roof is hidden from view of the street and provides a subtle connection between the heritage dwelling and the new additions at the rear of the development.

### Ancillary Dwelling - Plot Ratio

In accordance with the Residential Design Codes deemed to comply clause 5.5.1 C1 the maximum plot ratio area permitted is 70m<sup>2</sup>. In this case, the area is 71m<sup>2</sup>. The minor variation can be supported on the basis of design principle 5.5.1 P1 because it does not impact on the amenity of the surrounding properties. Also, there is no effect on sunlight, or visual privacy from the proposed minor increase in the allowable floor area of the ancillary dwelling.

### Conclusion

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

- Mr Greg Mithen and Ms Julie Monument (owners) spoke in support of the officer's recommendation.

### **11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP010421:**

**Moved Cr Nardi, seconded Cr Watkins**

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Ground Floor – 1.5m required, 1.4m provided;**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Ground Floor – Ancillary dwelling - 1m required, 0m provided;**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey – Ancillary dwelling – 1.1m required, 0m provided;**
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Wall – Upper Storey -4.5m required, 2.92m provided;**
- (v) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Upper Storey – 1.5m required, 1.2m provided;**
- (vi) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 degrees provided; and**
- (vii) Clause 5.5.1 – Residential Design Codes – Ancillary Dwelling - Plot Ratio – 70m<sup>2</sup> plot ratio maximum required, 71m<sup>2</sup> provided,**

**for alterations and additions to an existing dwelling at No. 93 (Lot 172) Hubble Street, East Fremantle, in accordance with the plans date stamped received 17 March 2021, subject to the following conditions:**



- (1) The crossover width is not to exceed the width of the crossover indicated on the plans date stamped received 17 March 2021 and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016).
- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines and sightline provisions of the Residential Design Codes.
- (3) The shutters on the eastern most wall of the upper storey of the ancillary dwelling are to be permanently fixed in position.
- (4) 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.
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development approval unless otherwise amended by Council.
- (6) With regards 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 development approval, without those changes being specifically marked for Council's attention.
- (7) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (8) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (11) This development approval is to remain valid for a period of 24 months from the date of this approval.

**Footnote:**

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

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



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

(CARRIED UNANIMOUSLY)

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

**11.5 Philip Street – No 2 (Lot 700) - Proposed subdivision into Lots 701 and 702**

<b>Owner</b>	Ante and Branka Musulin
<b>Applicant</b>	Ante and Branka Musulin
<b>File ref</b>	P/PHI2, ICS94298
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	6 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Plans date stamped 2 March 2021</li></ol>

**Purpose**

The purpose of this report is for Council to consider an application for the proposed subdivision of No 2 (Lot 700) Philip Street, East Fremantle which was referred by the Western Australian Planning Commission for comment.

**Executive Summary**

Council has received a referral letter from the Western Australian Planning Commission requesting comments from the Town regarding the proposed subdivision of an existing freehold lot No 2 (Lot 700) Philip Street of 745m<sup>2</sup> into 2 smaller freehold lots of 368m<sup>2</sup> and 377m<sup>2</sup> respectively. The lot is currently zoned R17.5 and has previously been subdivided under the provisions of the Town's Local Planning Scheme No 3 when the lot had a density coding of R12.5.

It is considered that the proposed subdivision cannot be supported by the Town and is recommended for refusal.

**Background**

Zoning: Residential R17.5  
Site area: 745m<sup>2</sup>

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

P029/17 - Development approval granted for 2 storey grouped dwelling - 6 June 2017.

P051/17 - Development approval granted for temporary sea container and storage of building materials - 13 June 2017.

P109/17 - Subdivision application 155758- supported by the Town - approved by WAPC 1 February 2018.

P110/18 – Development approval granted – single dwelling – 3 September 2019.

P102/19 Development approval granted for amendment to balcony 28 November 2019.

**Consultation**

Advertising

Nil

Community Design Advisory Committee (CDAC)

The application was not required to be referred to CDAC.

External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

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

*WAPC Model Subdivision Conditions Schedule 2015*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 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.*

*3.1.3 Plan for improved streetscapes.*

*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 within resource capabilities.*

*3.3.2 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.*

*4.1.3 Improve and protect the urban forest and tree canopy.*

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

*4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.*

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

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

### **Risk Implications**

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

### **Site Inspection**

A site inspection was undertaken.

### **Comment**

#### Statutory Assessment

This proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the and the Residential Design Codes.

Council has received a referral letter from the Western Australian Planning Commission requesting comments from the Town regarding the proposed subdivision of an existing freehold lot No 2 (Lot 700) Philip Street with an area of 745m<sup>2</sup> into 2 smaller freehold lots of 368m<sup>2</sup> and 377m<sup>2</sup> with primary street frontages (Clayton Street) of 18.3m and 18.73m respectively.

The lot that is proposed to be subdivided and the subject of this report was previously subdivided in February 2018 with two lots being created of 368m<sup>2</sup> (No 11 Lot 66 Gordon Street) and 745m<sup>2</sup> (No 2 Lot 700 Philip Street- the subject lot).

When the subdivision was proposed and ultimately approved it achieved the minimum and average lot size requirements and minimum lot frontage requirements for lot subdivision at the R20 density code as required by the Residential Design Codes and as permitted by LPS No 3 under Clause 5.3.1.

Under Clause 5.3.1 there is a density bonus for corner lots with a density coding of R12.5 which can be subdivided at the R20 density coding.

Clause 5.3.1 of TPS 3 which deals with the 'Density Bonus for Corner Lots' and states as follows:

*"In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development."*

Under clause 5.1.3 of the Town's Local Planning Scheme, it is possible to subdivide R12.5 lots that are located on street corners only and develop in accordance with the R20 requirements as stated in the Residential Design Codes. As part of this subdivision there was a requirement for any development on a corner lot to address both streets and an expectation that any ensuing development would comply with Clause 5.3.1 of LPS No 3.

The Town recommended to the WAPC that the previous subdivision be approved. It was made clear in the report at the time that support for the subdivision was based on compliance with Clause 5.3.1 of LPS No 3.

In the interim the whole area has been re-coded with a density coding of R17.5 and this is reflected in the current local planning scheme map which clearly shows the current density coding of R17.5. The draft Local planning Strategy which is currently being prepared does not intend to change the current density codes in this area heading into the future. The current density code of R17.5 is seen to be appropriate for the area, consistent with the existing lot size in the area and there are no plans for further densification.

Development approval was granted at what is now No 11 (Lot 66) Gordon Street in July and September 2017 for a double storey dwelling and another development approval was granted for No 11 (Lot 66) Gordon Street in September and November 2019. Construction is currently being undertaken on the subject site of the approved double storey dwelling. This approval was granted on the basis of the development occurring on a 745m<sup>2</sup> lot, not a much smaller 368m<sup>2</sup>. The development was assessed based on a density code of R17.5.

Based on the current density coding it is necessary for lots with a density coding of R17.5 to have a minimum surface area of 500m<sup>2</sup> and average surface area of 571m<sup>2</sup>. In this case the proposed lots do not achieve the minimum or average lot sizes for the subdivision of R17.5 lots. The proposed lots are 368m<sup>2</sup> and 377m<sup>2</sup> respectively. The proposed lot sizes do not even achieve the average lot size of 450m<sup>2</sup> required of R20 lots, although they are above the minimum lot size of 350m<sup>2</sup>. Both lots achieve the minimum frontages required of R20 lots (10m).

As noted, this lot is not a R12.5 lot but is zoned R17.5 and the proposed subdivision is a second attempt at further subdivision of the parent lot. It is not the intent of the clause within the Town's Local Planning Scheme No 3 to allow for a second attempt at subdivision for an R17.5 lot that does not achieve the minimum requirements for an R20 lot.

There is currently a double storey dwelling being constructed on site, in accordance with a previous development application that was submitted and approved by the Town. Should the proposed subdivision be approved by the WAPC then there may be unintended consequences. The creation of the lot with existing development that does not achieve the minimum requirements for the Residential Design Codes, potentially sets a precedent given the focus of planning which is increasingly concerned about declining useable outdoor living areas attached to new development.

#### Options for the Town

Council has 2 options regarding the proposed subdivision. Council can either recommend to not support the proposed subdivision for the reasons stated above or alternatively recommend that the applicant/owner undertake a scheme amendment to achieve an increased density which would facilitate the further subdivision of the lot. The applicant has undertaken preliminary planning investigations and has prepared visual representations of a three-lot subdivision. As this is a referral from the Commission, this information has not been provided to the Commission or the Town.

Should Council feel that the subdivision is an appropriate planning outcome for this lot, it may direct the applicant/owner to submit an application for a scheme amendment for this site, given that the proposed subdivision does not comply with the current Local Planning Scheme No 3 and a request be made to amend the density coding for this site.

However, Council should be aware that any spot rezoning will not be in alignment with density codes for the prevailing area and are not intended to be changed according to the draft Local Planning Strategy which is currently being prepared. The applicant has been encouraged to participate in the community engagement for the draft Local Planning Strategy once advertised.

The Town cannot support the proposed subdivision based on existing clauses in the Local Planning Scheme No 3.

Conclusion

Based on the above assessment that has been completed for this referral and the explanation provided in this report, it is recommended the Town advise the Western Australian Planning Commission the proposed subdivision of No 2 (Lot 700) Philip Street is not supported by Council.

- Mr Ante Musulin (owner) spoke against the officer's recommendation.

**11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020421**

**Moved Cr Nardi, seconded Cr Watkins:**

**That Council advise the Western Australian Planning Commission that the proposed freehold subdivision of No. 2 (Lot 700) Philip Street into Lot 701 and Lot 702 Philip Street East Fremantle in accordance with plans submitted 2 March 2021 is not supported for the following reasons:**

- 1. The proposal is not in compliance with Clause 5.3.1 of Local Planning Scheme No 3.**
- 2. The proposal has a density code of R17.5 not R20 as required by clause 5.3.1 of Local Planning Scheme No 3.**
- 3. The proposal does not achieve the average lot area for a lot with a density code of R20.**
- 4. The applicant /owner has previously subdivided the corner lot (Lot 700) and is attempting to subdivide the lot a second time.**
- 5. The proposal creates sub-optimal urban design outcomes with the existing approved development on Lot 700 Philip Street due to an inability for the development to meet the deemed to comply requirements for outdoor living areas from the Residential Design Codes.**
- 6. The proposed subdivision creates a precedent that would encourage subdivision in areas that is not in alignment with the draft local planning strategy that is currently being prepared by the Town and does not identify this area for densification.**

**(CARRIED UNANIMOUSLY)**

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

**11.6 Staton Road, No. 73A (Lot 1) – Reconsideration of Condition of Development Approval- Screening of Balcony**

<b>Applicant/Owner</b>	P Di Nunzio
<b>File ref</b>	P/STA73A
<b>Prepared by</b>	Christine Catchpole, Senior Planner
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Voting requirements</b>	Simple Majority
<b>Meeting date</b>	6 April 2021
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location Plan</li><li>2. Development (planning) Approval plans dated 18 March 2003</li><li>3. Building Permit plans dated 18 February 2005</li><li>4. Owner request for reconsideration of condition of development approval</li></ol>

**Purpose**

This report considers an owner request for the reconsideration of a condition of development approval. The condition requires the installation of a visual privacy screen balustrade for a third storey balcony at 73A Staton Road, East Fremantle.

**Executive Summary**

In 2020 the Town was made aware of escalating concerns relating to overlooking and privacy in relation to a three storey dwelling at 73A Staton Road which was constructed in ~2005. The matter was subsequently investigated, and it was determined the balcony screening did not comply with the Development Approval and the Building Permit plans.

A clear and transparent glass 1 metre high balustrade was installed on the southern elevation of the third storey balcony rather than the required 1.4m high balustrade screen indicated on the Development Approval and the Building Permit plans.

The Town requested compliance with the planning and building approvals. However, this has not occurred, the reason being that the owner believes the existing balustrade is in good condition, matches the other balustrading and allows for unobstructed views of the harbour. The owner is requesting the reconsideration of a development approval condition so that he will not be required to remove the existing unscreened clear glass balustrade and replace it with a screening balustrade.

The request was advertised to surrounding landowners and a strong objection from an adjoining landowner was received in respect to the balustrade remaining in its current form. The objection related to the significant loss of privacy and overlooking concerns for all major habitable rooms within the dwelling, the rear verandah and garden, which in turn impacts on the amenity of the property.

Considering the nature of the objection and the expectation that the balcony screening was to be and should have been installed as per the approved plans, it is recommended that the existing development approval condition remain in force and unmodified.



## **Consultation**

### Advertising

Surrounding land- owners were invited to comment on the owner's request for reconsideration of the development approval (planning) condition from 10 February to 5 March 2021.

A submission from the adjoining owners was received which strongly objected to the removal or amendment of the development approval condition. The objection is primarily based on the significant negative impact on amenity due to the decreased privacy and increased overlooking possible without the installation of the balustrade screening. Also, there has been the expectation that privacy would be maintained following construction of the dwelling. The submitter also requested the conditions of the development approval be enforced and provided the following background information relevant to the issue.

When the adjoining property was purchased in 2013, there was no balustrading on the balconies of 73A Staton Road and they were not in use. The submitters explicitly questioned the previous owners, prior to the purchase of the property, about the lack of balcony screening and were told that the owners of 73A Staton Road were obliged to install screened balustrading on the balcony which overlooked the adjoining property. With that understanding they purchased the property.

In 2014 the owners of 73A Staton Road installed clear glass balustrading to the third storey balcony. The submitters contacted the Town at the time, to query if this was in accordance with the approved plans and were incorrectly informed by Town staff that the balcony did not require screening. As this balcony was very rarely used in the proceeding years and because of the advice they received from the Town they did not pursue the matter any further.

However, in 2020 the balcony was in daily use which then became a significant privacy issue resulting in no privacy for the entire rear garden, verandah, upstairs living room, downstairs living room, kitchen, upstairs bedroom, and laundry, resulting in the property having no privacy. The submitters also feel this situation would devalue the property if they were to sell.

They do not believe they should have to bear the considerable expense of installing screening and internal window treatments to maintain privacy because there is no screening of the balcony as per the Council approval. They firmly believe the Council approved plans should be enforced.

## **Statutory Environment**

*Planning and Development Act, 2005*

*Residential Design Codes of WA – Vol. 1*

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

## **Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016*

## **Financial Implications**

Nil

## **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 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.*
  - 3.1.3 *Plan for improved streetscapes.*
- 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 within resource capabilities.*
  - 3.3.2 *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.*
  - 4.1.3 *Improve and protect the urban forest and tree canopy.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
  - 4.2.1 *Reduce waste through sustainable waste management practices, including effective community and business education.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
  - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

**Risk Implications**

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

**Site Inspection**

Photographs have been provided.

**Details**

The Development Approval plans clearly indicate that the balustrade was to provide screening and was to be of 1.4m in height (refer to Attachment 2). Also, condition 1 of the Development Approval for the construction of the three storey dwelling stated as follows:

1. *the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.*

Furthermore, the Building Permit plans (refer to Attachment 3) indicated the installation of a permanent obscure glazed balustrade to a height of 1.4m on the southern elevation of the third storey balcony. Both sets of plans clearly state and indicate balustrade screening.

The Town has no record of any authorised changes to the Development Approval or Building Permit plans. The owner was therefore requested to comply with the approved plans and building permit and install the obscure glazed balustrade to the height indicated on the plans for the southern elevation of the balcony, that being 1.4 metres from the floor level of the balcony.

The matter could not be pursued by the Town in 2020 as the owner of 73A Staton Road was not returning to Perth until late November 2020. Upon his return he responded to correspondence from the Town and stated he did not wish to comply with the condition and install the balustrade in compliance with the approved plans. His request to have the development approval condition reconsidered is provided in full in Attachment 4 and summarised below.

*"I hereby seek Council's special approval to maintain the existing balustrade in its current condition.*

- *Balustrade on the southern elevation of the first level balcony is non-obscured.*
- *The height remains as one (1) metre.*

*Please take notice that the screening in its current condition is high quality, durable and permanent. The existing balustrade maintains the symmetry and architectural design of the home. Currently, I have a unique view to the harbour from my dining and lounge room. To comply with Council's request would obscure this view."*

#### **Comment**

##### Visual privacy

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

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

The original development proposal did not comply with the visual privacy 'Deemed to Comply' provisions of the R-Codes. As such screening was indicated on the development approval and building permit plans to meet the development standard. The original plans the subject of the development approval application clearly indicated that this section of the balcony balustrade was to be screened to a height of 1.4 metres (refer to Attachment 2 and 3). The dwelling has been constructed with balustrading of a lower height (i.e. 1m) and of clear glass which does not provide any screening and is clearly not in compliance with the development approval.

To alleviate the considerable privacy and overlooking concerns voiced to the Town it is important that the screening balustrade that should have been installed, is installed as indicated. The fact that the screening device has not been in place for many years is not relevant to the planning matter under consideration. The matters of amenity and compliance are now of concern. In recent times the balcony has been used far more frequently than in previous years and future use of the balcony cannot be foreseen. In this case the understanding and expectation that screening would be provided upon construction of the new dwelling is the planning and amenity issue under consideration, not the retention of views. The owner of 73A Staton Road is aware that the screening was not installed as required under the conditions of the development approval as he was the owner when the dwelling was constructed and the balustrading installed.

Taking the above circumstances into consideration it is recommended that there be no change or modification to the condition of development approval. The requirement for the screening to be installed should remain as intended under the original development approval and as indicated on the building permit plans.

Conclusion

Given the significant privacy and overlooking concerns raised by the adjoining land owners and the original condition of development approval, it is recommended that Council do not support the request for reconsideration of the condition of development approval and that the original condition stand unmodified.

- Mr Stuart Goodreid (neighbour) spoke in support of the officer's recommendation.
- Mr Daniel Di Nunzio (son of owner) spoke against the officer's recommendation.

**11.6 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030221**

**Moved Mayor O'Neill, seconded Cr Watkins**

**That Council not support the request for reconsideration of condition 1 of the Development Approval dated 18 March 2003 for No. 73A (Lot 1) Staton Road, East Fremantle and the condition stand unmodified.**

**(CARRIED UNANIMOUSLY)**

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

**11.1 Glyde Street No. 71 (Lot 125) - Proposed pool and elevated deck**

<b>Owner</b>	Gregory Watkinson & Melanie Watkins
<b>Applicant</b>	Rohan White Architecture
<b>File ref</b>	P09/21
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	6 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Location plan and advertising</li> <li>2. Site photos</li> <li>3. Plans date stamped 2 March 2021</li> <li>4. Community engagement checklist</li> </ol>

**Purpose**

The purpose of this report is for Council to consider a development application for a proposed pool and raised deck at No. 71 (Lot 125) Glyde Street, East Fremantle.

**Executive Summary**

This development application proposes a new pool and modifications to an approved deck area from a previously approved development for alterations and additions (P048/19 – 6 August 2019). The deck (outdoor active habitable space) is greater than 500mm above natural ground level. It is considered that the application can be supported subject to conditions of development approval related to visual privacy screening and other standard conditions being imposed.

**Background**

Zoning: Residential R20  
 Site area: 508m<sup>2</sup>

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

P086/17 – development approval – two storey dwelling – 7 November 2017.  
 P048/19 – development approval - alterations and additions - 6 August 2019.  
 P015/20 – development approval – ancillary dwelling – 7 April 2020.

**Consultation**

Advertising

The application was advertised and the following submission objecting to the proposal was received from a neighbouring property owner.

<b>Submission</b>	<b>Applicant Response</b>	<b>Officer Response</b>
Thank you for notifying us and for giving us the opportunity to comment on the proposed pool and deck area at 71 Glyde Street. We were unaware of the proposal until we received your letter.  We object to the proposed development as it will have a detrimental impact on, and further erode, the visual privacy and amenity of our outdoor space and habitable areas as follows:	With regards to the deck and pool the screening as submitted (and updated plans following feedback) means there is not a visual privacy issue from a planning point of view.	The amended plan for the proposed development shows visual privacy screening that complies with the visual privacy provisions of the Residential Design Codes.

<p>1. The pool and deck are setback 2.16m from our southern boundary and are directly adjacent to and overlooking the outdoor living space (seating and alfresco area) located directly off our main living area (kitchen, dining and sitting room).</p> <p>2. We understand that as the deck is greater than 0.5m above ground level the visual setback requirements of the Residential Design Codes are not met.</p> <p>3. The new build house at the rear of 71 Glyde Street is already having a significant impact on the visual privacy of our indoor habitable space and the outdoor space (pool and deck area) at the rear of our site.</p> <p>4. The pool and deck area at 71 Glyde Street will now overlook our seating and alfresco outdoor space.</p> <p>5. As a result, all of the outdoor space on our site will lack visual privacy.</p> <p>We request that a 1.8m high screen be built along the northern and eastern edge of the proposed pool and deck to prevent further overlooking and erosion of our visual privacy and the residential amenity of our site.</p>		
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Community Design Advisory Committee (CDAC)

The application was not referred to CDAC. It is considered there is no impact on the streetscape.

External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

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

**Policy Implications**

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

*Fremantle Port Buffer Zone – Area 2*

**Financial Implications**

Nil

**Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 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.*

*3.1.3 Plan for improved streetscapes.*

*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 within resource capabilities.*
  - 3.3.2 *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.*
  - 4.1.3 *Improve and protect the urban forest and tree canopy.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
  - 4.2.1 *Reduce waste through sustainable waste management practices, including effective community and business education.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
  - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

**Risk Implications**

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

**Site Inspection**

A site inspection was undertaken.

**Comment**

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Pool deck edge - elevated	1m	2.16m	A
Open Space			N/A
Wall height			N/A
Setback of Carport			N/A
Car Parking			N/A
Site Works			N/A
Visual Privacy	7.5m	<7.5m	D

Overshadowing			N/A
Drainage			N/A

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/A
3.7.8 Roof Form and Pitch	N/A
3.7.9 Materials and Colours	N/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
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	N/A

This development application proposes a new pool and modifications to an approved deck area at the front of the dwelling from a previously approved development (P048/19 – alterations and additions – 6 August 2019). One variation is requested to the requirements of the Residential Design Codes in terms of the visual privacy setback from the elevated deck.

The deck is located more than 0.5m above natural ground level and for this reason the visual privacy and overlooking provisions of the Residential Design Codes apply. The deck requires a 7.5m visual privacy setback in accordance with deemed to comply clause 5.4.1 C1.1 i. There was one submission objecting to the proposal and for this reason the development application was referred to the Town Planning Committee for determination.

Amended plans were submitted which address deemed to comply clause 5.4.1 C1.2 of the Residential Design Codes. The amended plans address the concerns about privacy and overlooking from the front deck in terms of the deemed to comply requirements of the Residential Design Codes.

Conclusion

Based on the assessment that has been completed for this development proposal and the explanation provided in this report, the application can be supported. As such, it is recommended that the proposed development be supported, subject to conditions of development approval related to visual privacy screening and other standard development conditions.

**OFFICER RECOMMENDATION**

That Council grants development approval for a pool and elevated deck at No. 71 (Lot 125) Glyde Street, East Fremantle, in accordance with the plans date stamped received 2 March 2021, subject to the following conditions:

- (1) Visual privacy screening as indicated on plans date stamped received on 2 March 2021 to be permanently installed and fixed along the northern edge of the swimming pool and the deck from



the finished floor level of the deck in accordance with the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes.

- (2) 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.
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development approval unless otherwise amended by Council.
- (4) With regards 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 development approval, without those changes being specifically marked for Council's attention.
- (5) 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.
- (6) 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.
- (7) This development approval is to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

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

*Moved Mayor O'Neill, seconded Cr Natale*  
*The adoption of the officer's recommendation.*



Amendment

Moved Cr Watkins, seconded Cr Nardi

That the screening referred to in item 1 of conditions, be increased to 1.8 metres.

(LOST 2: 4)

The substantive motion was put.

**11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040421**

**Moved Mayor O'Neill, seconded Cr Natale**

**That Council grants development approval for a pool and elevated deck at No. 71 (Lot 125) Glyde Street, East Fremantle, in accordance with the plans date stamped received 2 March 2021, subject to the following conditions:**

- (1) Visual privacy screening as indicated on plans date stamped received on 2 March 2021 to be permanently installed and fixed along the northern edge of the swimming pool and the deck from the finished floor level of the deck in accordance with the deemed to comply requirements of clause 5.4.1 C1.2 of the Residential Design Codes.**
- (2) 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.**
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development approval unless otherwise amended by Council.**
- (4) With regards 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 development approval, without those changes being specifically marked for Council's attention.**
- (5) 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.**
- (6) 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.**
- (7) This development approval is to remain valid for a period of 24 months from the date of this approval.**

**Footnote:**

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

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



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

(CARRIED 5:1)

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

**11.3 Preston Point Road No. 188 (Lot 17) Proposed alterations and additions to three storey single dwelling.**

<b>Owner</b>	Kelly & Birsan Kasumovic
<b>Applicant</b>	Mick Rule
<b>File ref</b>	P008/21
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	6 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Plans date stamped 16 March 2021</li><li>4. Community engagement checklist</li><li>5. Submitter's photos</li></ol>

**Purpose**

The purpose of this report is for Council to consider a development application for proposed alterations and additions to a 3 storey single dwelling at No. 188 (Lot 17) Preston Point Road, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions to an existing 3 storey single dwelling. The property is not heritage listed. The proposed development comprises the addition of an ancillary dwelling, swimming pool and retaining walls in the rear yard, as well as the extension of the main bedroom, the addition of balcony roofs on the middle and top floors, 2 new bedrooms, an ensuite and bathroom towards the rear of the dwelling and significant internal changes.

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Ground Floor - Rear Extension - Eastern Wall – 2m required, 1.345m provided;
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Third Storey – Front Balcony – Eastern Wall – 2.7m required, 1.345m provided;
- (iii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – Maximum of 0.5m height required, more than 0.5m height provided;
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Kitchen - Second Storey – 6m required, less than 6m provided;
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Third Storey – Balcony – 7.5m required, less than 7.5m provided;
- (vi) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 42% provided; and
- (vii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Wall Height – 6.5m required, 8.824m provided.

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

**Background**

Zoning: Residential R17.5  
 Site area: 991m<sup>2</sup>

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

P94/10 – development approval – alterations to existing residence – 20 September 2011

**Consultation**

Advertising

The application was advertised to surrounding landowners 15 February to 2 March 2021. One submission was received.

Submission	Applicant Response	Officer Response
<p>We are just concerned about balcony privacy screening in relation to 188 Preston Point Road. As discussed, we purchased our home last November and we have recently discovered that the 68 Clayton street owners are also progressing a development application to extend the length of their house with a balcony overlooking our back yard and back door.</p> <p>We are happy for our neighbours to have balconies overlooking our back yard - however we hope that the Town of East Fremantle has some kind of Code that requires the owners to install privacy screening such as opaque glass pool fencing screening or similar that will prevent the owners looking directly at us when sitting/entertaining on their balconies.</p> <p>The neighbouring house on Clayton Street in particular looms very large and close and looks directly down on us, it especially looks down and through our back door which is glass - this glass back door runs directly into our long hallway that runs directly down to the main living area of the house. This hallway is also where the main bedroom and other bedroom doors open onto. The view into the house through this back door is very clear. This back glass door is our only view into our backyard / garden and provides the only source of natural light into the hallway and house from the back - therefore we do not wish to fit any blinds to the door or install a solid door. The current balcony on the Clayton Street house has screening in situ that is a type of railing and no privacy is provided to us - I am concerned about this type of railing and in particular if this type is allowed on any balcony extension.</p> <p>I am hoping that these privacy matters with balconies and screenings are well considered and regulated by the Town of East Fremantle and are not a matter of concern for us.</p>	<p>In the design of the new works – it has been prudent to fully assess the existing non compliances and to aim to rectify these where possible. The new proposal addresses the overlooking issues by screening existing balconies and removing some side windows.</p> <p>The existing residence has a rear balcony which is currently open on the side facing 186 Preston Point Road and the new works have added a solid wall to the balcony end to address the overlooking issue. The new cone of vision as shown on the submitted plans demonstrates how the new screening reduces the existing overlooking issues. The existing windows on the side elevation facing 186 Preston Point Road are to be removed and bricked in.</p> <p>There is a balcony on the 3rd level of the home facing the street which also looks into the adjoining property and this has been rectified in the new works by enclosing the side of the balcony.</p> <p>The lower level balcony on the 2nd floor is also currently open on the side and we have provided additional screening to a portion of this. Whilst the entire balcony is not proposed to be screened, the screen improves the overlooking issue and the open part of the balcony only has a cone of vision towards the side and front setback area of the</p>	<p>Although the rear balcony does not meet the visual privacy setback under the R-Codes for the western neighbouring property it is an existing approved structure and as such is not required to comply with privacy and overlooking provisions. In this case the western side of the balcony is being bricked up (screened) to increase privacy between properties.</p> <p>It is also noted that on both the western and eastern sides of the dwelling it is proposed to brick up all major openings as part of the proposed alterations and additions to ensure improved privacy between the neighbouring residences.</p> <p>Comments relating to Clayton Street properties are not relevant to the assessment of this development application.</p>

<p>I attach some photos to help you understand our concerns. Apologies, they were taken at sunset and not the best, but I hope you will be able to comprehend our concerns.</p> <p>The first 4 photos are relevant to matters relating to Clayton Street premises only. The 5<sup>th</sup> and 6<sup>th</sup> photos are relevant to this development application.</p> <p>(Submitter photos -Attachment 5)</p>	<p>adjoining residence and does not overlook any outdoor living areas or windows to habitable rooms. We trust that the response and the demonstrations within the original application provide the concerned adjoining neighbours with information which addresses these concerns.</p>	
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Community Design Advisory Committee (CDAC)

The application was referred to CDAC members. No comments were received.

External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

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

**Policy Implications**

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

**Financial Implications**

Nil

**Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 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.*

*3.1.3 Plan for improved streetscapes.*

*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 within resource capabilities.*

*3.3.2 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.

4.1.3 Improve and protect the urban forest and tree canopy.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.

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

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

### Risk Implications

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

### Site Inspection

A site inspection was undertaken.

### Comment

#### Statutory Assessment

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

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

#### Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	>7.5m	A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Ancillary dwelling – southern wall	1.5m	1.5m	A
Ancillary dwelling – western wall	1m	1m	A
<b>Ground floor – rear extension</b>	<b>2m</b>	<b>1.345m</b>	<b>D</b>
<b>Third storey – front balcony - east</b>	<b>2.7m</b>	<b>1.345m</b>	<b>D</b>
Second storey – balcony roof	1.5m	1.82m	A
Open Space	50%	63%	A
Setback of Carport/Garage	4.5m	8.1m	A
Sightlines	Truncation or wall height reduction	Extra wide visually permeable gate - 5m wide verge between fence and road/footpath	A
Car Parking	1-2 car bays	4 car bays	A
Site Works			N/A
<b>Retaining Walls</b>	<b>No more than 0.5m</b>	<b>1.286m</b>	<b>D</b>
Visual Privacy			
<b>Second storey - kitchen</b>	<b>6m</b>	<b>&lt;6m</b>	<b>D</b>
<b>Third Storey - balcony</b>	<b>7.5m</b>	<b>&lt;7.5m</b>	<b>D</b>

Overshadowing	<25%	<25%	A
Ancillary Dwellings	Lot area greater than 450m <sup>2</sup> Maximum area 70m <sup>2</sup> Parking provided. Complies with other R codes requirements	>450m <sup>2</sup> 65.6m <sup>2</sup> Yes Yes	A
Drainage	To be conditioned		

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	N/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	N/A
3.7.14 Footpaths and Crossovers	A
<b>3.7.17.4.1.3 Building Height, Form, Scale &amp; Bulk</b>	<b>D</b>
3.7.17.4.3.1 Fremantle Port Buffer Area	N/A
<b>3.7.17.3.3 Garages and Carports</b>	<b>D</b>

This development application proposes alterations and additions to an existing 3 storey single dwelling. The property is not heritage listed. The proposed development will see the addition of an ancillary dwelling, swimming pool and retaining walls in the rear yard, as well as the extension of the main bedroom, the addition of roofs on the middle and top floor balconies, 2 new bedrooms, an ensuite and bathroom towards the rear of the dwelling and significant internal changes. The current carport will be enclosed and converted to a garage but there is no alteration in the footprint of the existing carport although the garage width exceeds 30% of the lot width.

The existing tiled roof is being replaced with Colorbond, however, the overall height of the building is not being increased. Many of the major openings along the western and eastern walls are being enclosed to improve privacy between this dwelling and the neighbouring dwellings.

Five variations are requested to the requirements of the Residential Design Codes and two variations are requested to the Residential Design Guidelines. The variations relate to lot boundary setbacks, retaining walls, visual privacy, wall height and garage width. The following discussion will examine these variations.

Lot Boundary Setback – Ground Floor - Rear Extension - Eastern Wall

The ground floor extension located at the rear of the existing building results in the extension of the existing wall and as such the full length of the wall is 24.215m long. With an average height of 4.83m without major openings to habitable rooms, the wall is required to be setback 2m in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case, it is 1.345m from the boundary; the same as the existing wall along this boundary. The reduced boundary setback can be supported in accordance



with the design principles clause 5.1.3 P3.1, which states that buildings can be setback a reduced amount from the boundary for the following reasons:

- Reduced impacts of building bulk;
- There is adequate sun and ventilation to the building and open spaces on the site and adjoining properties; and
- There is minimal overlooking and loss of privacy on adjoining properties.

The rear extension is single storey and not double storey so has minimal bulk. There is sufficient setback from the boundary to ensure that good ventilation is possible and sunlight can still penetrate into the open space between the proposed wall and the boundary. The wall does not create a visual privacy or overlooking issue. It is a solid wall other than the obscure glazing to a bathroom window which is not considered a habitable room.

#### Lot Boundary Setback – Third Storey – Front Balcony – Eastern Wall

The third storey balcony has a wall on the eastern side. This is part of an 18m long wall that is 8.824m high. It is required to be 2.7m from the eastern boundary in accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1. In this case the wall is 1.345m from the eastern boundary but is part of an existing balcony. In accordance with design principles clause 5.1.3 P3.1 the wall with a reduced boundary setback can be supported for the following reasons:

- Reduced impacts of building bulk;
- There is adequate sun and ventilation to the building and open spaces on the site and adjoining properties; and
- There is minimal overlooking and loss of privacy on adjoining properties.

The wall is part of an existing balcony and is an extension of an existing wall. There is sufficient setback from the boundary to ensure that good ventilation is possible, and sunlight can still penetrate the open space between the proposed wall and the boundary. The wall does not create a visual privacy or overlooking issue because it is a solid wall that increases privacy between the subject property and the eastern neighbouring property.

#### Maximum Wall Height

In accordance with the Residential Design Guidelines, the maximum wall height for a concealed roof is 6.5m in accordance with acceptable development provisions 3.7.17.4.1.3 A1.4 of the Residential Design Guidelines. In this case the side wall of the bedroom balcony is 8.824m high. The remainder of the existing building is higher so the proposed balcony wall is no higher than what is already in place. Performance criteria 3.7.17.4.1.3 P1 states that new developments, additions and alterations are to be of a compatible form, bulk and scale to traditional development in the immediate locality. In this case the wall is not of a height that is out of place in the immediate area. The dwellings to the east and west are both of similar heights. For this reason, the increased wall height can be supported.

#### Retaining Wall

A new retaining wall is proposed to be constructed across the lot on an east-west axis. The wall will be up to 1.286m above the ground level of the rear of the subject dwelling. In accordance with the Residential Design Codes deemed to comply clause 5.3.8 C8 retaining walls are required to be no more than 0.5m above natural ground level and comply with the lot boundary setbacks from Table 1. The retaining wall is located between 11.38m and 14.69m from the rear boundary and adjoins the eastern and western boundary

fences. There is an existing retaining wall in place around the edge of the rear yard but this is to be removed to allow for re-levelling of the rear portion of the site.

In accordance with the design principles clause 5.3.8 P8, retaining walls can be utilised where the land can be effectively used for the benefit of residents and does not detrimentally affect adjoining residents and is designed, engineered and landscaped having due regard to site works and visual privacy. In this case this can be supported because there are minimal changes in the site levels to the south of the retaining wall. There are some changes in the site levels related to the area around the swimming pool and the retaining wall, however these changes are less than 0.5m from existing site levels and meet the deemed to comply requirement of the Residential Design Codes.

#### Visual Privacy – General

Currently there are several instances where the visual privacy setbacks would not comply with the current standards under the Residential Design Codes. In the case of existing development privacy provisions cannot be applied retrospectively. It is noted that the applicant has shown that many openings that previously overlooked the neighbouring properties are being bricked up and therefore any privacy concerns relating to those openings have been alleviated. There are only 2 examples of where the privacy provisions are being varied.

#### Visual Privacy – Kitchen - Second Storey

The kitchen on the second storey is required to achieve a 6m visual privacy setback from the eastern boundary. In this case it does not achieve the setback in accordance with deemed to comply clause 5.4.1 C1.1. However, there is no direct overlooking of active habitable spaces and outdoor living areas of the adjacent dwelling as the kitchen window faces the wall of the dwelling on the eastern boundary. There are only minor openings in this wall and no overlooking occurs on active outdoor spaces in accordance with design principle 5.4.1 P1.1.

#### Visual Privacy – Third Storey – Balcony

The balcony on the eastern side of the third storey is required to achieve a 7.5m visual privacy setback from the eastern boundary. In this case it does not achieve the setback in accordance with deemed to comply clause 5.4.1 C1.1. However, there is no direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings because of the balcony faces the wall of the dwelling to the east. There are only minor openings in this wall and no overlooking occurs on active outdoor spaces in accordance with design principle 5.4.1 P1.1.

#### Garage Width

The garage is 7.6m wide which is equivalent to 42% of the lot width. In accordance with the Residential Design Guidelines acceptable development clause 3.7.17.3.3 A3 ii, the garage width should be no greater than a maximum of 30% of the width of the lot frontage, or 5.43m wide. In this case, the carport, which is existing, is being used as the footprint for the garage so there is no physical change in the size of the new garage. However, it will be enclosed and is therefore technically classified as a garage. It is set back 8.1m from the front boundary so is set back a considerable distance from the lot boundary and within that required under the Residential Design Codes. The width being more than 30% of the width of the lot frontage can be supported on the basis that it is considered to satisfy performance criteria 3.7.17.3.3 P2, because the structure does not visually detract from the streetscape to which it belongs.

#### Conclusion

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

**11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP050421:**

**Moved Cr Nardi, seconded Cr Natale**

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Ground Floor - Rear Extension - Eastern Wall – 2m required, 1.345m provided;**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Third Storey – Front Balcony – Eastern Wall – 2.7m required, 1.345m provided;**
- (iii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – Maximum of 0.5m height required, more than 0.5m height provided;**
- (iv) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Kitchen - Second Storey – 6m required, less than 6m provided;**
- (v) Clause 5.4.1 – Residential Design Codes – Visual Privacy – Third Storey – Balcony – 7.5m required, less than 7.5m provided;**
- (vi) Clause 3.7.17.3.3 – Residential Design Guidelines – Garage Width – 30% required, 42% provided; and**
- (vii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Wall Height – 6.5m required, 8.824m provided;**

**for alterations and additions to a three storey single dwelling at No. 188 (Lot 17) Preston Point Road, East Fremantle, in accordance with the plans date stamped received 16 March 2021, subject to the following conditions:**

- (1) The crossover width is not to exceed the width of the crossover indicated on the plans date stamped received 16 March 2021.**
- (2) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines. The visual permeability of the fence above 1.2m from the ground level is to exceed 60% for the full length and area of the fence, including pedestrian and driveway gates.**
- (3) 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.**
- (4) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit is issued in compliance with the conditions of this development 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 development approval, without those changes being specifically marked for Council's attention.**
- (6) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**

- (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (8) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (10) This development approval is to remain valid for a period of 24 months from the date of this approval.

***Footnote:***

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

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

(CARRIED UNANIMOUSLY)

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

**11.4 George Street No 137 (The Brush Factory) Proposed change of use – Office to office and consulting rooms.**

<b>Owner</b>	Manotel Pty Ltd
<b>Applicant</b>	Manotel Pty Ltd
<b>File ref</b>	P/21
<b>Prepared by</b>	James Bannerman Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	6 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Plans date stamped 9 March 2021</li><li>4. Community consultation</li></ol>

**Purpose**

The purpose of this report is for Council to consider a development application for a proposed change of use of one of the floors of the building, from office to office and consulting rooms at No 137 George Street, East Fremantle (The Brush Factory).

**Executive Summary**

The application proposes a change of use application of level 2 from office to office and consulting rooms. The commercial space is currently approved for use as an office and the owner/applicant has requested that the space also be considered as consulting rooms in addition to the office to facilitate the rental of the space and provide for flexibility in use.

Under the Town's Local Planning Scheme No. 3, this use is considered a "D" use within a mixed use zone. A "D" use means that *the use is not permitted unless the Council has exercised its discretion by granting planning approval*. Under the Planning and Development (Local Planning Schemes) Regulations 2015, if consulting rooms are a class D use, located in a mixed use zone and no more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass, then a development approval for a change of use is not required. However, parking still has to be addressed and it is for this reason that the development application has been presented in this report.

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

- Is the use appropriate for the zoning?
- Is there sufficient car parking for the proposed use?

It is considered that the proposed change of use from office to office and consulting rooms can be supported subject to the conditions of development approval being imposed.

**Background**

Zoning: Mixed Use

Site area: 90m<sup>2</sup>

Heritage: Category A (LPS3 Heritage List), George Street Designated Heritage Area

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

- 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 considered an application which has been presented to Council with regards to a review of the opening times for the Jazz Club.
- 7 May 2019 Planning approval for a change of use from office in basement to yoga studio.
- 2 July 2019 Planning approval for change of use from storage area for tenancy 1 and performing arts/music space for tenancy 4 to office space.

**Consultation**

Advertising

The application for the proposed change of use was advertised to surrounding properties from 10 March to 25 March 2021. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC. There are external changes to the building from the proposed change of use.

External Consultation

Main Roads Western Australia. There were no objections to the proposed change of use.

**Statutory Environment**

*Planning and Development Act 2005*

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

**Policy Implications**

George Street Designated Heritage Area

**Financial Implications**

Nil

### **Strategic Implications**

The Town of East Fremantle Strategic Community Plan 2020 – 2030 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.*

*3.1.3 Plan for improved streetscapes.*

*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 within resource capabilities.*

*3.3.2 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.*

*4.1.3 Improve and protect the urban forest and tree canopy.*

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

*4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.*

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

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

### **Risk Implications**

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

### **Site Inspection**

A site inspection was undertaken.

### **Comment**

#### Statutory Assessment

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

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

- Is the use appropriate for the zoning?
- Is there sufficient car parking for the proposed use?

### Proposed Use

It is proposed to change the use of a 90m<sup>2</sup> office on the second floor of the subject building to office and consultancy room. The proposed consulting rooms would be used for psychological services providing assessments and treatment for individuals, couples and children with parents. Most clients are referred via their GP under a Mental Health Care Plan that currently provides for up to 20 rebated sessions with a psychologist per calendar year. Sessions last approximately 50 minutes. Treatment is based on cognitive behavioural therapy and is conducted confidentially in the consulting rooms.

The Director is the sole employee of Helios Psychology, which would have the lease on the premises. Other psychologists work in the clinic under a sub-contractor agreement. Depending on the layout, 4 or 5 consulting rooms and a waiting room would be created within the tenancy. There is likely to be 2 to 4 psychologists onsite at any one time. Administration is completed offsite.

The consultants would operate Monday to Friday 8am to 8pm and Saturday mornings 9am to 2pm. Business hours are 9am to 8pm Monday to Friday and 9am to 2pm on Saturdays.

The proposed use would not conflict with the existing uses in the building as consulting rooms have relatively low impacts in terms of noise and other issues around amenity. Consulting rooms would be considered an appropriate commercial use in a mixed use zone because of the minimal amenity effects. Under LPS3 consultancy rooms are a 'D' use meaning *that the use is not permitted unless the local government has exercised its discretion by granting planning approval.*

The proposed change of use was advertised to properties along Duke Street and George Street in close proximity to the subject property and there were no submissions received by Council. Council has previously granted approval for a variety of uses within the complex including office space, consulting rooms, a dance studio and a yoga studio. Whilst there has been a number of changes to various uses, the building has vacant space. The owner has indicated the need for flexibility of use within the building to facilitate and eliminate red tape each time a new business wishes to operate from the building. Therefore, a request has been made to provide a dual use of office/ consulting room.

The increased foot traffic and business activity in proximity to the George Street would be welcome and the proposed change of use helps to activate the subject building and surrounds. The proposed dual use is considered consistent with the mixed use George Street Precinct.

### Parking Requirements

Whilst the proposed use is considered consistent with the area, an assessment of the car parking requirements has been undertaken. It is noted that as of July 2021 further modifications to the Planning and Development (Local Planning Schemes) Regulations 2015 would allow development that is not required to comply with car parking standards of the Scheme, if *"Development Approval is not required under Cl. 61 (works or use)"*. Therefore, as of July, this use would be permitted as being complaint, even when a car parking shortfall is identified without the requirement to seek Council approval.

Currently, 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 applicant provided the following information;

*The Brush Factory below ground car park has 31 parking bays comprising 11 parallel bays and 20 tandem bays (10 x 2). The tandem bays currently provide 2 for the penthouse apartment, 6 for the tenant on level 3, and 2 for the chiropractor on level 1.*

*One single bay is provided for the yoga teacher. The new tenant for half of level 2 requires 3 bays which will comprise 2 tandem bays and 1 single bay. This will leave 6 tandem bays and 8 single bays (14 in total). The chef for the bar uses 1 of the tandem bays on 2 weekdays (Thursday and Friday). The last remaining tenancy space will be the other half of level 2 (approximately 100m<sup>2</sup>) which, assuming it requires 3 bays, will leave 10-11 bays free at any one time. The bar is only open from 6pm during the week, leaving all daytime bays free most of the time. The dance studio spaces are generally not needed as most lessons are for children who are dropped off. The adults generally are locals who walk or use street parking and rarely the below ground parking. An inspection will confirm the free bays at most times. Most other visitors use street parking including in Silas Street which has direct access to the Brush Factory via the pedestrian underpass. To our knowledge there has never been a parking problem. The Brush apartments are all provided with off street parking and parking in front is usually available.*

*It would be helpful to have the whole 2<sup>nd</sup> floor (C1 and C2) changed from just "office" to "office or consulting", but if this is an issue then just change the C2 space to both uses and if another tenant comes along and requires "consulting" then we will have to seek another approval.*

*With respect to allocation of the bays—all correct EXCEPT the new tenant will be allocated 3 bays (1 tandem double bay—2 bays and 1 single bay). This leaves another 14 bays.*

Although the applicant has requested that the application be dealt with as either office or consulting rooms, the parking assessment is carried out for the consulting rooms which has the greater parking requirement under LPS3. The assessment was also carried out for tenancy C2, as expansion of the assessment would result in an even greater parking deficit. The method by which parking calculations are undertaken also needs specific staff numbers and based on the information supplied by the applicant, only consultancy is to be leased and the format of the area C1 including number of rooms and staff numbers are not available then a calculation cannot be made.

In terms of parking, Schedule 11 of LPS3 requires that consulting rooms are required to provide 2 spaces for every consulting room and 1 space for every staff member. Information provided by the applicant stated that there would be 4 to 5 consulting rooms within the space and 4 staff members. Based on these figures there would need to be a total of 14 car bays provided (5 consulting rooms require 10 car bays and 4 staff require 4 car bays for a total of 14 car bays).

The main Brush Factory building is currently comprised of a number of approved uses including commercial offices, residential apartments, dance studio and a jazz club. A total of 30 car bays are located in publicly

accessible undercroft parking on site and 28 are dedicated for commercial purposes. In this case it is stated that the lease area for the consultant rooms is 90m<sup>2</sup> and 3 car bays. A reduction in office space to 195m<sup>2</sup> (285m<sup>2</sup> minus 90m<sup>2</sup>) is proposed which would mean that the parking previously allocated to this office space could be re-allocated to the consulting rooms (3 car bays).

Assuming that 3 car bays are made available to the consulting room this leaves a deficit of 11 car bays. However, there are 2 car bays on Duke Street adjacent to the Brush Factory building (unreserved spaces), as well as an additional 3 bays located in front of the residential apartments. There is also more parking located on the eastern side of Stirling Highway along Silas Street with easy pedestrian access available via the George Street underpass. In addition, there is Council parking available on George Street which is comprised of 10 car bays.

There is an ability to utilise car parking made available from the reciprocal parking arrangements that have been in place between the dance studio, yoga, office and consulting rooms and the jazz bar that operates in the evenings. It is noted that many of the uses operate at different times and therefore, to date the reciprocal car parking has been operating without any issues. At various times, the undercroft car parking area has been inspected and has always been under utilised. Because of the previous approvals relying on reciprocal parking, car parking bays cannot be specifically allocated to uses, however it is envisaged staff would utilise the tandem bays.

A table has been created to summarise the required and available parking.

Use	Area m <sup>2</sup>	Parking required	Parking provided- 30 bays in undercroft parking - 28 commercial bays (1 disabled) & 2 for penthouse apartment		Total Available for Each Use	Deficit
<b>Reduced area of commercial offices</b> 1 car bay per 30m <sup>2</sup> net lettable area	195	7 bays	Additional 3 bays available for consulting rooms	Opportunity to use other bays that are not being used from 28 commercial parking bays available within the undercroft parking due to the reciprocal parking agreement	7	0
<b>Performing Arts</b>		3 bays	3 bays		3	0
<b>Dance</b>		3 bays	3 bays		3	0
<b>Yoga studio (health studio)</b> 1 space for every 10m <sup>2</sup> net floor area ***	103	12 bays (11 bays for yoga participants & 1 bay for instructor)	7 bays		7**	5
<b>Consulting Room</b>		12 bays	5 bays		5	7
<b>On street parking</b>			5 bays adjacent to the building			
<b>Proposed office/consulting room</b>	90	14 bays	3		3	11
<b>Total</b>					28	23

*\*\*Note that the actual number of car bays that the yoga classes have provided is not consistent with the actual use. The yoga studio is only operating in the mornings and has small class numbers. The use does not create significant parking demand and as a result there are surplus car bays available for use by other tenants outside yoga class times.*

*\*\*\*The parking calculations are also based on the assumption that the jazz bar does not require parking before 6pm and no parking is allocated to specific businesses within the building.*

Based on the total onsite parking bays available during the day, there is a deficit of 11 car bays for the proposed office and consulting rooms. However, the shared parking arrangements, as well as off street parking, including 5 on street car bays directly adjacent to the subject building, as well as parking in Silas Street, Duke and George Street, mean that there is sufficient overall parking available within the reciprocal car parking and surrounds to the building to support the office and consulting rooms. The use does not intensify the use of the area or the patronage of the building to the extent that is considered to impact on the area.

It is essential that the reciprocal parking arrangements that were previously approved are maintained and that car bays are not specifically allocated for businesses located within the building. The yoga is an early morning use and there is little demand for parking from this group. Given that the jazz club is only open from 5pm Thursday and Friday afternoon and 11am Saturday and Sunday, there is minimal demand from the jazz club during the working week for parking, and car bays can be made available to other businesses within the building, including the consulting rooms that are the subject of this report. As identified above, the parking demand within the building is currently considered small and based on inspections undertaken by Town Officers, car parking has always been available within the undercroft car parking area.

Lastly and as identified as above, as of July, this application will not be required to be presented to Council as it would be considered permitted.

#### **Conclusion**

The proposed change of use from office to office and consulting rooms is considered an appropriate use for the subject property. There are few, if any, amenity impacts and the use will help to activate the street and the property during the hours of operation of the proposed business.

Despite the deficit of 11 car bays on site for the consulting rooms based on existing uses, the proposed deficit does not consider the actual practical use of the various businesses and the operating hours of those businesses. There is sufficient parking in the undercroft for the use currently and additional street parking is available in the surrounding area for clients that will visit the site if required.

Again, it must be emphasised that support for the proposal is based on the condition that all 28 car bays that are provided for commercial purposes within the Brush Factory are shared spaces and that no one car bay is allocated for any specific business. A condition has subsequently been included in the following recommendation.

Given the comments above and the explanation provided the proposed change of use is recommended for approval subject to conditions.

#### **11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP060421**

**Moved Cr Natale, seconded Cr Harrington**

**That Council grant development approval and exercise its discretion for the change of use from office to office and consulting rooms at 137 George Street (The Brush Factory), East Fremantle, as described on the information and plans date stamped received 9 March 2021 subject to the following conditions:**

- (1) Maximum area of the office and consulting rooms on the second floor is not to exceed 90m<sup>2</sup> not including toilets and a maximum of 5 staff (full time equivalent).**

- (2) The reciprocal car parking arrangements as previously approved are to remain in place with all car parking to be made available to all commercial uses within the building.
- (3) All other conditions as previously endorsed by Council are to be complied with unless modified by this proposal.
- (4) Works are to be constructed in conformity with the drawings and written information in relation to use 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.
- (5) The building is 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 signage is approved under this change of use application. A separate application is required for signage. All signage is to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.3.
- (7) With regard to plans submitted with respect to a building permit application, changes are not to be made in respect of the plans which have received development 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 development 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 development approval is to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a building permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (iv) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document– "An Installers Guide to Air-Conditioner Noise".*
- (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 19 May 2020. this application is deemed determined, on behalf of Council, under delegated authority

**12. MATTERS BEHIND CLOSED DOORS**

Nil

**13. CLOSURE OF MEETING**

There being no further business the Presiding Member declared the meeting closed at 7.51 pm.

*I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 6 April 2021, Minute Book reference 1 to 13 were confirmed at the meeting of the Committee on:*

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\_\_\_\_\_  
*Presiding Member*

## TOWN OF EAST FREMANTLE

## LEFT BANK – ALFRESCO AREA

## SCHEDULE OF SUBMISSIONS

No.	Description of Affected Property	Submission (Comments)	Initial Response	
1	J Tower-Hammond Preston Point Road	<i>Fabulous idea. We are totally in favour of the dog alfresco area. We would use it all the time.</i>	Email acknowledged sent	Noted and Acknowledged
2	N Chalmers Riverside Road	Hello, as per the instruction in the Hersld notification, I will tender my <b>support</b> for this facility.	Email acknowledged sent	Noted and Acknowledged
3	F Grieves Melville	I am a City of Melville resident and want to say that this is a <b>great initiative</b> . I would certainly visit The Left Bank and the Town of East Freo more regularly bringing my dog.	Email acknowledged sent	Noted and Acknowledged
4	P Fernandez Richmond Circus	As a local with a pooch: <b>ABSOLUTELY SUPPORTED</b> Paula Fernandez 29 Richmond Circus	Email acknowledged sent	Noted and Acknowledged
5	H Stephens Silas Street	Good afternoon, I live in Richmond Quarter and have a small dog. I would love the opportunity to go for a walk with her and to have a drink at the Left Bank. <b>Great idea</b> and you have only to be there to see how many people come and leave their dog outside on the grassed area. Also, Left Bank is now getting crowded and to have more space would be appreciated, especially away from the music. Yes, a vote from me.	Email acknowledged sent	Noted and Acknowledged
6	T Hall-Johnston Parker Street	<b>What a wonderful idea!</b> A great way to increase community spirit. We are settling into the neighbourhood after moving in earlier this year and have really enjoyed meeting our friends at the dog park. This would provide somewhere else to take our dog and meet some more neighbours! Would love to see this alfresco area come to life.	Email acknowledged sent	Noted and Acknowledged
7	C Carbonaro Email submission	I would like to <b>support</b> the proposal by Left Bank to extend their outdoor area and allow dogs. This is a very community	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>friendly idea, takes advantage of our great climate and also extends outdoor eating options in a time of Covid-19 which can only be a good thing. We are only just beginning to realise the importance of good ventilation for our health.</p> <p>My only concern would be a request that dogs are tied up. Everyone thinks their dog is friendly but putting a lot of dogs in a close environment can not account for those dogs who are either not too social or just get over excited. I am a dog owner but I think tying dogs up (next to their owners of course) should be a condition of entry. Just as a best practice safety measure.</p> <p>Congratulations to the Left Bank for a great proposal.</p>		
8	J Graham Fraser Street	<p>I think the dog friendly area is a <b>great idea</b> for the Left Bank. The Left Bank was our local establishment for many years and we always had to tie our dog up out the front and try to get a table where we could supervise him from.</p> <p>Providing no trees are cut down for this project, I am in favour of it going forward.</p>	Email acknowledged sent	Noted and Acknowledged
9	G Sprunt 9 Riverside Road	<p>Thank you for your letter regarding proposed alfresco area at the Left Bank. My first reaction was oh God more parking problems but on reflection, I think a considerable number of patrons will actually walk their dogs to the left bank from other areas.</p> <p>Therefore I have <b>no objection</b>. As it's a facility that my daughter may use with her dog could you please advise will it be smoking or non-smoking ?</p>	Email acknowledged sent	Noted and Acknowledged
10	N Clarke Fremantle resident	<p>We have recently moved to Fremantle with our 5 year old labrador.</p> <p>There is lots of dog friendly pubs in south fremantle but not as many in East free. We regularly walk down the water strip</p>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		and pass left bank. It would be good to be able to pop in for a pint mid walk.		
11	M Devenish Email submission	<p>I oppose the proposal.</p> <p>The venue already has ample footprint and encroaching on the verge would be intrusive to the amenity of the community the proposal also poses a risk to community safety with the proximity to the cycle lane.</p> <p>There can be no guarantee made that ALL dogs will be appropriately restrained at ALL times and escape not possible. The proposal specifically states the fence will be open at the footpath ends. Any efforts to negate this risk would be flawed as constant monitoring from specifically dedicated staff would be required. Patrolling by security during only “the hours that security are required” is totally inadequate. Any dog escaping to enter the cycle lane or road could prove lethal to a cyclist or animal. The consequence is extreme, the likelihood high. On a basic risk assessment the proposal is fundamentally unsuitable.</p> <p>The venue has a well defined limestone wall as frontage and occupation outside that would affect the visual impact of the popular facade. The venue already has blinds on the existing premises used as wind breaks for when the sea breeze arrives. Any similar structure to shelter the proposed area would be visually intrusive. Building a secure, fenced and gated structure is an over-reach on the intent of fresco dining. The land is not level and would require modifications, further impacting the visual aesthetic of the area. Without having access to a survey, the natural ground level would have to be raised by approximately &gt;500mm, a significant impact. Further to this the venue already has ample alfresco dining opportunities currently available to patrons,</p>	Email acknowledged sent	<p>Noted and Acknowledged</p> <p>A formal application will be required to be submitted including finalised plans and a management plan.</p> <p>It would be considered appropriate should approval be granted to approve a trial period for the alfresco area for a period of time to ensure suitable management of the area is achieved.</p> <p>Suitable assessment regarding risk and liability will be assessed upon submission of plans and the management plan.</p>



No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>encroachment on public land for this use is unnecessary. Even minor development on the verge would encroach the sensation of openness enjoyed by the public who frequent the foreshore.</p> <p>Unknown impact on verge trees caused by development of the proposed area. Any damage or loss to the established trees would be an unacceptable outcome for the community.</p> <p>The foreshore shouldn't be further impeded by the venue. If the proprietor wanted to create a space fit for purpose for patrons to bring dogs, then perhaps an appropriate area would be to the side on the existing carpark, away from the road and not diminishing the iconic facade or impeding the amenity of the general public.</p> <p>The area in question is also used frequently for cyclists to secure their bicycles when visiting the venue and surrounds.</p> <p>The proposal seeks to further expand the footprint of the venue toward the riverfront. Any encroachment toward the river should be rejected as the limited space should be retained for public use and amenity. Regardless of the location of footpaths etc, the sense of open space is primarily attained through unobstructed verges, particularly in narrow sections of the riverfront.</p> <p>The combination of risk to life, negative visual impact, existing opportunity for development on premise and impact on amenity are all strong reasons to reject this application.</p>		
12	C Arbuthnot Email submission	Just wanted to make comment on this proposal: <b>I love the idea.</b>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>I own a unit on the corner of Canning Highway and Preston Point Road, which is a short walk to "The Lefty". I have a small dog and we walk past the Left Bank frequently. In recent weeks, I have started giving the area a wide berth (actually crossing the road, even though it's inconvenient) for the following reasons:</p> <ul style="list-style-type: none"> <li>a) my dog is very food motivated. She will sniff out and quickly devour anything that patrons have 'kindly' tossed over the lime stone wall, presumably for other patrons' dogs who would normally be left on the verge. It's usually chicken wing bones that she finds, and I worry that she'll get hurt, because I can't clearly see what she is sniffing out, due to the dirt and grass;</li> <li>b) having to walk past dogs that are tied up and not with their owners. They do seem to be well-behaved dogs, but I don't want to take the risk;</li> <li>c) having to pull her back from trying to enter the Left Bank every time (she also loves people, and does not hesitate, which is not good!).</li> </ul> <p>So, to have an area where I can actually visit the Left Bank and feel my dog is welcome too, would be amazing. I'd still have to be wary (as I always am at food venues that allow dogs!) but would be more than happy to continue crossing the roads when I'm not visiting the Left Bank. I think keeping the path and having a separate fenced off area would be ok too, if that's what others really wanted. It's always made me sad to see the dogs left outside, while their owners enjoy a drink inside.</p>		

No.	Description of Affected Property	Submission (Comments)	Initial Response	
13	L Anderson Email Submission	<p>To whom it may concern.</p> <p><b>We support the concept</b> of a dog area at The Left Bank absolutely,</p> <p>However, the use of a white picket fence is not in keeping with the heritage concept of the venue.</p> <p>We would suggest a reconsideration of this part of the concept , if it is to be a picket fence it would be better to use the heritage colours of the hotel, limestone or federation green.</p> <p>There is a significant amount of speeding traffic passing close to this location is this form of fencing safe in case of a roadside accident ?</p> <p>These are small but important details to the landscape plan for this site both visually and with safety for all in mind. Possible a more robust limestone construction with picket or iron infill is a better choice ?</p> <p>This would make it look like a genuine enclosed extension to the hotel.</p> <p>The current proposal seems more like an add on than a genuine integrated extension</p> <p>With some attention to these details we whole heartedly support this concept it is way overdue !</p> <p>Don't knock it back work on perfecting the details of a truly great idea ...</p>	Email acknowledged sent	<p>Noted and Acknowledged</p> <p>A formal application will be required to be submitted including finalised plans and a management plan. Details regarding the proposal will be finalised for assessment.</p>
14	J Karwacki Clayton Street Email submission	<p>Just to inform you - as an East Freo resident of Clayton Street I <b>support</b> the dog friendly area at Left Bank.</p> <p>I would very much like to see this proposal go ahead.</p>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
15	M Paolino Melville Email submission	<p>I am a dog owner from the City of Melville who often frequents your beautiful council and look to becoming a City of East Fremantle resident. I <b>strongly support</b> the Left Bank's proposal to allow dogs in the alfresco area.</p> <p>My husband and I walk into Fremantle from The Monument at least twice a week with our dog. We only go to places that accomodate our dog, so the Left Bank misses out on our patronage. We, like most responsible dog owners pick up our dog's excrement and keep her under control the whole time. Tradewinds is one place we love using.</p>	Email acknowledged sent	Noted and Acknowledged
16	C and T Sweetman Preston Point Road	<p>Just heard that there is an application to allow dogs into an outside area at the Leftbank - <b>woohoo, that is fantastic!</b> We are so happy, we take our dog Into Freo all the time to dog friendly venues (eg. Clancys etc), and its great we can now add Leftbank to the list. Thankyou for allowing this.</p>	Email acknowledged sent	Noted and Acknowledged
17	Howard Marmion Street Palmyra	<p>I was recently at the Left Bank with my dog who we like to take walking around the river each day. On occasion we call past the Left Bank for a sunset drink and have to tie him up on the lawn out the front.</p> <p>When I found out the other day that The Left Bank is proposing to put in an Alfresco Dining area that's dog friendly I couldn't help but email to say I am in <b>huge support</b> of this! It's always lovely to be able to take our fur baby with us as he really is one of the family. It's also great to have somewhere that doesn't affect others dining in an establishment.</p>	Email acknowledged sent	Noted and Acknowledged
18	T Ventouras Alexandra Road	<b>Go for it East Freo</b>	Email acknowledged sent	Noted and Acknowledged
19	K Clarke Email submission	<b>I support The Left Bank's proposal</b>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		I consider the current arrangement of tying dogs to the tree out front is both cruel & disruptive. They constantly bark & are an annoyance to patrons. Enabling patrons to bring their dog into a specific area would alleviate this.		
20	S Bachofen Von Echt Email submission	I <b>support</b> the Left Banks proposal. Thank you very much.	Email acknowledged sent	Noted and Acknowledged
21	I Page-Croft Email submission	Please note: I advise you that I <b>fully support</b> “The Left Bank’s Alfresco Area proposal” in that all dog owners contain, control their dog/s and are always on a leash. Any dog fouling must be cleared up and placed in the appropriate bin.  This would enhance the ownership of our dogs and allow attendees to enjoy the ambience of location along with the river.	Email acknowledged sent	Noted and Acknowledged
22	S Clancey Email submission	We are very <b>delighted</b> to hear this proposal and think it’s a great idea which is well over due.  As local residents and frequent visitors to the left bank we are very much in favour of it.	Email acknowledged sent	Noted and Acknowledged
23	Gordon Lee Riverside Road	What I like about East Fremantle is that it is much the same as it has been for the last century.  I think the extension of the Left Bank facility to include an Alfresco Area is a <b>good idea</b> .  I live at 7 Riverside Road which is the same side of the road as The Left Bank. If I head east I never walk on our side of the road.I cross to the well maintained footpath alongside the river. So access to the east for me adjacent and past the Left bank is not an issue.  The proposed area at the moment is sparingly vegetated, and unattractive.	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>If the tenants proposed to dolly it up and keep it neat and tidy good on them and good for the neighbours.</p> <p>We also may get a bit more rent which will reduce our rates.</p> <p>Historically it had a fenced off area with gate in front of the existing wall. The tenants propose to put it back just like that. Nothing wrong with that. Great it will be much like it was.</p>		
24	Nicole Tolhurst Email submission	<p>I have been a regular patron of The Left Bank since I turned 18 in the early 2000s and I am <b>delighted</b> to hear that the council is considering the verge at the front to be a dog friendly alfresco dining area.</p> <p>I would love to bring my whole family down to sit across from the lovely Swan River, and as our family which includes a couple of border collies and a green-collared rescue greyhound (between myself, my sister and our parents) and enjoy a meal and a drink, without having to leave the dogs at home.</p> <p>Often I have found myself wanting to stop at the Lefty for a coffee or meal, but as my dog is often in the car with us, it isn't viable because there is minimal space where the dogs can currently be placed in view of owners, so we usually end up simply going home.</p> <p>It is my sincere hope that this is approved as I am sure that there are many, and not just East Freo locals that would enjoy this addition to the Left Bank. I live in Hamilton Hill, my sister in Byford and my parents in Kardinya, and we all enjoy the Lefty, but we'd enjoy it more if our canine family members could join us.</p>	Email acknowledged sent	Noted and Acknowledged
25	K Searle Email submission	I am writing to say I am in <b>favor</b> of the dog Friendly area proposed for the Left Bank.	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
26	D Best Email submission	I believe the extension of the left bank to cater towards a dog friendly area <b>would be a little excellent addition</b> to the east fremantle River area.	Email acknowledged sent	Noted and Acknowledged
27	P Jorgensen Email submission	I'm all for this, think it is a <b>great idea</b> and can't wait to use it!	Email acknowledged sent	Noted and Acknowledged
28	K Brown Alfred Cove	<p>I wish to add my <b>support</b> for the above proposal to add a dog friendly area at the Left Bank Hotel in East Fremantle.</p> <p>I am retired and have a Labrador (Russ) that accompanies me almost everywhere - rarely is he left at home. Russ has even travelled to the eastern States with my wife and I where we found that dog friendly venues are very common.</p> <p>We always have searched out pubs, cafes, caravan parks etc that allow dogs - and generally avoid those places that aren't.</p> <p>Russ is always popular with with other people, well behaved and he attracts plenty of attention. He is as much part of our family as he can be.</p> <p>It is pleasing to see Perth venues realising that dog owners are a growing and can be a large part of their clientele. I applaud the Left Bank for wanting to allow dogs and their owners onto their premises. Being dog friendly can only be a bonus to them</p>	Email acknowledged sent	Noted and Acknowledged
29	S & N Ingram Email submission	<p>We are writing in <b>support</b> of The Left Bank Alfresco Area proposal.</p> <p>We live 5-10 mins walk away and often walk the dog along the river wishing there was a dog-friendly space at the Left Bank to sit and have dinner or a drink.</p> <p>In fact we don't really go to the left bank that much because there are other places that we can sit with our dog.</p>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>With East Fremantle having a large number of dog owners and the left bank such an iconic venue for the town, We think it would be an essential addition.</p>		
30	L Marriott Email submission	<p>I am writing in <b>support</b> of the proposed alfresco dog friendly area at The Left Bank.</p> <p>As a dog owner I am always looking for venues where I can take my dog too and I believe this would create a stronger local community atmosphere at a pub we locals love.</p>	Email acknowledged sent	Noted and Acknowledged
31	E Zacharia Email submission	<p>I <b>support</b> the Left Bank's proposal.</p>	Email acknowledged sent	Noted and Acknowledged
32	S Leaver	<p>I would <b>not like to see a 'dog' alfresco area</b>. This is not a good idea and may result in litigation for the council when dogs are untethered and attack other dogs (or indeed people) in such a confined area.</p> <p>In my experience at Leighton beach, dog owners are generally irresponsible and ignore signage making the rangers job untenable!</p> <p>The Left Bank is a pub and people will be drinking so rules will go out window!</p> <p>Dog poop is also a health risk for small children- are they (the Left Bank) going to cleanup the area for other punters who don't bring dogs?</p> <p>People continue to bring dogs untethered to Leighton and port where it clearly says "dogs on leash area" " no dogs on beach" etc etc.</p>	Email acknowledged sent	<p>Noted and Acknowledged</p> <p>A appropriate management plan will be required for the area including the management of dogs and a signage plan.</p>
33	M Toomath Email submission	<p>I have <b>no objections</b> to the proposal – do you have any plans/artist impression of what the alfresco area would look like?</p>	<p>Email acknowledgment sent</p> <p>Proposal link emailed</p>	Noted and Acknowledged
34	C Webster Email submission	<p>I fully <b>support</b> the Left Banks Alfresco Area application.</p>	Email acknowledged sent	Noted and Acknowledged



No.	Description of Affected Property	Submission (Comments)	Initial Response	
35	A Kuechler Preston Point Road	<p>As a resident of 37 Preston Point Road I <b>oppose</b> to the planned alfresco area for the following reasons:</p> <ul style="list-style-type: none"> <li>- the area available is too small to leave enough space for pedestrians and eventually bicycles.</li> </ul> <p>Left Bank had the area fenced off the last days for their Xmas event. As a consequence pedestrians were using the bicycle path forcing us bike riders on the road. The new cycle path along Riverside Road is well received by bike riders and paid for by residents/ tax payers. Why take it away for a commercial enterprise maximizing profits? The money was invested for the community!</p> <ul style="list-style-type: none"> <li>- I understand the Left Bank doesn't take any responsibilities for mishaps with dogs. I think they should at least be obliged to take personal details of dog owners (other than Covid check-in) as Little Creatures used to do. We had too many occasions with dog owners disappearing after dog attacks in the Freo area.</li> <li>- As a resident along Niergarup Track I am already now sick and tired of dog poo on our property or, if picked up, in our private bins. Even in the recycling bins!</li> </ul> <p>Before attracting more dogs to our area could the council please put some bins along Niergarup Track. I understand it's logistically difficult but it is not our job to clean up.</p>	Email acknowledged sent	Noted and Acknowledged
36	CK (Name requested to be withheld)	<p>In My Opinion:</p> <ul style="list-style-type: none"> <li>• Why <b>spoil the view</b> of the LB Hotel with an add on to accommodate dogs.</li> <li>• Why obstruct the view of the river for hotel inside seated customers.</li> <li>• The riverside drive is looking so good especially since the recent road works</li> </ul>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<ul style="list-style-type: none"> <li>• Riverside drive is a well kept prestigious area of East Fremantle</li> <li>• No matter how control owners are dogs still spoil the lawns and pavements.</li> <li>• I have been in dog cafés such as the Kiosk nearby and seen staff patting the adorable dogs and then handle cups and cutlery without a thought to hygiene.</li> <li>• Why not enjoy the river locations without our furry friends.</li> <li>• Trendy idea yes, but tacky idea for the hotel and the location.</li> </ul> <p>Yes, We do enjoy meals and drinks at the left bank through out the year.</p>		
37	K Spowart Email submission	Regarding the current proposal for The Left Bank dog alfresco area, I would hereby like to submit my support for this idea and would love to see this be approved.	Email acknowledged sent	Noted and Acknowledged
38	R Sheridan Email submission	<p>I would like to submit my opinion “against” turning this into a dog friendly Alfresco area for the following reason:</p> <p>It is not appealing to have a beautiful peaceful view tainted by barking, playing, weeing, pooing, smelly dogs. Don’t get me wrong- I do like dogs and have owned them but they have their place. It could possibly work if they just had it in small area off to the side that did interrupt people’s tranquility and views.</p> <p>I attend the Left Bank quite regularly and this would definitely influence my decision to return or not.</p>	Email acknowledged sent	Noted and Acknowledged
39	M Norman Email submission	I object to the proposal to having a dog alfresco area. I stopped my morning walks along the river because many dog people and their dog won’t move across the pathway so that they can be passed by another walker. Some even walk in pairs (two adults and two dogs) and won’t move to let another walker pass them. I’m sure this should be common	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>curtesy. Often there is dog poo left on either the path or lawn especially early morning. I think dog owners have plenty of other places to go to. Please leave that area as it is.</p>		
40	S Gilmore Email submission	<p>To whom it may concern, I am in <b>favour</b> of a dog area at the Left Bank.</p>	Email acknowledged sent	Noted and Acknowledged
41	L Brookes Oakover Street	<p>I would like to comment and lodge my <b>strong objection</b> to the abovementioned proposal.</p> <p>Firstly a bit of background: I am a third generation East Fremantle resident with my maternal grandparents in 1937 having built their home at 1 Riverside Road. This is where my mother and her sister grew up. Additionally, my paternal grandparents lived at 62 East Street and this is where my father and his seven siblings grew up. As grandchildren, Riverside Road is where my extended family, siblings, cousins and I enjoyed many wonderful times.</p> <p>Over the years progress has changed Riverside Road, both for good and bad.</p> <p>The good:</p> <ul style="list-style-type: none"> <li>• Restoration of Kitson Park</li> <li>• Beautification/landscaping along Riverside Road including the beach in front of Zephyr’s Café, John Tonkin Reserve and J. Dolan Park</li> <li>• Opening of numerous cafés/restaurants/bars – including The Left Bank</li> <li>• New footpaths/walking paths</li> <li>• Several artwork installations</li> <li>• Restoration/construction of retaining/seawalls</li> <li>• Road upgrade/safe cycle lanes</li> <li>• Installation of seating and drinking fountains</li> <li>• Installation of outdoor fitness equipment</li> </ul>	Email acknowledged sent	<p>Noted and Acknowledged</p> <p>A formal application will be required to be submitted including finalised plans and a management plan.</p> <p>It would be considered appropriate should approval be granted to approve a trail period for the alfresco area for a period of time to ensure suitable management of the area is achieved.</p>

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<ul style="list-style-type: none"> <li>• and many others</li> </ul> <p>The bad:</p> <ul style="list-style-type: none"> <li>• The loss of several heritage homes – in particular the homes which once stood on what is now know as 1 &amp; 2 Riverside Road.</li> </ul> <p>As a rate paying resident, early morning foreshore walker and Left Bank patron the reasons for my strong objection are as follows:</p> <ol style="list-style-type: none"> <li>1. Proposed area – I refer to <i>“The creation of a fenced alfresco area on Riverside Road, along approximately 27 metres of the front verge of the venue (approximately in the area between the Norfolk Pines)”</i>. The proposed area is actually ‘Crown Land’ and as per Town of East Fremantle web site <i>“The verge is the area between the road, your property and the property next door. Please note that the verge is ‘Crown Land’ under the care, control and management of the Council. The maintenance of the verge is generally the responsibility of the adjacent land owner or occupier, however the Town of East Fremantle undertakes verge mowing four (4) times per year.”</i> As an East Fremantle resident and rate payer I strongly object to the proposal. Specifically:             <ol style="list-style-type: none"> <li>a. I strongly object to Crown Land being used for the purpose proposed. The area should be left as a public, grassed open space.</li> <li>b. I strongly object to the proposed removal of the existing footpath. This footpath is used by <u>all</u> locals not just <u>patrons</u> of The Left Bank. I also strongly object to rate payers having to fund a new footpath if this proposal goes ahead.</li> </ol> </li> </ol>		

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>c. I strongly object to crown land being enclosed and used by a private business for private profit.</p> <p>d. I strongly object to food and beverage being served in the proposed area and also strongly object to an extended trading licence for the sale of alcohol in this area.</p> <p>2. Streetscape – The ‘Boat Builder’s House’ (also known as ‘The Carroll’s House’ and also known as ‘Mrs Driver’s’) has been wonderfully restored and repurposed into what it is today, The Left Bank – a very popular Bar, Café, Restaurant and Function venue.</p> <p>a. It is proposed <i>“The alfresco area will be fenced in its entirety, with entry points controlled by gates”</i>. It is my understanding a ‘white picket fence’ is what has been proposed. A ‘white picket fence’ is not sympathetic to the existing building and I believe it will greatly detract from the existing streetscape. In fact <u>any</u> fence is going to detract from the existing streetscape. The grassed area, majestic trees, sympathetic low limestone wall and the heritage building should remain as the focal point.</p> <p>b. <i>“Fixed tables will be located in the area, umbrellas will be utilised and water bowls will be provided for dogs.”</i> The proposed wooden bench ‘picnic’ tables and umbrellas will only ‘clutter’ the fenced area and once again greatly detract from the existing streetscape. Ultimately from the street you won’t be able to see anything of the beautiful architecture of the building – all you will see is a ‘white picket fence’, ‘fixed tables’ and ‘umbrellas’. East Fremantle prides itself on retaining its streetscapes to showcase the unique and beautiful heritage</p>		

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>properties that it is known for, surely the proposal goes against this philosophy.</p> <p>c. Another concern is the damage (and potential destruction) to the existing Norfolk Pines (and the grassed verge) that would occur if this proposal was to proceed. The loss of these trees would be a tragedy.</p> <p>3. Vista – The existing beautiful vista from within The Left Bank of the river and foreshore will be impeded by the proposed ‘fenced alfresco area’. Imagine, instead of looking out over the low limestone wall and the grassed verge framed by majestic trees to the foreshore and river beyond you will be looking at an area ‘cluttered’ with picnic tables and umbrellas and totally enclosed within a ‘white picket fence’.</p> <p>4. Dogs – I refer to <i>“The alfresco area will be operated as ‘dog friendly’, however all patrons will be permitted in this location.”</i>. Firstly let me state I <u>don’t</u> have an issue with dogs in public venues and secondly I realize that <u>all</u> patrons will be able to use the proposed area. However the issues I have are:</p> <ul style="list-style-type: none"> <li>a. noise (barking)</li> <li>b. smell (general dog smell and potentially dog poo)</li> <li>c. flies (animals in general attract flies)</li> <li>d. annoying other patrons (dogs interfering with/bothering other patrons leading to animosity between patrons)</li> <li>e. staff concerns (staff will need to negotiate around dogs - presumably on leads?). Potential work place hazards and OH&amp;S issues.</li> <li>f. dog control - this area could potentially have a large number of dogs in an enclosed space. Dogs love to</li> </ul>		

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>socialise with other dogs and they do get excited – potential issues of owners trying to control dogs in an enclosed/confined space. How is this going to be policed?</p> <p>Many patrons would choose <u>not</u> to use this proposed area if there are dogs there due to the abovementioned issues. Personally, I wouldn't drink or eat food in an environment such as this. I also believe it will create a Health issue.</p> <p>Remember, there are already plenty of open spaces to enjoy time with your dog/s. Also remember, there is a time for dog owners/patrons to have 'quiet enjoyment' <u>without</u> their dogs.</p> <p>5. Additional Patrons – I refer to <i>"The alfresco area is intended for use by approximately 40-60 patrons."</i></p> <p>a. An additional 40-60 patrons without any increase in venue parking is going to create parking issues in the surrounding streets. You cannot assume everyone is a 'local' with a dog and they will walk to the venue and not come via car. Have additional parking requirements been considered?</p> <p>b. Another concern is that the existing 'buffer' between the limestone wall and the road will no longer exist. This is not good for the patrons (vehicle pollution extremely close to diners) and not good for passing traffic (patrons in such close proximity to the road with no buffer between the alfresco area and the road).</p> <p>I would like you to consider my strong objection to the proposed 'Left Bank Alfresco Area' based on the reasons stated above.</p>		

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		Thank you for your time and I eagerly await the outcome of the public comment period.		
42	M Code Marine Mews Road Fremantle	<p>I would like to voice my <b>support</b> for the proposed left bank alfresco area and it being 'dog friendly'.</p> <p>The addition of this area won't detract from the existing space, or other patron's choice not to be seated in the area, but it would be a welcome addition for those who like to include their furry family members in their leisure activities. Similar areas exist at other establishments in the Fremantle with no issues.</p> <p>In fact I know of many people without dogs who enjoy the atmosphere sitting in the dog area at Little Creatures.</p> <p>Thank you for providing the opportunity to comment on the Left Bank alfresco proposal.</p>	Email acknowledged sent	Noted and Acknowledged
43	J Tonga Email submission	<p>I <b>object</b> to the Left Bank taking over crown land for profit.</p> <p>Who do they think they are?</p> <p>The dogs will pee and stink the place out.</p> <p>There will be fights between dogs in such close proximity to each other.</p> <p>Bad idea....</p>	Email acknowledged sent	Noted and Acknowledged
44	K Goldsmith Email submission	<p>I would like to lodge my <b>Objection</b> to the above proposal. Please review the below queries:</p> <ol style="list-style-type: none"> <li>1. Footpath on Left Bank side of Riverside Road doesn't extend beyond Left Bank toward Andrews Road, but access through car park. In the other direction the footpath extends 100m. Main footpath is on river side of Riverside Road. There are two points for road crossing, one Public Car Park No.4, and the other at Andrew's Road:</li> </ol>	Email acknowledged sent	<p>Noted and Acknowledged</p> <p>Crown Land will not be transferred, an agreement to use/ lease the land will be arranged.</p> <p>A formal application will be required to be submitted including finalised plans and a management plan.</p>



No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<ul style="list-style-type: none"> <li>a. What set-back is required from roads from a legal/safety point?</li> <li>b. What is impact of vehicle collision/ingress on proposed seating, and practicality of fencing?</li> <li>c. Who bears risk – council for approval or Left Bank? Is their residual risk to ratepayers?</li> <li>d. By approving are the present councillors and / or ratepayers subject to liability and potential cost in the event of fatality?</li> <li>e. What is impact on opposite footpath from accident caused by escaped dogs on road?</li> </ul> <p>2. As it is proposed to transfer Crown Land:</p> <ul style="list-style-type: none"> <li>a. What happens to title of land?</li> <li>b. Explain how publicly owned ‘Road Reserve’ is to be passed to Private ownership and how much Council is being paid?</li> <li>c. What legal advice Council received on any proposal of transfer of Title?</li> </ul> <p>3. What alternatives have been provided by ‘Left Bank Holdings’:</p> <ul style="list-style-type: none"> <li>a. Was the alteration of use of driveway and parking on Eastern side of building considered by the proponent?</li> <li>b. On top of this is the issue of additional parking and a count on capacity with increased patronage and associated turning and vehicle movements to other road and footpath users on other side of road?</li> <li>c. Consequences and impact of worst case safety and risk outcome from increased traffic, dogs crossing road with patrons, and inadvertent loss of control of dogs so close to road on pedestrians and vehicles?</li> </ul>		<p>It would be considered appropriate should approval be granted to approve a trail period for the alfresco area for a period of time to ensure suitable management of the area is achieved.</p>

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>d. Is proposed fencing rated to adequately control dogs from running onto road and preclude vehicle ingress?</p> <p>e. What road safety modelling and risk matrix for proposed seating?</p>		
45	R Drown Email submission	<p>I would like to add my voice to <b>SUPPORT the Left Bank's proposal</b>.</p> <p>I believe it would give me more flexibility in being able to enjoy the Left Bank's food and functions with my beloved Pet.</p>	Email acknowledged sent	Noted and Acknowledged
46	J & L Harris Email submission	<p>Just emailing to let you know that we <b>fully support the proposal</b> alfresco dining on the site's verge, including access for dogs when accompanied by their owners.</p> <p>Very exciting!! Huckleberry will love it!</p>	Email acknowledged sent	Noted and Acknowledged
47	J Hart 72 Oakover Street	<p>Thanks for the opportunity to comment on the request by the Left Bank restaurant to set up a dog alfresco area. I've read the proposal and <b>I am against it</b>. I am against permitting the restaurant to augment their seating at the expense of public space.</p> <p>I find verges in our neighbourhood are very important and serve to distance homes, shops and walkers of all ages and breeds from road traffic. I cycle along this lovely stretch of river and I would not like to cycle so closely to seated guests or dogs.</p> <p>I propose the Left Bank use <i>their</i> existing space to increase patronage, not public space.</p>	Email acknowledged sent	Noted and Acknowledged
48	Vet Association of WA Dr Garnett Hall AVA WA Division President G Pratt	<p><b>Consultation on the Left Bank Alfresco Area</b></p> <p>The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. The AVA consists of over 9000 members who come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as</p>	Email acknowledged sent	Noted and Acknowledged

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.</p> <p>We congratulate the Council on undertaking this consultation and working to ensure that public spaces in East Fremantle are pet friendly. In Australia, individuals and society as a whole derive many benefits from interacting with animals as companions, and uniform legislation should be promoted for example to permit pets in flats, pets on public transport and pets in restaurants. As such, we support the 'Left bank Alfresco Area' concept and its inclusion of access for dogs and provision of dog friendly facilities.</p> <p>Facilities that should be made available for dogs and their owners in this area include:</p> <ul style="list-style-type: none"> <li>• Water stations</li> <li>• Lead tying points</li> <li>• Facilities for disposal of dog faeces</li> <li>• Signage that supports the pet-friendly nature of the area and encourages appropriate human-animal interaction</li> </ul> <p>The AVA strongly supports the inclusion of companion pets in our public and private spaces. Unfortunately, we have seen many instances where opportunities for interaction between healthy animals and humans has been hindered due to unspecified 'OHS risks'. These unspecified risks are often not based on any science or rational argument. We wish to emphasise that the likelihood of any disease transmission between animals to humans is extremely low,</p>		

No.	Description of Affected Property	Submission (Comments)	Initial Response	
		<p>and that any suggestion of 'health risks' in these scenarios be treated with extreme skepticism. For clarity, a human is orders of magnitude more likely to catch a disease from another human than a dog or cat.</p> <p>It you would like further information, please contact Mr Graham Pratt (graham.pratt@ava.com.au).</p>		
49	D Smith-Gander AO Resident and RatePayer	<p>My comment on the proposed dog friendly al fresco area is that Council should <b>allow this to proceed</b>. Pandemic learnings are many and definitely include a better understanding of the importance of companion animals to human health and well being. I hope that Council will take this opportunity to pilot more dog friendly policies across the board.</p>	Email acknowledged sent	Noted and Acknowledged
50	C Richards Email submission	<p>We think it is an <b>excellent idea and fully support this proposal from the Left Bank</b>.</p> <p>Being residents for over 30 years, our river side settings should be enjoyed to their fullest and for all residents, including our friendly dogs 😊</p> <p>Hoping this idea is passed by council and supported in full.</p>	Email acknowledged sent	Noted and Acknowledged
51	S Bierwirth Email submission	<p><b>Fabulous idea</b> I certainly would use the area with my dog!</p>	Email acknowledged sent	Noted and Acknowledged
52	B Seligmann Concerned East Fremantle ratepayer	<p>Whole-heartedly <b>support</b> the application but have serious concern with regard to Council's handling of the matter as follows:</p> <p>Not only should the East Fremantle Council approve the Left Bank's application without further delay, it should also consider an apology to the Left Bank, its second largest ratepayer for the harm done to its business by the extraordinary time it has taken Council to process and approve its application for an alfresco permit.</p>	Email acknowledged sent	Noted and Acknowledged

**REPORT 13.1.1**

**ATTACHMENT 1**

No.	Description of Affected Property	Submission (Comments)	Initial Response	
53	V Gates 5/37 Preston Point Road	<p>I live and walk in the area daily and am aging with mobility and stability issues.</p> <ol style="list-style-type: none"> <li>1. The footpath must remain and be clear at all times</li> <li>2. All dogs must be tethered on a short lead</li> <li>3. Dogs must be behind a barrier so that those walking by on the sidewalk are not subject to possible dogs creating trip hazards or frightening those walking past</li> <li>4. If barking and dog fights occur... the area must be returned to a standard verge area and a day friend area ceased.</li> </ol>	Email acknowledged sent	Noted and Acknowledged
54	J & L Hilton-Barber Prestone Point Road	<p>With regard to the above proposal by The Left Bank, whilst we have <b>no objection</b> to dogs or to alfresco areas per se, we do feel it would be <b>very unfortunate if we were to lose the footpath</b> at the front of the Left bank, which we use regularly, and which we believe provides important and safe pedestrian access past the hotel.</p>	Email acknowledged sent	Noted and Acknowledged
55	D Paris Email submission	<p>What a <b>great idea and initiative</b>. With over 50% of people owning a dog the more pet friendly facilities the better. In too many parks with complaints from just one or two people dogs are restricted to being on leads if allowed at all. Please go for it.</p>	Email acknowledged sent	Noted and Acknowledged
56	M Wilhelm Email submission	<p>I <b>support</b> the Left Bank's proposal for a new alfresco area.</p>	Email acknowledged sent	Noted and Acknowledged

**TOWN OF EAST FREMANTLE**  
**MONTHLY FINANCIAL REPORT**  
**(Containing the Statement of Financial Activity)**  
**For the Period Ended 31 March 2021**

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

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**Town of East Fremantle  
Information Summary  
For the Period Ended 31 March 2021**

## Key Information

### Report Purpose

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

### Overview

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

### Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 31 March 2021 of \$3,291,818.

### Items of Significance

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

	%	Amended			
	Collected /	Annual		YTD Budget	YTD Actual
	Completed	Budget			
<b>Significant Projects</b>					
Purchase Property, Plant and Equipment	29%	\$ 430,559	\$ 147,979	\$ 124,904	
Purchase and Construction of Infrastructure	67%	\$ 929,091	\$ 696,771	\$ 620,855	
<b>Grants, Subsidies and Contributions</b>					
Commonwealth Home Support Programme	75%	\$ 601,566	\$ 451,170	\$ 451,907	
Regional Road Group Grant	100%	\$ 180,000	\$ 180,505	\$ 180,505	
		\$ 601,566	\$ 451,170	\$ 451,907	
Rates Levied	100%	\$ 7,997,275	\$ 7,999,880	\$ 7,982,500	

*% Compares current ytd actuals to annual budget*

### Financial Position

	Current Year
Adjusted Net Current Assets	\$ 3,291,818
Cash and Equivalent - Unrestricted	\$ 4,007,668
Cash and Equivalent - Restricted	\$ 994,813
Receivables - Rates	\$ 472,155
Receivables - Other	\$ 228,676
Payables	\$ 777,906

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

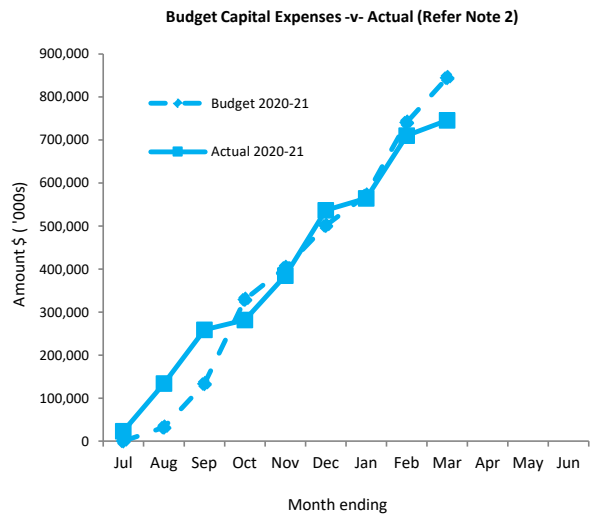
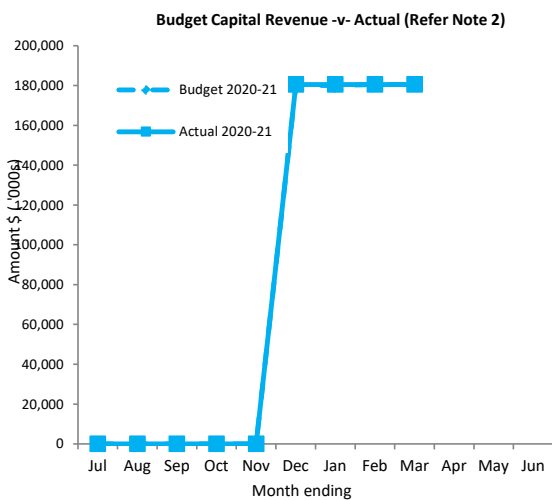
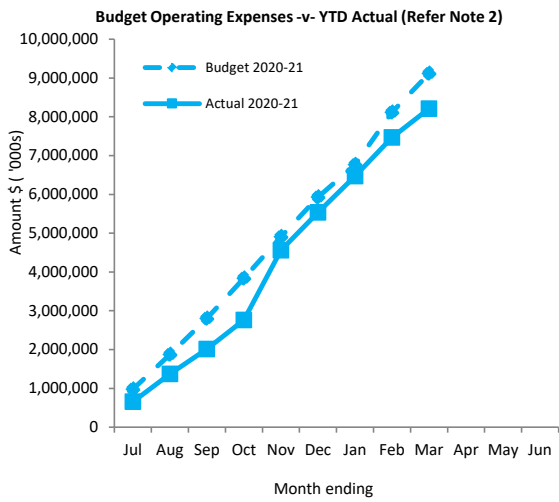
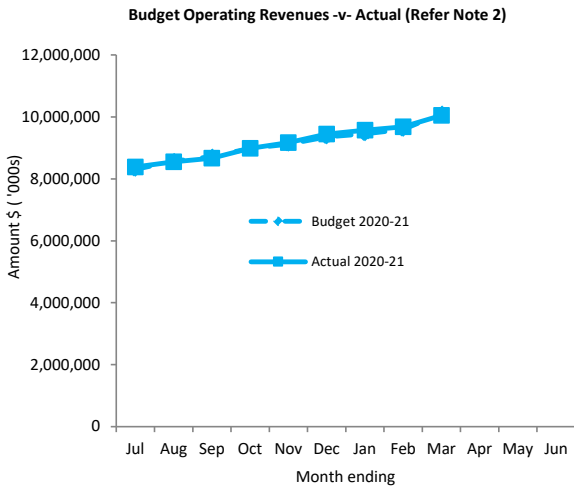
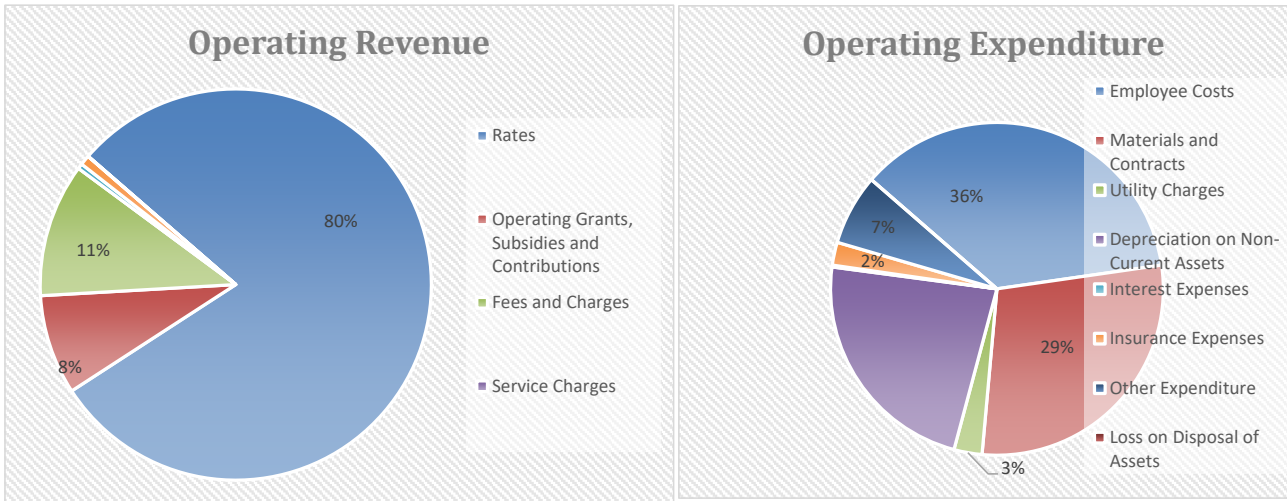
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of

## Preparation

Prepared by:

Reviewed by: Peter Kocian

Date prepared:



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



**TOWN OF EAST FREMANTLE**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**For the Period Ended 31 March 2021**

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Current Budget	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$			\$	\$	\$	%	
<b>Opening Funding Surplus(Deficit)</b>	3	<b>160,328</b>	<b>160,328</b>	<b>226,870</b>	<b>226,870</b>	<b>226,870</b>	(0)	(0%)	
<b>Revenue from operating activities</b>									
Governance		10,000	10,000	10,000	7,497	11,399	3,902	52%	
General Purpose Funding - Rates	9	7,997,275	7,997,275	8,010,558	7,999,880	7,982,500	(17,380)	(0%)	
General Purpose Funding - Other		328,653	328,653	289,783	217,323	209,257	(8,066)	(4%)	
Law, Order and Public Safety		33,200	33,200	25,923	19,422	26,992	7,570	39%	
Health		13,409	13,409	14,700	11,025	17,436	6,411	58%	
Education and Welfare		713,766	713,766	776,096	582,398	574,744	(7,654)	(1%)	
Housing		84,000	84,000	82,500	61,875	62,262	387	1%	
Community Amenities		205,000	205,000	238,600	199,301	201,534	2,233	1%	
Recreation and Culture		648,800	648,800	549,500	514,270	474,192	(40,078)	(8%)	
Transport		353,800	353,800	423,110	294,413	308,546	14,133	5%	
Economic Services		80,500	80,500	179,170	134,343	103,482	(30,861)	(23%)	▼
Other Property and Services		49,000	49,000	75,596	65,321	73,959	8,638	13%	
		<b>10,517,403</b>	<b>10,517,403</b>	<b>10,675,536</b>	<b>10,107,068</b>	<b>10,046,303</b>			
<b>Expenditure from operating activities</b>									
Governance		(1,198,448)	(1,198,448)	(1,211,340)	(907,459)	(839,207)	68,252	8%	
General Purpose Funding		(155,287)	(155,287)	(121,200)	(90,873)	(89,758)	1,115	1%	
Law, Order and Public Safety		(175,539)	(175,539)	(184,700)	(138,456)	(145,584)	(7,128)	(5%)	
Health		(215,419)	(215,419)	(243,240)	(171,203)	(148,510)	22,693	13%	▲
Education and Welfare		(1,116,999)	(1,116,999)	(1,196,549)	(920,308)	(792,044)	128,264	14%	▲
Housing		(45,320)	(45,320)	(45,820)	(34,683)	(27,692)	6,992	20%	▲
Community Amenities		(2,750,998)	(2,750,998)	(2,785,941)	(2,051,657)	(1,747,355)	304,302	15%	▲
Recreation and Culture		(2,334,470)	(2,334,470)	(3,133,506)	(2,399,445)	(2,224,915)	174,530	7%	
Transport		(2,703,195)	(2,703,195)	(2,811,821)	(2,108,619)	(1,805,096)	303,523	14%	▲
Economic Services		(115,287)	(115,287)	(154,300)	(115,704)	(109,308)	6,396	6%	
Other Property and Services		(158,100)	(158,100)	(231,075)	(178,250)	(281,910)	(103,660)	(58%)	▼
		<b>(10,969,062)</b>	<b>(10,969,062)</b>	<b>(12,119,493)</b>	<b>(9,116,657)</b>	<b>(8,211,379)</b>			
<b>Operating activities excluded from budget</b>									
Add back Depreciation		1,578,900	1,578,900	2,501,025	1,875,708	1,884,017	8,309	0%	
Adjust (Profit)/Loss on Asset Disposal	8	0	0	(1,430)	(1,430)	(1,430)	0	(0%)	
Movement between Current/Non-Current Assets/Liabilities				(36,635)	(29,614)	(29,614)	0	0%	
<b>Amount attributable to operating activities</b>		<b>1,578,900</b>	<b>1,578,900</b>	<b>2,462,960</b>	<b>1,844,664</b>	<b>1,852,973</b>			
<b>Investing Activities</b>									
Non-operating Grants, Subsidies and Contributions	11	180,000	180,000	180,505	180,505	180,505	0	0%	
Proceeds from Disposal of Assets	8	30,000	30,000	18,855	18,855	18,855	0	0%	
Purchase Property, Plant and Equipment		(292,500)	(387,500)	(430,559)	(147,979)	(124,904)	23,075	16%	▲
Purchase and Construction of Infrastructure		(734,181)	(639,181)	(929,091)	(696,771)	(620,855)	75,916	11%	▲
<b>Amount attributable to investing activities</b>		<b>(816,681)</b>	<b>(816,681)</b>	<b>(1,160,290)</b>	<b>(645,390)</b>	<b>(546,398)</b>			
<b>Financing Activities</b>									
Transfer from Reserves	7	591,500	591,500	962,831	0	0	0		
Repayment of Debentures	10	(95,160)	(95,160)	(95,160)	(71,370)	(72,989)	(1,619)	(2%)	
(Transfer to Reserves)	7	(967,228)	(967,228)	(942,228)	0	(3,562)	(3,562)		
<b>Amount attributable to financing activities</b>		<b>(470,888)</b>	<b>(470,888)</b>	<b>(74,557)</b>	<b>(71,370)</b>	<b>(76,551)</b>	(5,181)	(7%)	
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>(0)</b>	<b>11,026</b>	<b>2,345,185</b>	<b>3,291,818</b>	<b>946,633</b>		

TOWN OF EAST FREMANTLE  
STATEMENT OF FINANCIAL ACTIVITY  
(By Nature or Type)  
For the Period Ended 31 March 2021

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Current Budget	Amended YTD Budget	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$			\$	\$	\$	%	
<b>Opening Funding Surplus (Deficit)</b>	3	<b>160,328</b>	<b>160,328</b>	<b>226,870</b>	<b>226,870</b>	<b>226,870</b>	(0)	(0%)	
<b>Revenue from operating activities</b>									
Rates	9	7,997,275	7,997,275	8,010,558	7,999,880	7,982,500	(17,380)	(0%)	
Operating Grants, Subsidies and Contributions	11	1,175,019	1,175,019	1,110,239	869,284	828,440	(40,844)	(5%)	
Fees and Charges		1,187,609	1,187,609	1,375,713	1,094,662	1,108,499	13,837	1%	
Interest Earnings		120,000	120,000	80,800	60,597	43,342	(17,255)	(28%)	▼
Other Revenue		37,500	37,500	96,796	81,215	82,092	877	1%	
Profit on Disposal of Assets	8	0	0	1,430	1,430	1,430	0	0%	
		<b>10,517,403</b>	<b>10,517,403</b>	<b>10,675,536</b>	<b>10,107,068</b>	<b>10,046,303</b>			
<b>Expenditure from operating activities</b>									
Employee Costs		(4,173,445)	(4,205,445)	(4,270,592)	(3,161,271)	(2,983,323)	177,948	6%	
Materials and Contracts		(4,279,617)	(4,000,617)	(4,143,131)	(3,062,677)	(2,357,646)	705,031	23%	▲
Utility Charges		(299,300)	(299,300)	(296,700)	(222,408)	(223,793)	(1,385)	(1%)	
Depreciation on Non-Current Assets		(1,578,900)	(1,578,900)	(2,501,025)	(1,875,708)	(1,884,017)	(8,309)	(0%)	
Interest Expenses		(14,960)	(14,960)	(22,960)	(15,214)	(14,724)	490	3%	
Insurance Expenses		(180,320)	(180,320)	(183,756)	(183,756)	(183,255)	502	0%	
Other Expenditure		(442,520)	(689,520)	(701,328)	(595,623)	(564,621)	31,002	5%	
Loss on Disposal of Assets	8	0	0	0	0	0	0	0%	
		<b>(10,969,062)</b>	<b>(10,969,062)</b>	<b>(12,119,493)</b>	<b>(9,116,657)</b>	<b>(8,211,379)</b>			
<b>Operating activities excluded from budget</b>									
Add back Depreciation		1,578,900	1,578,900	2,501,025	1,875,708	1,884,017	8,309	0%	
Adjust (Profit)/Loss on Asset Disposal	8	0	0	(1,430)	(1,430)	(1,430)	0	(0%)	
Movement between Current/Non-Current Assets/Liabilities		0	0	(36,635)	(29,614)	(29,614)	0	0%	
<b>Amount attributable to operating activities</b>		<b>1,578,900</b>	<b>1,578,900</b>	<b>2,462,960</b>	<b>1,844,664</b>	<b>1,852,973</b>			
<b>Investing activities</b>									
Non-operating Grants, Subsidies and Contributions	11	180,000	180,000	180,505	180,505	180,505	0	0%	
Proceeds from Disposal of Assets	8	30,000	30,000	18,855	18,855	18,855	0	0%	
Purchase Property, Plant and Equipment		(292,500)	(387,500)	(430,559)	(147,979)	(124,904)	23,075	16%	▲
Purchase and Construction of Infrastructure		(734,181)	(639,181)	(929,091)	(696,771)	(620,855)	75,916	11%	▲
<b>Amount attributable to investing activities</b>		<b>(816,681)</b>	<b>(816,681)</b>	<b>(1,160,290)</b>	<b>(645,390)</b>	<b>(546,398)</b>			
<b>Financing Activities</b>									
Transfer from Reserves	7	591,500	591,500	962,831	0	0	0		
Repayment of Debentures	10	(95,160)	(95,160)	(95,160)	(71,370)	(72,989)	(1,619)	(2%)	
(Transfer to Reserves)	7	(967,228)	(967,228)	(942,228)	0	(3,562)	(3,562)		
<b>Amount attributable to financing activities</b>		<b>(470,888)</b>	<b>(470,888)</b>	<b>(74,557)</b>	<b>(71,370)</b>	<b>(76,551)</b>			
<b>Closing Funding Surplus (Deficit)</b>	3	<b>0</b>	<b>(0)</b>	<b>11,026</b>	<b>2,345,185</b>	<b>3,291,818</b>	<b>946,633</b>	<b>40%</b>	<b>▲</b>

**TOWN OF EAST FREMANTLE**  
**STATEMENT OF FINANCIAL POSITION**  
For the Period Ended 31 March 2021

	<b>2021</b>
	<b>\$</b>
<b>CURRENT ASSETS</b>	
Cash and cash equivalents	5,002,481
Trade and other receivables	734,096
Other assets	-
<b>TOTAL CURRENT ASSETS</b>	<u>5,736,577</u>
<b>NON-CURRENT ASSETS</b>	
Trade and other receivables	73,901
Other financial assets	71,221
Investment in associate	1,094,618
Property, plant and equipment	32,553,597
Infrastructure	48,847,857
Right of use assets	289,075
<b>TOTAL NON-CURRENT ASSETS</b>	<u>82,930,269</u>
<b>TOTAL ASSETS</b>	<u>88,666,846</u>
<b>CURRENT LIABILITIES</b>	
Trade and other payables	777,906
Lease liabilities	7,021
Borrowings	104,808
Employee related provisions	672,040
<b>TOTAL CURRENT LIABILITIES</b>	<u>1,561,775</u>
<b>NON-CURRENT LIABILITIES</b>	
Lease liabilities	286,288
Borrowings	204,842
Employee related provisions	99,022
<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>590,152</u>
<b>TOTAL LIABILITIES</b>	<u>2,151,927</u>
<b>NET ASSETS</b>	<u>86,514,919</u>
<b>EQUITY</b>	
Retained surplus	36,285,151
Reserves - cash backed	994,813
Revaluation surplus	49,234,956
<b>TOTAL EQUITY</b>	<u>86,514,919</u>

**Note 1: Explanation of Material Variances**

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

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

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Economic Services	(30,861)	(23%)		Timing	Unfavourable - Permits/DA's to be accounted for
<b>Operating Expense</b>					
Health	22,693	13%		Timing	Favourable - Timing difference for contract payment for Swimming Pool inspections.
Education and Welfare	128,264	14%		Permanent	Favourable - CHSP Salary & Wages savings due to reduced activity as a result of COVID 19.
Housing	6,992	20%		Timing	Favourable
Community Amenities	304,302	15%		Timing	Favourable - Less spent in Contractors/Consultants year to date.
Transport	303,523	14%		Timing	Favourable - Less spent in Contractors/Consultants year to date \$197K. Under allocation of Overheads \$106K.
Other Property and Services	(103,660)	(58%)		Timing	Under-recovery of public works overheads. Overhead rate has been adjusted in the payroll system.
<b>Capital Expenses</b>					
Purchase Property, Plant and Equipment	23,075	16%		Timing	Favourable - due to unspent CAPEX program year to date
Purchase and Construction of Infrastructure	75,916	11%		Timing	Favourable - due to unspent CAPEX program year to date
<b>Nature and Type Classifications:</b>					
Interest Earnings	(17,255)	(28%)		Permanent	Unfavourable - Low interest rate environment, ~ \$3.1m in TD's interest to be received
Materials and Contracts	705,031	23%		Timing	Favourable - Underspent year to date.

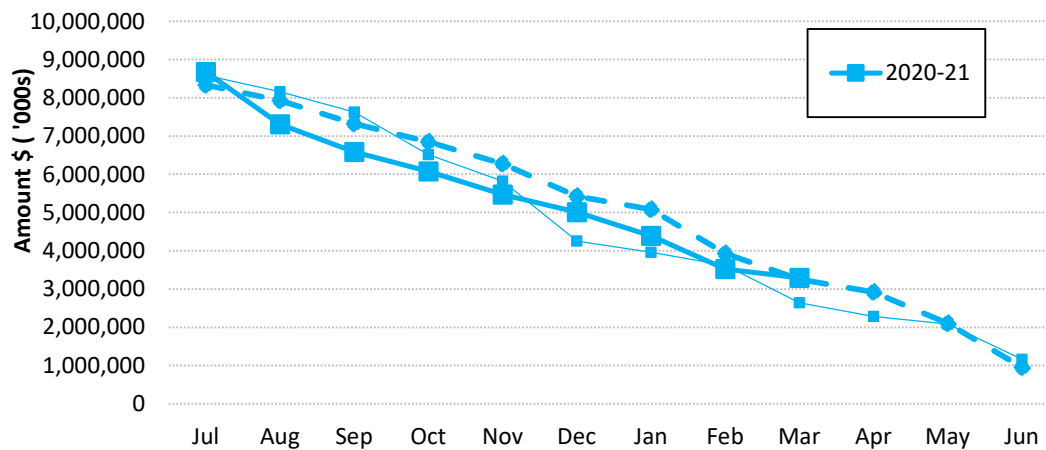
**TOWN OF EAST FREMANTLE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2021**

**Note 2: Net Current Funding Position**

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing 30 June 2020	Current 31 Mar 2021
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	1,966,551	4,007,668
Cash Restricted - Reserves	4	1,350,387	994,813
Receivables - Rates	6	320,318	472,155
Receivables - Other	6	109,834	228,676
Interest / ATO Receivable/Trust		250,242	33,265
Inventories		0	0
		3,997,332	5,736,577
<b>Less: Current Liabilities</b>			
Payables		(2,080,405)	(777,906)
Provisions		(698,807)	(672,040)
		(2,779,212)	(1,449,946)
Less: Restricted Cash - Reserves	7	(991,251)	(994,813)
Less: Trust Interfund Transfer Account		0	0
<b>Net Current Funding Position</b>		<b>226,870</b>	<b>3,291,818</b>

**Note 3 - Liquidity Over the Year**



**Comments - Net Current Funding Position**

TOWN OF EAST FREMANTLE  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 March 2021

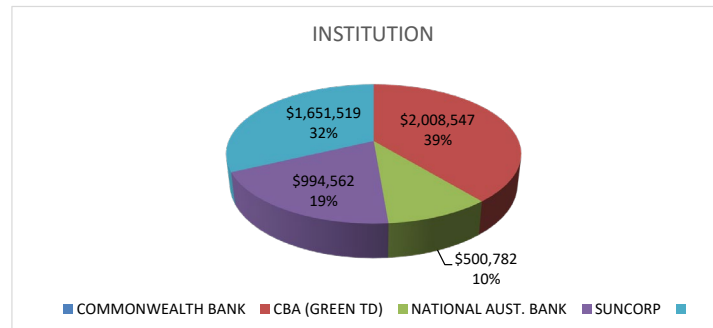
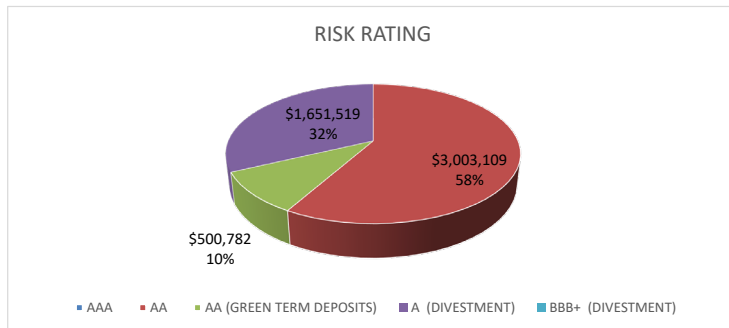
Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Risk Rating (LT)	Interest Rate	Maturity Date
	\$	\$	\$	\$				
<b>(a) Cash Deposits</b>								
Municipal Bank Account - On-Call	635,902			635,902	CBA	AA-	0.01%	At Call
Municipal Bank Account	777,561			777,561	CBA	AA-		At Call
Municipal Bonds & Deposits Account	440,804			440,804	CBA	AA-		At Call
Reserve Bank Account		251		251	CBA	AA-		At Call
Trust Bank Account			154,029	154,029	CBA	AA-		At Call
Cash On Hand	1,100			1,100	Petty Cash/Till Float		Nil	On Hand
<b>(b) Term Deposits</b>								
Municipal	500,759			500,759	SUNCORP	A+	0.35%	19-Apr-21 1,753
Municipal	500,759			500,759	SUNCORP	A+	0.35%	19-Apr-21 1,753
Municipal	500,782			500,782	CBA (GREEN TD)	AA-	0.17%	19-Apr-21 851
Municipal	650,000			650,000	SUNCORP	A+	0.35%	13-May-21 2,275
Municipal Bonds & Deposits	0			0				
Trust			0	0				
Reserves		994,562		994,562	NAB	AA-	0.05%	30-Apr-21 497
<b>Total</b>	<b>4,007,668</b>	<b>994,813</b>	<b>154,029</b>	<b>5,156,510</b>			<b>0.23%</b>	<b>7,129</b>
Less Cash on Hand	(1,100)			(1,100)				
	<u>4,006,568</u>	<u>994,813</u>	<u>154,029</u>	<u>5,155,410</u>				
Less: Trust Cash at Bank				(154,029)				
Add: Cash on Hand				1,100				
<b>Cash and Cash Equivalents as per SOFP</b>				<u><u>5,002,481</u></u>				

Comments/Notes - Investments and Cash Deposits

(LT) RISK RATING	PORTFOLIO	\$	%
AAA	MAX 100%		
AA	MAX 100%	\$3,003,109	58.25%
AA (GREEN TERM DEPOSITS)	MAX 100%	\$500,782	9.71%
A (DIVESTMENT)	MAX 80%	\$1,651,519	32.03%
BBB+ (DIVESTMENT)	MAX 80%		0.00%
		<u>\$5,155,410</u>	<u>100.00%</u>

INSTITUTION	\$	%	(LT) RISK
COMMONWEALTH BANK	\$2,008,547	38.96%	AA-
CBA (GREEN TD)	\$500,782	9.71%	AA-
NATIONAL AUST. BANK	\$994,562	19.29%	AA-
SUNCORP	\$1,651,519	32.03%	A+
	<u>\$5,155,410</u>	<u>100.00%</u>	



TOWN OF EAST FREMANTLE  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the period ending 31/03/2021

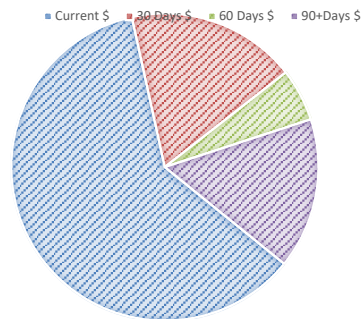
Note 4: Receivables

Receivables - Rates Receivable	31 March 2021	30 June 2020	Receivables - General	Current	30 Days	60 Days	90+Days	Credit Balances	Total
Opening Arrears Previous Years	\$ 270,487	\$ 220,065	Receivables - General	\$ 40,410	\$ 11,895	\$ 3,686	\$ 10,557		66,548
Rates, ESL and Service Charges Levied this year	\$9,912,519	8,049,151	Receivables - Parking						71,750
Less Collections to date	\$9,479,312	(7,778,664)	East Fremantle Lawn & Tennis Club						24,000
Equals Current Outstanding (as per TB)		270,487							
<b>Net Rates Collectable</b>	<b>\$433,206</b>	<b>270,487</b>	<b>Total Receivables General Outstanding</b>						<b>162,298</b>
% Outstanding	4.25%								

Amounts shown above include GST (where applicable)

Control Account	GL	Balance
Sundry Debtors	104	66,548
SSL - Current EFTC	114	3,000
SSL - Non-Current EFTC	1684	21,000
Parking Debtors	180	71,750
		<b>162,298</b>

NOTE 6 - ACCOUNTS RECEIVABLE (NON-RATES)

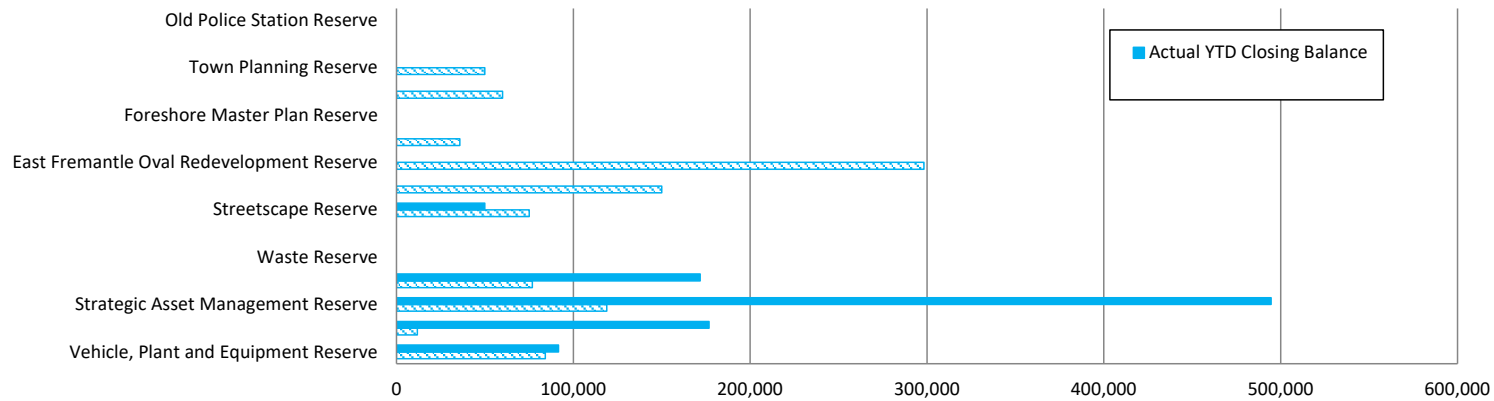


TOWN OF EAST FREMANTLE  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 March 2021

Note 5: Cash Backed Reserve

Name	Opening Balance	Amended Budget Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$
Non Current Leave Entitlements Reserve	10,000		0		0		10,000	10,000
Unspent Grants and Restricted Cash Reserve	0		0		0		0	0
Vehicle, Plant and Equipment Reserve	91,627		0		(7,500)		84,127	91,627
Aged Services Reserve	176,803		0		(165,000)		11,803	176,803
Strategic Asset Management Reserve	491,049		40,000	3,562	(412,152)		118,897	494,611
Arts and Sculpture Reserve	171,772		0		(95,000)		76,772	171,772
Waste Reserve	0		0		0		0	0
Committed Works Reserve	0		0		0		0	0
Streetscape Reserve	50,000		25,000		0		75,000	50,000
Drainage Reserve	0		150,000		0		150,000	0
East Fremantle Oval Redevelopment Reserve	0		298,228		0		298,228	0
Preston Point Facilities Reserve	0		100,000		(64,179)		35,821	0
Foreshore Master Plan Reserve	0		50,000		(50,000)		0	0
Sustainability and Environmental Reserve	0		80,000		(20,000)		60,000	0
Town Planning Reserve	0		100,000		(50,000)		50,000	0
Business Improvement Reserve	0		75,000		(75,000)		0	0
Old Police Station Reserve	0		24,000		(24,000)		0	0
	991,251	0	942,228	3,562	(962,831)	0	970,648	994,813

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





TOWN OF EAST FREMANTLE  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 March 2021

Note 6: Disposal of Assets

Asset Number	Plant Number	Asset Description	2020/21 Budget				2020/21 Actuals			
			Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			\$	\$	\$	\$	\$	\$	\$	\$
		<b>Plant and Equipment</b>								
PEMV242	P4069	Mitsubishi Rosa 1DXU938	30,000	30,000	0	0	17,425	18,855	1,430	0
PE263	P4055	Water Trailer 1TMB281	0	0	0	0	0	0	0	0
			<b>30,000</b>	<b>30,000</b>	<b>0</b>	<b>0</b>	<b>17,425</b>	<b>18,855</b>	<b>1,430</b>	<b>0</b>

**REPORT 13.2.1**

**ATTACHMENT 1**

TOWN OF EAST FREMANTLE

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

Note 7: Rating Information For the period ending 31/03/2021

RATE TYPE	YTD Actual						Adopted Budget			
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
<b>Differential General Rate</b>	\$		\$	\$	\$	\$	\$	\$	\$	\$
Residential GRV	0.074225	2,954	85,530,640	6,348,512	13,726	6,362,238	6,345,613	30,000		6,375,613
Commercial GRV	0.110543	115	11,547,243	1,276,467	(1,403)	1,275,064	1,275,992			1,275,992
<b>Sub-Totals</b>		<b>3,069</b>	<b>97,077,883</b>	<b>7,624,979</b>	<b>12,323</b>	<b>7,637,301</b>	<b>7,621,605</b>	<b>30,000</b>	<b>0</b>	<b>7,651,605</b>
<b>Minimum Payment</b>	\$									
Residential GRV	1,106.00	331	4,263,529	366,086	2,825	368,911	368,298			368,298
Commercial GRV	1,654.00	12	140,695	19,848	(506)	19,342	19,848			19,848
<b>Sub-Totals</b>		<b>343</b>	<b>4,404,224</b>	<b>385,934</b>	<b>2,319</b>	<b>388,253</b>	<b>388,146</b>	<b>0</b>	<b>0</b>	<b>388,146</b>
		<b>3,412</b>	<b>101,482,107</b>	<b>8,010,913</b>	<b>14,642</b>	<b>8,025,554</b>	<b>8,009,751</b>		<b>0</b>	<b>8,039,751</b>
<b>Amount from General Rates</b>						<b>8,025,554</b>				<b>8,039,751</b>
<b>Less Concessions</b>				<b>(43,055)</b>		<b>(43,055)</b>	<b>(42,476)</b>			<b>(42,476)</b>
<b>Totals</b>				<b>7,967,858</b>		<b>7,982,499</b>	<b>7,967,275</b>			<b>7,997,275</b>







TOWN OF EAST FREMANTLE  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 March 2021

Note 8: Grants and Contributions

	Grant Provider	Purpose of Grant	Acquittal Date	Acquittal Requirement	Type	Amended Budget		YTD Budget	YTD Actual Revenue
						Operating	Capital		
						\$	\$	\$	\$
<b>General Purpose Funding</b>									
Grants Commission - General	WALGGC	Untied - General Purpose	NA	NA	Operating	83,113		62,334	62,335
Grants Commission - Roads	WALGGC	Untied - Road	NA	NA	Operating	33,900		25,425	25,369
<b>Education and Welfare</b>									
Home and Community Care Program	State/Commonwealth Dep. Health	Commonwealth Home Support Programme	31-Oct	Financial Declaration Acquittal	Operating - Tied	601,566		451,170	451,907
<b>Community Amenities</b>									
Recycling Grant	Dept. Regional Development	Better Bins Program			Operating - Tied	32,350		24,255	24,800
<b>Recreation and Culture</b>									
East Fremantle Oval Redevelopment	Town of East Fremantle - Trust	Business Case			Operating - Tied	238,100		0	201,769
Foreshore Erosion	DBCA				Operating - Tied	0		0	0
<b>Transport</b>									
Regional Road Group - Cap	Main Roads	Road Renewal	31-May	Certificate of Completion	Non-operating		180,000	180,505	180,505
Direct Grant	Main Roads	Direct Grant	July	GST Free Invoice	Operating	18,000		18,000	18,170
Federal Government Stimulus Payment	Department of Infrastructure	Local Roads and Community Infrastructure Program			Operating - Tied	84,000		0	42,091
Street Lighting Subsidy	Main Roads	Street Lighting Subsidy	September		Operating	4,800		0	0
Integrated Traffic Study	Town of East Fremantle - Trust	Traffic and Parking Management Plan - Whole of District			Operating - Tied	6,410		0	2,000
Stirling Bridge Verge Maintenance Agreement	Main Roads	Stirling Highway Verge Maint. Agreement	September	GST Inc. Invoice	Operating	8,000		8,000	0
<b>TOTALS</b>						<b>1,110,239</b>	<b>180,000</b>	<b>769,689</b>	<b>1,008,945</b>
<b>SUMMARY</b>									
Operating		Operating Grants, Subsidies and Contributions				147,813	0		105,874
Operating - Tied		Tied - Operating Grants, Subsidies and Contributions				962,426	0		722,567
Non-operating		Non-operating Grants, Subsidies and Contributions				0	180,000		180,505
<b>TOTALS</b>						<b>1,110,239</b>	<b>180,000</b>	<b>0</b>	<b>1,008,945</b>

Budget Year: 20/21  
Data as at: Thursday, 1 April 2021

Run at 10:40AM on 01/04/2021  
75% of Year Lapsed

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

Account #	Job #	Description	Current Budget	YTD Budget	YTD Actual	Order Value	Total Committed	Variance (%)	% of Full Budget
<b>04 - GOVERNANCE</b>									
<b>042 - ADMINISTRATION</b>									
<b>Capital Expenditure</b>									
E04606		Furniture and Equipment	67,442	67,442	64,395	0	64,395	-4.52%	95%
<b>Capital Expenditure Total</b>			<b>67,442</b>	<b>67,442</b>	<b>64,395</b>	<b>0</b>	<b>64,395</b>		
<b>08 - WELFARE</b>									
<b>082 - CARE OF FAMILIES &amp; CHILDREN</b>									
<b>Capital Expenditure</b>									
E08607		Plant and Equip - Replace Mitsubishi Bus HACC	175,000	175,000	0	173,563	173,563	-0.82%	99%
E08612		HACC Furniture & Equipment	10,000	0	0	10,532	10,532	5.32%	105%
<b>Capital Expenditure Total</b>			<b>185,000</b>	<b>175,000</b>	<b>0</b>	<b>184,095</b>	<b>184,095</b>		
<b>10 - COMMUNITY AMENITIES</b>									
<b>104 - OTHER COMMUNITY AMENITIES</b>									
<b>Capital Expenditure</b>									
E10629		Public Toilet - Capital	3,300	2,750	3,238	0	3,238	-1.89%	98%
<b>Capital Expenditure Total</b>			<b>3,300</b>	<b>2,750</b>	<b>3,238</b>	<b>0</b>	<b>3,238</b>		
<b>11 - RECREATION AND CULTURE</b>									
<b>112 - OTHER RECREATION &amp; SPORT</b>									
<b>Capital Expenditure</b>									
E11600		East Fremantle Football Club Building Renewal	33,000	27,500	28,404	0	28,404	-13.93%	86%
E11613		Inf - Dog Park Fencing and Equipment	1,940	1,610	1,940	0	1,940	0.00%	100%
E11622		Capex - Lee Park - Bore Renewal	53,000	44,160	0	0	0	-100.00%	0%
E11630		Capex - Electrical - Lighting/Bore - Wauhop Park	40,000	33,330	4,423	33,385	37,808	-5.48%	95%
E11633		Inf - Cliff Management - Niergarup Track	30,000	25,000	29,985	0	29,985	-0.05%	100%
E11653		East Fremantle Cricket Club-Contribution	5,000	4,160	0	0	0	-100.00%	0%
E11678		EF Junior Football Club - Install Floodlighting	29,200	24,330	0	0	0	-100.00%	0%
E11695		Inf Chapman / Preston Point Reserve - Returfing and Irrigation	150,000	125,000	120,598	4,877	125,474	-16.35%	84%
E11713		INF - Parks/ Reserve Sign Replacement	3,500	2,910	3,487	0	3,487	-0.39%	100%
<b>Capital Expenditure Total</b>			<b>345,640</b>	<b>288,000</b>	<b>188,836</b>	<b>38,261</b>	<b>227,097</b>		
<b>114 - OTHER CULTURE</b>									
<b>Capital Expenditure</b>									
E11685		P&E - Acquisition of Public Art (Outdoor Sculpture) - CapEx - Other Culture	95,000	52,500	12,091	1,500	13,591	-85.69%	14%
<b>Capital Expenditure Total</b>			<b>95,000</b>	<b>52,500</b>	<b>12,091</b>	<b>1,500</b>	<b>13,591</b>		
<b>12 - TRANSPORT</b>									

Budget Year: 20/21  
Data as at: Thursday, 1 April 2021

Run at 10:40AM on 01/04/2021  
75% of Year Lapsed

Account #	Job #	Description	Current Budget	YTD Budget	YTD Actual	Order Value	Total Committed	Variance (%)	% of Full Budget
<b>122 - MAINT STREETS ROADS &amp; BRIDGES</b>									
<b>Capital Expenditure</b>									
E12656		Footpath - Stratford Street	74,100	61,750	0	0	0	-100.00%	0%
E12761		Inf - Drainage	104,181	86,810	7,263	36,691	43,954	-57.81%	42%
E12784		Inf - Roads - Road Resurfacing - Riverside Road	375,000	312,500	411,141	0	411,141	9.64%	110%
E12801		Capex - Footpath Repair - Hazards & Defects	40,000	33,330	18,849	5,243	24,092	-39.77%	60%
E12815		Plant & Equipment - Mobile Plant - Capex - New - Maintenance Streets Roads & Bridges	38,000	7,959	7,959	0	7,959	-79.06%	21%
E12831		Capex - Retaining Walls	23,170	19,300	23,170	0	23,170	0.00%	100%
<b>Capital Expenditure Total</b>			<b>654,451</b>	<b>521,649</b>	<b>468,381</b>	<b>41,935</b>	<b>510,316</b>		
<b>123 - ROAD PLANT</b>									
<b>Capital Expenditure</b>									
E12702		Plant and Equip - Water Tank Trailer (Tandem 8x5 with brakes)	8,817	7,340	8,817	0	8,817	0.00%	100%
<b>Capital Expenditure Total</b>			<b>8,817</b>	<b>7,340</b>	<b>8,817</b>	<b>0</b>	<b>8,817</b>		
<b>14 - OTHER PROPERTY AND SERVICES</b>									
<b>144 - UNCLASSIFIED PROPERTY</b>									
<b>Capital Expenditure</b>									
E14601		Buildings - Renewals and Electrical Services	10,000	8,330	0	0	0	-100.00%	0%
<b>Capital Expenditure Total</b>			<b>10,000</b>	<b>8,330</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>GRAND TOTAL</b>			<b>1,369,650</b>	<b>1,123,011</b>	<b>745,758</b>	<b>265,792</b>	<b>1,011,550</b>		



# MONTHLY FINANCIAL HEALTH CHECK

As at 31 March 2021

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



Financial Snapshot (Year to Date)	Actual
Operating Revenue	\$10,046,303
Operating Expenditure (Including Non-Cash Items)	(\$8,211,379)
Non-Cash Items	\$1,852,973
Capital Revenue	\$199,360
Capital Expenditure	(\$745,758)
Loan Repayments	(\$72,989)
Transfers to/from Reserves	(\$3,562)
Surplus Brought Forward 1 July 2020	\$226,870
<b>Current Municipal Surplus</b>	<b>\$3,291,818</b>



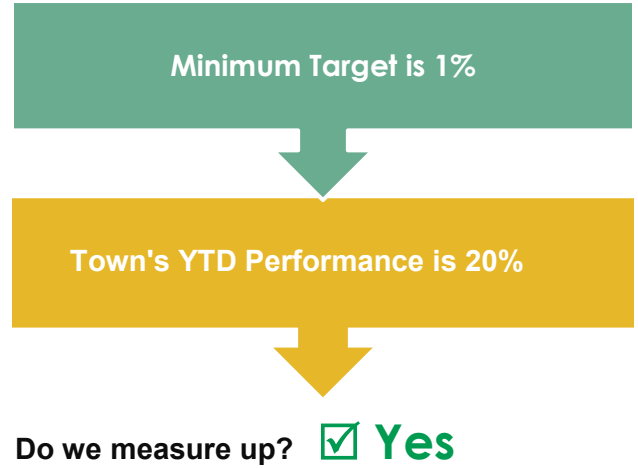
## Cash in the bank



# ▶ How are we tracking against our budgeted targets?

## Adjusted Operating Surplus

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



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

## Asset Sustainability Ratio

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



- A reduced Capital Works Program (including renewals) and an increase in depreciation expense as a result of asset revaluations has had a two-fold effect on the asset sustainability ratio resulting in a deterioration.



TOWN OF EAST FREMANTLE

List of Accounts paid by the Chief Executive for MARCH 2021 & submitted for the information of the Council Meeting to be held on 20 April 2021

Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
<b>CHEQUE</b>					
5320	03/03/2021	TOWN OF EAST FREMANTLE- PLEASE PAY CASH	ADMIN PETTY CASH RECOUP 31/01/21	147.92	147.92
5321	03/03/2021	DEPARTMENT OF TRANSPORT	COMMUNITY JETTY RENEWAL FEE	42.20	42.20
5322	18/03/2021	TOWN OF EAST FREMANTLE- PLEASE PAY CASH	ADMIN PETTY CASH RECOUP 26/02/21	28.80	28.80
5323	26/03/2021	CANCELLED - PRINTER ERROR		0.00	0.00
5324	26/03/2021	TOWN OF EAST FREMANTLE- PLEASE PAY CASH	CHSP PETTY CASH RECOUP - JULY 20 - MARCH 21	490.70	490.70
			<b>CHEQUE TOTAL</b>	<b>\$ 709.62</b>	<b>\$ 709.62</b>
<b>EFTs</b>		<b>Supplier</b>	<b>Description</b>	<b>Inv Amount</b>	<b>EFT</b>
EFT30981	03/03/2021	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS FEB 21	216.72	216.72
EFT30982	03/03/2021	IT VISION	CHANGES TO PURCHASE ORDER TEMPLATE - ADDITIONAL WORDING FOR GENERAL CONDITION OF CONTRACT	550.00	550.00
EFT30983	03/03/2021	MAYOR JIM O'NEILL	SITTING FEES, ICT ALLOWANCE AND MAYORAL ALLOWANCE MARCH 2021	4,416.68	4,416.68
EFT30984	03/03/2021	ST JOHNS AMBULANCE ASSOCIATION	FIRST AID TRAINING FOR CHSP STAFF X 2	320.00	320.00
EFT30985	03/03/2021	TELSTRA CORPORATION LIMITED	HACC MOBILE PHONE & DEPOT NEXT G MOBILE BACKUP 04/02/2021 - 03/03/2021	24.12	
			CEO MOBILE 16/01/21 - 15/02/21	86.00	110.12
EFT30986	03/03/2021	WORK CLOBBER	RANGER UNIFORM FIT OUT - CASUAL RANGERS	669.60	669.60
EFT30987	03/03/2021	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	11,361.60	11,361.60
EFT30988	03/03/2021	ZIPFORM PTY LTD	RATES 4TH INSTALMENT NOTICES & MAILING 2020/21	1,656.44	1,656.44
EFT30989	03/03/2021	MAJOR MOTORS	ISUZU - 1GKM815 - SERVICE	1,074.50	1,074.50
EFT30990	03/03/2021	THE WEST AUSTRALIAN	1 YEAR ONLINE SUBSCRIPTION WEST AUSTRALIAN NEWSPAPER	364.00	364.00
EFT30991	03/03/2021	MCGEES NATIONAL PROPERTY CONSULTANTS	MOORING PEN LEASE FEES 01/03/21 - 31/05/21 , POSTAGE & PETTIES & MANAGEMENT FEES	12,256.92	12,256.92
EFT30992	03/03/2021	SATELLITE SECURITY SERVICES	ALARM CODE SETUP -CASUAL RANGERS	50.00	50.00
EFT30993	03/03/2021	PETRA CLEAN	CLEANING - FEBRUARY 21 - SUMPTON GREEN, DEPOT, TOWN HALL, HACC, GLASSON PARK TOILETS PLUS CONSUMABLES	5,607.99	5,607.99
EFT30994	03/03/2021	FRANK GILMOUR PEST CONTROL	PEST CONTROL TOWN OWNED BUILDINGS, RESERVES & PARKS	6,330.50	6,330.50
EFT30995	03/03/2021	VISIMAX SAFETY PRODUCTS	1 x METAL "WA RANGER" HAT BADGE	32.00	
			IDENTIFICATION WALLET WITH - "WA RANGER" METAL BADGE	147.20	
			2 X 45 GRAM CANINE CONTROL SPRAY	78.00	
			12 X "WA RANGER" SHOULDER PATCHES IN BLUE	99.60	356.80
EFT30996	03/03/2021	CR. JENNY HARRINGTON	SITTING FEE, ICT ALLOWANCE, DEPUTY MAYORAL ALLOWANCE MARCH 2021	2,062.84	2,062.84
EFT30997	03/03/2021	WOOLWORTHS SUPERMARKETS	RESPIRE CENTRE GROCERIES WEEK 22/02/2021	139.86	
			RESPIRE CENTRE GROCERIES 02/03/2021	168.55	308.41
EFT30998	03/03/2021	CR. CLIFF COLLINSON	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT30999	03/03/2021	CR. DEAN NARDI	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT31000	03/03/2021	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 PHOTOCOPY CHARGES - 13/01/2021 - 12/02/2021	359.98	359.98
EFT31001	03/03/2021	CARINYA OF BICTON	RESPIRE CENTRE MEALS FOR FEBRUARY 2021	1,498.01	1,498.01
EFT31002	03/03/2021	FOCUS NETWORKS	MICROSOFT CSP OFFICE 365 BUSINESS STANDARD MONTHLY SUBSCRIPTION	18.70	18.70
EFT31003	03/03/2021	ENVIRO SWEEP	STREET SWEEPING - FEBRUARY 2021	4,158.00	4,158.00
EFT31004	03/03/2021	CARING PHARMACY EAST FREMANTLE	FIRST AID AND PPE FOR CHSP RESPIRE CENTRE	136.62	136.62
EFT31005	03/03/2021	LANDGATE	SCHEDULES OF GROSS RENTAL VALUATIONS - MONTHLY INTERIM VALUES 2020/21	78.40	78.40
EFT31006	03/03/2021	CR. MICHAEL MCPHAIL	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT31007	03/03/2021	CR. TONY WATKINS	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT31008	03/03/2021	CR. ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT31009	03/03/2021	MOORE (MOORE STEPHENS)	STAFF REGISTRATION AT FRINGE BENEFITS TAX WORKSHOP	715.00	715.00
EFT31010	03/03/2021	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINES AT LEEUWIN - HOST CMS INCLUDING LICENCE AND COMMUNICATION COSTS, COMPREHENSIVE MAINTENANCE, PARTS - NOVEMBER 20	165.00	
			STANDING ORDER - MONTHLY CHARGES PAYABLE CREDIT CARD TRANSACTION SVIA TILL PAYMENTS FOR THE MONTH OF JANUARY 2021	595.32	760.32
EFT31011	03/03/2021	CELLARBRATIONS AT EAST FREMANTLE	REFRESHMENTS 17/02/21	456.00	456.00
EFT31012	03/03/2021	STATE WIDE TURF SERVICES	RFQ-04-2020/21 EG CHAPMAN RESERVE - VERTI MOWING & SWEEPING, VERTI DRAINING, FERTILIZING, ENVIRONMENTAL	12,138.79	
			TOP DRESS FERTILISE AND VERTIDRAIN EG CHAPMAN RESERVE	11,665.50	23,804.29
EFT31013	03/03/2021	CR. TONY NATALE	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT31014	03/03/2021	LIXIO (READY TRACK PTY LTD)	GPS VEHICLE TRACKING - FEBRUARY 2021	169.40	169.40
EFT31015	03/03/2021	UDLA	RQF16-2019/20 RIVERSIDE ROAD LANDSCAPING ENHANCEMENT - MONTHLY MAINTENANCE/ SUPPORT	440.00	440.00
EFT31016	03/03/2021	CR KERRY DONOVAN	SITTING FEES & ICT ALLOWANCE MARCH 2021	1,542.00	1,542.00
EFT31017	03/03/2021	JAHMAYLE PTY LTD T/AS COLE CORPORATE	PROFESSIONAL DEVELOPMENT -PRESENTATION TO ELECTED MEMBERS & SENIOR STAFF	3,300.00	3,300.00
EFT31018	03/03/2021	PHASE 3 LANDSCAPE CONSTRUCTION PTY LTD	RIVERSIDE ROAD - LANDSCAPING PROJECT - RFQ06-2019/20	5,566.09	
			REPLACEMENT OF DAMAGED COOK ISLAND PINE TREE - RIVERSIDE ROAD LANDSCAPING	3,003.00	
			RIVERSIDE ROAD - LANDSCAPING PROJECT - RFQ06-2019/20 - MAINTENANCE & WATERING	12,332.72	20,901.81
EFT31019	03/03/2021	PAATSCH CONSULTING PTY LTD	PROFESSIONAL FEES - FUNDING PROCUREMENT SERVICES JANUARY - FEBRUARY 2021	2,059.20	2,059.20
EFT31020	03/03/2021	THE ROYAL LIFE SAVING SOCIETY WA INC	POOL INSPECTIONS 01/01/21 - 31/01/21	4,114.00	4,114.00
EFT31021	03/03/2021	STA PRINT PTY LTD	DESIGN AND PRINT AS PER RFQ FOR SCP 2020-2030, DESIGN A3 LANDSCAPE FULL COLOUR POSTER, 50 COPIES OF REPORT PRINTED ON 150GSM, 3 COPIES OF POSTER PRINTED ON 150GSM	4,647.50	4,647.50
EFT31022	03/03/2021	FIRST FREMANTLE SEA SCOUT GROUP	SYNERGY ELECTRICITY CHARGES REIMBURSEMENT - PERIOD 01/07/2020 - 19/08/2020	125.04	125.04
EFT31023	03/03/2021	BUILDING 51 PTY LTD	CTF LEVY REFUND - BUILDING APPLICATION 2020153 35 MAY STREET	676.98	676.98
EFT31024	03/03/2021	A MACRAILD	RATES REFUND	752.59	752.59
EFT31025	03/03/2021	M NOBLE	MOORING PEN C11 ANNUAL FEE REFUND 15/02/2021 - 30/06/2021	1,676.88	1,676.88
EFT31026	03/03/2021	F MICHAELSON	PARKING REFUND	16.00	16.00

EFT31027	03/03/2021	M BENAQUISTA	DOG LICENSE REFUND	24.79	24.79
EFT31028	03/03/2021	I HENDERSON	COMMUNITY LED INITIATIVES REIMBURSEMENT	42.77	42.77
EFT31029	03/03/2021	M MUDIE	MOORING PEN ANNUAL FEE REFUND FOR 22/02/2021 - 30/06/2021 - LEASE SURRENDERED	1,271.94	1,271.94
EFT31030	03/03/2021	SIMONE BEARD	REIMBURSEMENT - PROTECTIVE CLOTHING ALTERATIONS	216.60	216.60
EFT31031	04/03/2021	AUSTRALIAN TAXATION OFFICE	GST PAYABLE JANUARY 21	18,434.00	18,434.00
EFT31032	08/03/2021	M MUDIE	MOORING PEN BOND REFUND	1,920.00	1,920.00
EFT31033	08/03/2021	GREEN-SHORE BUILDERS PTY LTD	INFRASTRUCTURE BOND REFUND	2,000.00	2,000.00
EFT31034	08/03/2021	R SUTHERLAND	INFRASTRUCTURE BOND REFUND	2,000.00	2,000.00
EFT31035	08/03/2021	G & S MACCHIUSI	INFRASTRUCTURE BOND REFUND	1,500.00	1,500.00
EFT31036	08/03/2021	ANDY POLLARD HOMES PTY LTD	INFRASTRUCTURE BOND REFUND	2,000.00	2,000.00
EFT31037	08/03/2021	J LITHGO	INFRASTRUCTURE BOND REFUND	1,500.00	1,500.00
EFT31038	08/03/2021	S HOPKINSON	INFRASTRUCTURE BOND REFUND	2,000.00	2,000.00
EFT31039	08/03/2021	K NORMAN	INFRASTRUCTURE BOND REFUND	1,500.00	1,500.00
EFT31040	08/03/2021	M POOLE	INFRASTRUCTURE BOND REFUND	2,000.00	2,000.00
EFT31041	08/03/2021	M NOBLE	MOORING PEN BOND REFUND	2,400.00	2,400.00
EFT31042	08/03/2021	BANKSIA BUILDING GROUP	INFRASTRUCTURE BOND REFUND	2,000.00	2,000.00
EFT31043	09/03/2021	TOWN OF EAST FREMANTLE	TRANSFER FROM TRUST ACCOUNT TO MUNI ACCOUNT - FUNDS USED FOR PARKING AND TRAFFIC FEASIBILITY STUDIES	2,000.00	
			TRANSFER FROM TRUST TO MUNI FOLLOWING MINISTERIAL APPROVAL TO USE TRUST FUNDS FOR THE EAST FREMANTLE OVAL PRECINCT REDEVELOPMENT	221,946.00	223,946.00
EFT31044	18/03/2021	AUSTRALIA POST	POSTAGE COSTS FEBRUARY 2021	1,962.76	1,962.76
EFT31045	18/03/2021	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS MARCH 21	216.72	216.72
EFT31046	18/03/2021	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED FEBRUARY 21	97.60	97.60
EFT31047	18/03/2021	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE ITEMS	718.20	718.20
EFT31048	18/03/2021	BOC LIMITED	CONTAINER SERVICE - FEBRUARY 2021	32.44	32.44
EFT31049	18/03/2021	CITY OF COCKBURN	TIP FEES - FEBRUARY 2021	715.00	715.00
EFT31050	18/03/2021	EAST FREMANTLE FOOTBALL CLUB	3 TABLES AT THE PRESIDENT'S LUNCHEON 22/5/2021- VOLUNTEER WEEK	1,800.00	1,800.00
EFT31051	18/03/2021	IMPRINT PLASTIC	ID CARDS - RANGERS	25.85	25.85
EFT31052	18/03/2021	IT VISION	EFT ALTUS PAYROLL TEST DATABASE - FEB 2021	220.00	220.00
EFT31053	18/03/2021	LO-GO APPOINTMENTS	CASUAL LABOUR HIRE W/E 06/03/21	1,292.54	1,292.54
EFT31054	18/03/2021	MCLEODS	PROFESSIONAL FEES - BUSH FIRE ENFORCEMENT ACT	498.46	498.46
EFT31055	18/03/2021	MELVILLE TOYOTA	MECHANICAL SERVICE FOR 1GBT981 INCLUDING 2 REPLACEMENT TYRES AND WHEEL ALIGNMENT.	653.88	
			MAJOR MECHANICAL SERVICE FOR 1GCC228. INCLUDING REPLACEMENT OF BRAKE PADS.	1,179.60	
			MECHANICAL SERVICE INCLUDING 4 REPLACEMENT TYRES AND WHEEL ALIGNMENT FOR 1GCC227	1,397.66	3,231.14
EFT31056	18/03/2021	OPTUS ADMINISTRATION PTY LTD	MOBILE PHONES 22/12/2020 - 21/01/2021	420.51	
			MOBILE PHONE 22/01/2021 - 21/02/2021	412.45	832.96
EFT31057	18/03/2021	SWAN YACHT CLUB	DEPOSIT - SENIORS CHRISTMAS LUNCH 2021	550.00	550.00
EFT31058	18/03/2021	TELSTRA CORPORATION LIMITED	MOBILE REPAYMENT OPTION - MARCH 2021	612.44	
			HACC MOBILE PHONE 03/03/21 - 03/04/21	25.55	637.99
EFT31059	18/03/2021	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	16,814.69	16,814.69
EFT31060	18/03/2021	YOUNGS PLUMBING SERVICE P/L	UNBLOCK TOILET - GLASSON PARK	151.80	151.80
EFT31061	18/03/2021	THE WEST AUSTRALIAN	ADVERTISEMENTS - ANNUAL ELECTORS' MEETING & EAST FREMANTLE OVAL REDEVELOPMENT	467.50	467.50
EFT31062	18/03/2021	SMRC LOAN REPAYMENT ACCOUNT	RRRC LOAN PRINCIPAL AND INTEREST PAYMENT	27,498.01	27,498.01
EFT31063	18/03/2021	STEANN PTY LTD	BULK GREENWASTE COLLECTION - MARCH 2021 - 75.02 TONNES COLLECTED	13,970.00	13,970.00
EFT31064	18/03/2021	MCGEES NATIONAL PROPERTY CONSULTANTS	MOORING PEN LEASE FEES 01/03/21 - 31/05/21 , POSTAGE & PETTIES & MANAGEMENT FEES (DUPLICATE PAYMENT TO BE APPLIED TO 1/06/21 - 31/08/21 INVOICE)	12,256.92	12,256.92
EFT31065	18/03/2021	SOUTHERN METROPOLITAN REGIONAL COUNCIL	GATE FEES - WASTE DISPOSAL (GENERAL WASTE) FEBRUARY 2021	11,372.93	
			GATE FEES - WASTE DISPOSAL (RECYCLING) FEBRUARY 2021	7,942.51	
			RRRC OVERHEADS CONTRIBUTION FEBRUARY 2021	20,931.90	40,247.34
EFT31066	18/03/2021	DEPT OF MINES, INDUSTRY REGULATION & SAFETY	BUILDING SERVICE LEVY COLLECTED FEBRUARY 2021	1,414.58	1,414.58
EFT31067	18/03/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	2 X STAFF ATTENDANCE - PROJECT MANAGEMENT ESSENTIALS COURSE	1,490.00	1,490.00
EFT31068	18/03/2021	WATERLOGIC AUSTRALIA PTY LTD	RENTAL - MAINTENANCE OF EQUIPMENT FOR 01/03/21 - 31/05/21	179.52	179.52
EFT31069	18/03/2021	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	2020/21 ESL QUARTER 3 - OPTION B AGREEMENT	410,936.39	410,936.39
EFT31070	18/03/2021	NUMERO UNO CATERING	CATERING - 16TH & 22ND FEBRUARY 2021	1,148.00	1,148.00
EFT31071	18/03/2021	WOOLWORTHS SUPERMARKETS	RESPIRE CENTRE GROCERIES 02/03/2021	168.55	
			CATERING 08/03/21	102.12	
			CATERING 09/3/21	62.40	
			REFRESHMENTS - OPEN HOUSE 10/3/21	31.75	364.82
EFT31072	18/03/2021	AUSTRALIAN INSTITUTE OF MANAGEMENT	CEO PROFESSIONAL MEMBERSHIP 01/04/2021 - 31/03/2022	49.00	49.00
EFT31073	18/03/2021	EAST FREMANTLE LAWN TENNIS CLUB	EFLTC HALL HIRE FOR 3RD MARCH, 4 HOURS	200.00	200.00
EFT31074	18/03/2021	INDIANIC GROUP PTY LTD	JETTIES - MOORING PEN PVLON REPLACEMENT x3	20,818.60	20,818.60
EFT31075	18/03/2021	DAVID GRAY & CO. PTY LTD	30 X 240L GW BINS - COMPLETE SETS, BIN AXLES, BIN WHEELS	2,870.67	2,870.67
EFT31076	18/03/2021	HYDRO JET	GRAFFITI REMOVAL - VARIOUS LOCATIONS	363.00	363.00
EFT31077	18/03/2021	LANDSCAPE YARD O'CONNOR	2 X CUBIC METRES OF LAWN SAND	114.00	114.00
EFT31078	18/03/2021	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 PHOTOCOPY CHARGES - PLANNING 13/02/21 - 12/03/21	309.88	
			KONICA MINOLTA PHOTOCOPIER CONTRACT DEPOT 13/02/2021 - 12/03/2021	78.80	388.68
EFT31079	18/03/2021	SUNNY SIGN COMPANY PTY LTD	DOG EXERCISE AREA SIGNAGE	451.00	451.00
EFT31080	18/03/2021	FOODWORKS EAST FREMANTLE	ADMIN, WORKS, HEALTH & FOGO CONSUMABLES	274.45	274.45
EFT31081	18/03/2021	WESTERN AUSTRALIA POLICE	NATIONAL POLICE CHECK - VOLUNTEER NEIGHBOURHOOD LINK	16.70	16.70
EFT31082	18/03/2021	FOCUS NETWORKS	MANAGED PROACTIVE SERVICE - MONTHLY COMPUTER SERVICES FEBRUARY 2021	4,160.20	
			MONTHLY CHARGES FOR MICROSOFT OFFICE 365, VISIO, EMAIL PROTECTION, ANTI VIRUS, MANAGED RECOVERY SERVICE AND DUO MULTI-FACTOR AUTHENTICATION LICENCE FEBRUARY 2021	4,933.98	9,094.18
EFT31083	18/03/2021	FREMANTLE ASBESTOS REMOVAL	REMOVAL OF ASBESTOS CONTAMINATED SOIL FROM CAR PARK REPAIR	1,914.00	1,914.00
EFT31084	18/03/2021	VOCUS COMMUNICATIONS	INTERNET - TOWN HALL - 01/04/21 - 30/04/21	1,171.50	

			ADSL INTERNET TRICOLORE CENTRE 100G MARCH AND APRIL 2021	100.00	
			SESSION INITIATION PROTOCOL (SIP) LINES / SERVICES CHARGES FOR VOICE OVER INTERNET PROTOCOL (VOIP) FEBRUARY 2021	515.36	1,786.86
EFT31085	18/03/2021	MARKETFORCE	EAST FREMANTLE OVAL REDEVELOPMENT BUSINESS PLAN	663.16	663.16
EFT31086	18/03/2021	MARKET CREATIONS	STATIONERY PRINTING - 10% DISCOUNT - DUE TO PRODUCT ERROR	-85.80	
			DESIGN AND PRINTING (50 COPIES) OF THE 2019/20 TOEF ANNUAL REPORT	1,012.00	926.20
EFT31087	18/03/2021	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	STANDING ORDER - MONTHLY CHARGES FOR PARKING MACHINES AT LEEUWIN FEBRUARY 2021	165.00	
			STANDING ORDER - PAYABLE CREDIT CARD TRANSACTION SVIA TILL PAYMENTS FOR THE MONTH OF FEBRUARY 2021	309.14	474.14
EFT31088	18/03/2021	KEYS THE MOVING SOLUTION	FURNITURE STORAGE - HISTORIC AND CHAMBER FURNITURE - 28/02/21 - 27/03/21	260.00	260.00
EFT31089	18/03/2021	HUNT ARCHITECTS (PETER HUNT ARCHITECT)	PROFESSIONAL FEES - MULTIDISCIPLINARY DESIGN SERVICES - EAST FREMANTLE OVAL PRECINCT REDEVELOPMENT	6,963.00	6,963.00
EFT31090	18/03/2021	STATE WIDE TURF SERVICES	TOP DRESS SOCCER GROUNDS AND LAY 30M2 OF TURF	9,790.00	9,790.00
EFT31091	18/03/2021	COASTLINE MOWERS	6 X ROLLS OF BRUSHCUTTER CORD, 6 AUTO FEED HEADS AND 4 AUTO FEED HEAD CAPS	652.95	652.95
EFT31092	18/03/2021	SUEZ RECYCLING & RECOVERY PTY LTD	MONTHLY WASTE COLLECTION - 46 EAST STREET - FEBRUARY 2021	726.00	
			LEEUWIN BOAT RAMP - BULK BIN COLLECTION FEBRUARY 2021	206.80	932.80
EFT31093	18/03/2021	AMBIUS (RENTOKIL INITIAL PTY LTD)	OFFICE PLANT HIRE - 27/02/2021 - 26/03/2021,	273.11	
			OFFICE PLANT HIRE - 27/03/2021 - 26/04/2021	273.11	546.22
EFT31094	18/03/2021	SHRED-X PTY LTD	240 LITRE SECURITY BIN EXCHANGE FOR TOWN HALL 24/02/21	20.24	20.24
EFT31095	18/03/2021	THE FRUIT BOX GROUP	STAFF FRUIT BOX TOWN HALL AND DEPOT 25/01/21 - 15/02/21	204.00	204.00
EFT31096	18/03/2021	GRACE RECORDS MANAGEMENT (AUSTRALIA)	STANDING ORDER FOR TRANSPORT AND STORAGE OF RECORDS 01/03/2021 - 31/03/2021,	325.49	
			SCAN ON DEMAND SERVICES FOR PLANNING AND BUILDING SERVICES FEBRUARY 2021	939.15	1,264.64
EFT31097	18/03/2021	FRESH PROVISIONS BICTON	CATERING - 9/3/21	183.83	
			CATERING - OPEN HOUSE 10/3/21	23.51	207.34
EFT31098	18/03/2021	MIDSHORE PTY LTD T/AS STATEWIDE LINE MARKING	LEEUWIN CARPARK - LINE MARKING	6,862.35	6,862.35
EFT31099	18/03/2021	TIS BUILDING AND MAINTENANCE	MAINTENANCE - TRICOLORE COMMUNITY CENTRE, COMPLETE PAINTING WORKS THAT WERE PLACED ON HOLD DUE TO COVID-19	3,165.80	3,165.80
EFT31100	18/03/2021	KYOCERA DOCUMENT SOLUTIONS	MONTHLY PRINTING COST TOWN HALL - FEBRUARY 2021	52.03	52.03
EFT31101	18/03/2021	C'EST BIEN THAI	CATERING - 8/3/21	178.10	178.10
EFT31102	18/03/2021	SKATEBOARDING WA	EAST FREQ YOUTH EVENT ONSITE COACHING WITH PROVISION OF RAMP/S AND ALL EQUIPMENT	3,300.00	3,300.00
EFT31103	18/03/2021	ASLAB PTY LTD	SOIL DRAINAGE PERMEABILITY TESTING	5,060.00	5,060.00
EFT31104	18/03/2021	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - MARCH 2021	1,140.00	1,140.00
EFT31105	18/03/2021	M2M ONE PTY LTD	TOWN HALL LIFT EMERGENCY SIM CARD - MARCH 2021	13.20	13.20
EFT31106	18/03/2021	PAPERSCOUT	NEWSLETTER PRINT x 3200	1,749.00	1,749.00
EFT31107	18/03/2021	TPG NETWORK PTY LTD	FAST FIBRE AND IP LINE LINK, TOWN HALL, DEPOT, TRICOLORE MONTHLY CHARGE - 01/02 - 28/02	1,015.30	1,015.30
EFT31108	18/03/2021	MALCOLM E CHAMPION	PAYMENT FOR ATTENDANCE AT 2 x RAP WORKING GROUP MEETINGS	500.00	500.00
EFT31109	18/03/2021	SHIRE OF SERPENTINE JARRAHDALE	PAYMENT OF PROVISION FOR LONG SERVICE LEAVE - MR LES MAINWARING	1,946.05	1,946.05
EFT31110	18/03/2021	ANGELA MCHARRIE	CONCEPT DESIGN FOR SILAS STREET ROUNDABOUT PUBLIC ART INSTALLATION	550.00	550.00
EFT31111	18/03/2021	PERTH PRESSURE JET SERVICES PTY LTD T/AS CLEANFLOW ENVIRONMENTAL SOLUTIONS	DALGETY STREET / CANNING HIGHWAY DRAINAGE CCTV INSPECTION & VACUUM - 25/02/2021,	4,008.40	
			DALGETY STREET / CANNING HIGHWAY DRAINAGE CCTV INSPECTION & VACUUM - 26/02/2021,	3,517.80	7,526.20
EFT31112	18/03/2021	R ROACH	PROFESSIONAL FEES - ON SITE SURVEY PICK UP OF RIVERSIDE ROAD FROM SOUTH OF ANDREWS ROAD TO THE START OF THE LEEUWIN BARRACKS	4,235.00	4,235.00
EFT31113	18/03/2021	S DAWSON	REFUND - STERILISED DOG REGISTRATION FEE	150.00	150.00
EFT31114	18/03/2021	KOORI KIDS	DONATION - NAIDOC WEEK SCHOOL INITIATIVES 2021	500.00	500.00
EFT31115	18/03/2021	ALINTA ENERGY	GAS USAGE RESPITE CENTRE - 25/11/2020 - 26/02/2021	141.80	141.80
EFT31116	18/03/2021	AMPOL AUSTRALIA PETROLEUM PTY LTD (CALTEX)	FUEL USE FEBRUARY 2021	2,775.74	2,775.74
EFT31117	24/03/2021	TOWN OF EAST FREMANTLE	BOND RETAINED FOR MOORING PEN NO. A11	2,066.60	
			BOND RETAINED FOR MOORING PEN NO. B14	2,400.00	4,466.60
EFT31118	24/03/2021	R REGNARD	BOND FOR SUMPTON GREEN HIRE	300.00	300.00
EFT31119	24/03/2021	P CUTTER	BOND REFUND	2,000.00	2,000.00
EFT31120	24/03/2021	R & R OLIVER	BOND REFUND	2,000.00	2,000.00
EFT31121	24/03/2021	S & S ROSSER	BOND REFUND	2,000.00	2,000.00
EFT31122	24/03/2021	G HENLEY	MOORING PEN BOND REFUND	333.40	333.40
EFT31123	24/03/2021	J MATIJAS	BOND REFUND	2,000.00	2,000.00
EFT31124	24/03/2021	S DAVIE	BOND REFUND	2,000.00	2,000.00
EFT31125	26/03/2021	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS MARCH 21	216.72	216.72
EFT31126	26/03/2021	MCLEODS	PROFESSIONAL FEES - WITHDRAWAL OF CAVEAT & REPLACEMENT EASEMENT	512.18	
			PROFESSIONAL FEES - RATES CAVEAT	63.58	575.76
EFT31127	26/03/2021	TELSTRA CORPORATION LIMITED	SUMPTON GREEN PHONE - MARCH & TOWN OF EAST FREMANTLE DIRECTORY LISINGS	539.41	539.41
EFT31128	26/03/2021	TREE PLANTING & WATERING	STREET TREE WATERING FOR NOVEMBER & DECEMBER 20	5,624.82	
			STREET TREE WATERING FOR JANUARY 2021	5,624.82	11,249.64
EFT31129	26/03/2021	SOUTHERN METROPOLITAN REGIONAL COUNCIL	CREDIT FOR INV 14591 MRF GATE FEES FOR MARCH 2020 - INCORRECT RATE	-56.54	
			2 YEAR REGIONAL COUNCIL MEMBERSHIP TO PLASTIC FREE JULY	139.99	83.45
EFT31130	26/03/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	4 X STAFF REGISTRATION FOR CONFLICT MANAGEMENT WORKSHOP	1,395.00	
			MEMBERSHIP SUBSCRIPTION 20/21 FOR STAFF MEMBER	265.51	
			PROJECT MANAGEMENT MASTERCLASS WEBINAR SERIES 1	280.00	1,940.51
EFT31131	26/03/2021	LIME FLOWERS	FLOWER DELIVERY TO RESIDENT	100.00	100.00
EFT31132	26/03/2021	WOOLWORTHS SUPERMARKETS	RESPITE CENTRE GROCERIES MARCH 2021	451.26	451.26
EFT31133	26/03/2021	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES - FEBRUARY 2021	394.40	394.40
EFT31134	26/03/2021	FOCUS NETWORKS	MICROSOFT CSP INTUNE MONTHLY SUBSCRIPTION FOR SAMSUNG TABLET	9.06	

REPORT 13.2.2

ATTACHMENT 1

			MICROSOFT WINDOWS SERVER 2019 STANDARD 8 CORE LICENSE PACK 1 YEAR, CLOUD SOULUTONS PROVIDER - MICROSOFT WINDOWS SERVER CAL - 1 USER CAL - 1 YEAR, CLOUD SOULUTONS PROVIDER - MICROSOFT WINDOWS SERVER REMOTE DESKTOP SERVERS - 1 YEAR	7,763.80	7,772.86
EFT31135	26/03/2021	AMBIUS (RENTOKIL INITIAL PTY LTD)	TOWN HALL PLANT HIRE 27/04/2021 - 26/05/2021	278.58	278.58
EFT31136	26/03/2021	FRESH PROVISIONS BICTON	CATERING 4/03/21	176.88	176.88
EFT31137	26/03/2021	C'EST BIEN THAI	CATERING 08/03/21	271.30	271.30
EFT31138	26/03/2021	THE ROYAL LIFE SAVING SOCIETY WA INC	POOL INSPECTIONS 01/02/21 - 28/02/21	280.50	280.50
EFT31139	26/03/2021	STA PRINT PTY LTD	1000 DL FLYERS - YOUTH MEET UP	110.00	
			3 X A1 CORFLUTE SIGNS	165.00	275.00
EFT31140	26/03/2021	JUDITH FORREST	DESIGN CONCEPT PREPARATION SILAS STREET ROUNDABOUT	550.00	550.00
EFT31141	26/03/2021	CONNECTIV	SAMSUNG GALAXY TAB S7 128GB 4GX, APPLE IPHONE 12 PRO 128GB 5G (GRAPHIC), APPLE 20W USB-C POWER ADAPTER	3,097.00	3,097.00
EFT31142	26/03/2021	M GADSBY	RATES REFUND	2,204.79	2,204.79
EFT31143	26/03/2021	FRESH FIELDS PROJECTA (WA) NO1 PTY LTD	RATES REFUND	8,290.73	8,290.73
			<b>EFT TOTAL</b>	<b>\$ 1,089,854.36</b>	<b>\$ 1,089,854.36</b>
	<b>Direct Debit</b>	<b>Supplier</b>	<b>Description</b>	<b>Inv Amount</b>	<b>EFT</b>
		SUPERCHOICE PTY LTD	EMPLOYEE SUPERANNUATION - FEBRUARY 2021	\$ 45,984.04	\$ 45,984.04
		CBA	CBA MERCHANT FEE	\$ 575.78	\$ 575.78
		CBA	ACCOUNT SERVICE TRANSACTION FEES	\$ 32.98	\$ 32.98
		CBA	BPAY TRANSACTION FEES	\$ 324.72	\$ 324.72
		CBA	COMMBIZ TRANSACTION FEES	\$ 86.90	\$ 86.90
		CBA	BPOINT TRANSACTION FEES	\$ 55.85	\$ 55.85
		CBA	REJECT RETURN FEES	\$ 2.50	\$ 2.50
		CREDIT CARD - ANDREW DRIVER	OZ AUSTRALIA - RANGER HAT	\$ 44.99	\$ 44.99
			CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE	\$ 42.41	\$ 42.41
			COMMONWEALTH BANK - ANNUAL FEE	\$ 40.00	\$ 40.00
			CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE	\$ 40.40	\$ 40.40
			ZONE COMMUNICATIONS FREMANTLE - MOBILE PHONE CASE	\$ 69.95	\$ 69.95
			ZONE COMMUNICATIONS FREMANTLE - SCREEN PROTECTOR	\$ 49.95	\$ 49.95
			ZONE COMMUNICATIONS FREMANTLE - SCREEN PROTECTOR	\$ 39.95	\$ 39.95
			ZONE COMMUNICATIONS FREMANTLE - MOBILE PHONE CASE	\$ 79.95	\$ 79.95
			CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE	\$ 83.49	\$ 83.49
			CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE	\$ 27.05	\$ 27.05
			CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE	\$ 46.84	\$ 46.84
			CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE	\$ 35.60	\$ 35.60
			TOWN OF EAST FREMANTLE - TICKET MACHINE TEST	\$ 468.00	\$ 468.00
		CREDIT CARD - GARY TUFFIN	COMMONWEALTH BANK - ANNUAL FEE	\$ 40.00	\$ 40.00
			CITY OF JOONDALUP - PARKING	\$ 8.00	\$ 8.00
		CREDIT CARD - PETER KOCIAN	DWER WATER - REQUEST FOR SUMMARY OF RECORDS	\$ 30.00	\$ 30.00
			DWER- WATER	\$ 30.00	\$ 30.00
			ZOOM - SUBSCRIPTION - FEBRUARY	\$ 138.53	\$ 138.53
			GILBERTS FRESH HILTON - CATERING 24/2/21	\$ 69.41	\$ 69.41
			GILBERTS FRESH HILTON - CATERING 24/2/21	\$ 97.94	\$ 97.94
			COMMONWEALTH BANK - ANNUAL FEE	\$ 40.00	\$ 40.00
			WWS COMMUNITIES - EAST PERTH WORKING WITH CHILDREN CHECKS	\$ 87.00	\$ 87.00
			OFFICEWORKS- BROCHURE STANDS FOR OPEN HOUSE	\$ 232.83	\$ 232.83
			MYAREE CAR HIRE- RANGER VEHICLE RENTAL	\$ 1,163.40	\$ 1,163.40
			BUSINESS INSIGHTS - WA HR LEADER SUMMIT	\$ 560.84	\$ 560.84
			GILBERTS FRESH HILTON - CATERING 8/3/21	\$ 13.48	\$ 13.48
			MAIL CHIMP - SUBSCRIPTION	\$ 40.73	\$ 40.73
			OTTERBOX - RANGER TABLET COVER	\$ 129.95	\$ 129.95
			SMART RIDER - SMART RIDER CARD TOP UPS	\$ 40.00	\$ 40.00
			MYAREE CAR HIRE- RANGER VEHICLE RENTAL	\$ 443.20	\$ 443.20
			SEA BREEZE FISH & CHIP - CATERING 31/3/21	\$ 257.25	\$ 257.25
			OFFICEWORKS - YOUTH EVENT	\$ 350.32	\$ 350.32
			ZOOM - SUBSCRIPTION - MARCH	\$ 138.53	\$ 138.53
			<b>DIRECT DEBIT TOTAL</b>	<b>\$ 52,042.76</b>	<b>\$ 52,042.76</b>
			<b>Description</b>	<b>Inv Amount</b>	<b>EFT</b>
			PAYROLL FORTNIGHT ENDING 10/03/21	\$ 133,403.82	\$ 133,403.82
			PAYROLL FORTNIGHT ENDING 23/03/21	\$ 133,948.04	\$ 133,948.04
			ONE OFF PAY 29/03/21	\$ 825.00	\$ 825.00
			<b>PAYROLL TOTALS</b>	<b>\$ 268,176.86</b>	<b>\$ 268,176.86</b>
			<b>GRAND TOTAL</b>	<b>\$ 1,410,783.60</b>	<b>\$ 1,410,783.60</b>



### **TOWN OF EAST FREMANTLE**

## **DIFFERENTIAL GENERAL RATES AND MINIMUM PAYMENTS – OBJECTS & REASONS FOR THE 2021/22 RATING YEAR**

In accordance with section 6.36 of the *Local Government Act 1995* and Council's 'Notice of Intention to Levy Differential General Rates and Minimum Payments', the following information details the objectives and reasons for those proposals.

### **EXECUTIVE SUMMARY**

The following rating principles are proposed in this Statement of Rating Objects and Reasons for the 2021/22 rating year:

- Gross Rental Values apply to the following differential general rate categories; Residential and Commercial.
- Properties are rated according to Town Planning zonings, predominant land use, whether the land is vacant land, and any other characteristic or combination of characteristics prescribed, with each having a separate calculated rate in the dollar to achieve greater equity across all sectors.
- The Town of East Fremantle currently charges rates to six sporting clubs that are categorized as 'Sporting Clubs – Commercial' and rated under the Commercial GRV category. They are the East Fremantle Lawn Tennis Club, East Fremantle Bowling Club, East Fremantle Football Club, Fremantle Rowing Club, East Fremantle Yacht Club and Swan Yacht Club. These clubs generate income through food and beverage, as well as hire of facilities.
- The current Gross Rental Values have a date of valuation of 1 August 2018– that is, the Town received a general valuation with valuations to come into force on 1 July 2020. The Town is subject to a triennial revaluation, with the next valuation date being 1 August 2021, with values coming into force on 1 July 2023.
- It is very important for ratepayers to recognize that changes in land values do not automatically drive changes to rates engloblo. Council amends the rate in the dollar to offset any significant movement in valuations to maintain the rate yield, and the relative rates burden placed on each category.
- The rate in the dollar for Residential GRVs has been amended from 7.4225 cents to 7.6377 cents, an increase of 2.9%.
- The rate in the dollar for Commercial GRVs has been amended from 11.403 cents to 11.3749 cents, an increase of 2.9%.

- The proposed rates model will yield \$8,259,583 in total revenue, which is a 2.9% increase in rates payable for all properties.

### WHAT ARE RATES?

Rates are a tax levied on all rateable properties within the boundaries of the Town of East Fremantle in accordance with the *Local Government Act 1995*.

The overall objective of the proposed rates in the 2021/22 Budget is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements of the Town, after taking into account all other forms of revenue.

The formulation of a rating system is about achieving a means by which Council can raise sufficient revenue to pay for the services it provides. Throughout Australia, the basis of using property valuations has been found to be the most appropriate means of achieving rating equity; however, the achievement of a wholly equitable rating system for all properties, in all areas, is a difficult task if it is based on the property valuations alone. For this reason there are refinement options made available, such as differential rating, the Town of East Fremantle has elected to use.

In Western Australia, land is valued by Landgate Valuation Services and those values are forwarded to each local government for rating purposes. Two types of values are calculated – Gross Rental Value (GRV) which generally applies for urban areas; and Unimproved Value (UV) which generally applies for rural land. GRV means the gross annual rental that the land might reasonably be expected to realise if let on a tenancy from year to year upon condition that the landlord was liable for all rates, taxes and other charges thereon and the insurance and outgoings necessary to maintain the value of the land.

### LOCAL GOVERNMENT ACT 1995 – RATING PROVISIONS

The *Local Government Act 1995* sets out the basis on which differential general rates may be based as follows:

Section 6.32 (1) of the *Local Government Act 1995* states:

- (1) When adopting the annual budget, a local government –
  - a. In order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either –
    - i. Uniformly; or
    - ii. Differentially

### DIFFERENTIAL GENERAL RATES

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics –
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
  - (b) a purpose for which the land is held or used as determined by the local government; or
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may –
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.

- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

#### MINIMUM PAYMENTS

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6),  
on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value; and
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

**2021/22 BUDGET PROPOSAL**

The following are the proposed Differential General Rates and Minimum Payments for the Town of East Fremantle for the 2021/22 financial year, to be effective from 1 July 2021:

<b>Rate Category</b>	<b>Proposed Rate in \$</b>	<b>Proposed Minimum Payment</b>	<b>Budget Rate Yield 20/21</b>	<b>Budget Rate Yield 21/22</b>
Residential	7.6377 cents	\$1,138	\$6,743,911	\$6,946,039
Commercial	11.3749 cents	\$1,702	\$1,295,840	\$1,323,172
<b>TOTAL</b>			<b>\$8,039,751</b>	<b>\$8,269,211</b>

The following principles have been considered when setting the level of rates:

- Council's adopted Strategic Resource Plan (SRP) is underpinned by a **3%** annual increase in rate revenue against actual rate yield in the prior year.
- Increases in the general rate yield for the last 5 financial years were 4.15%, 2.0%, 2.5%, 2.4% and 0% (COVID). Thus, in the last four financial years, the increase in rate yield has been below the stable pricing pathway assumed in the SRP.
- In setting rates for the next financial year, Council needs to be cognisant of longer-term variables such as:
  - (i) The cumulative difference in total revenue over 15 years between a 2% annual rate increase and 3% annual rate increase is \$10.5m. This additional rate revenue provides greater capacity to fund capex requirements (or debt obligations) associated with the implementation of the East Fremantle Oval Redevelopment project, Preston Point Facilities Master Plan and Foreshore Master Plan, to name a few.
  - (ii) The East Fremantle Oval Business Plan indicates that the Town may be required to provide an operational subsidy and contribution to start-up capital, which will require an own source funding contribution.
  - (iii) As detailed in the SRP, the Current Ratio, Operating Surplus Ratio and Asset Sustainability Ratios are all projected to be below the Department's benchmark for several years. The adverse trends in ratios have featured as a significant audit finding in the last 2 years. The Town needs to grow its revenue base relative to expenditure to create available surplus for investing and financing activities.
  - (iv) Total Cash-Backed Reserves will be circa \$900k at the end of this financial year. To meet the objectives and future funding requirements as outlined in Council's Cash Backed Reserves Policy, a replenishment strategy of Reserves should be considered.
- The Local Government Cost Index (LGCI) is an accurate indicator of cost movements affecting Local Governments as it makes better distinction between operating and capital costs and uses price indices that align more closely to the nature of goods and services used by Local Governments. The LGCI predicts that costs will rise by 1.4% in 2021/22 and 2% in 2022/23, and reflects an expected increase in wage, construction and machinery and equipment costs, as the economic recovery gathers pace.



- The following cost drivers will amount to a 0.5% rate increase for the Town in 2021/22; street lighting tariffs will increase by 9.6% (an increase of \$11k) and insurance will increase by between 10-15% (an increase of \$30k).

### **Residential Improved and Not Improved**

#### Characteristics:

This differential general rate category imposes a general rate on land valued on a gross rental value basis, which is zoned, held or used for residential purposes and having improvements erected on it.

#### Reasons and Objects:

The object of this proposed rate is to apply a base differential general rate to land zoned and used for residential purposes and to act as the Town's benchmark differential rate by which all other GRV rated properties are assessed. The reason for this rate is to ensure that all ratepayers make a reasonable or minimum contribution towards the ongoing maintenance and provision of works, services and facilities throughout the Town. The proposed rate in the dollar of GRV value for this category is 0.076377 with a minimum payment amount of \$1,138. 330 properties or 10% of residential properties will receive the minimum payment.

### **Commercial Improved and Not Improved**

#### Characteristics:

This differential rate category imposes a rate on land valued on a gross rental value basis, which is zoned, held or used for commercial purposes and having improvements erected on it.

This category also includes 'Sporting Clubs – Commercial'. They are the East Fremantle Lawn Tennis Club, East Fremantle Bowling Club, Fremantle Rowing Club, East Fremantle Football Club, East Fremantle Yacht Club and Swan Yacht Club. These clubs generate commercial revenue through food and beverage, as well as hire of facilities. The Town has tenure agreements in place with each of these organisations which entitles the Town to levy rates and service charges.

#### Reasons and Objects:

The object of this differential rate category is to apply a rate to Commercial properties in order to raise additional revenue to offset the costs associated higher levels of services to properties in this category, such as parking infrastructure, road construction, maintenance (including building maintenance) and refurbishment including road drainage systems, urban style guides and parking compliance. The proposed rate in the dollar of GRV value for this category is 0.113749 with a minimum payment amount of \$1,702. 11 properties or 8% of commercial properties will receive the minimum payment.

The object of the differential rate category for Sporting Clubs – Commercial is to ensure that sporting clubs are contributing to the capital and maintenance expenses associated with the provision of dedicated infrastructure and facilities for the use of all community groups and sporting clubs. The Town has finalised the Preston Point Facilities Master Plan which identifies over \$11m worth of capital projects. The East Fremantle Tennis Club and East Fremantle Yacht Club are located within this precinct. The Town will also be budgeting circa \$15m of capital expenditure in 2021/22 to commence the East Fremantle Oval Redevelopment Project. This is a \$26m project over 2 years; and incorporates dedicated facilities for the East Fremantle Bowling Club and East Fremantle Football Club.

### **SUBMISSIONS:**

Submissions are invited from any elector or ratepayer with respect to the proposed rates, and any related matter, within a minimum 21 days of the date of this notice. Submissions should be addressed to the Chief Executive Officer, Town of East Fremantle, PO Box 1097, FREMANTLE WA 6959, by 21 May 2021.

Submissions should be clearly marked 'Submission – 2021/2022 Differential Rates.

**Gary Tuffin**  
**Chief Executive Officer**



### NOTICE OF INTENTION TO IMPOSE DIFFERENTIAL RATES

The Town of East Fremantle is in the process of finalising the 2021/22 annual budget. In accordance with Section 6.36 of the *Local Government Act 1995*, the Town invites public submissions in respect of the intention to Levy Differential General Rates and Minimum Payments.

The overall objective of the proposed rates in the 2021/22 Budget is to provide for the net funding requirements of the Town's services, activities, financing costs, and the current and future capital requirements of the Town, after taking into account all other forms of revenue.

The following are the proposed Differential General Rates and Minimum Payments for the 2021/22 financial year.

Residential (GRV)	7.6377 cents in the dollar
Commercial (GRV)	11.3749 cents in the dollar
Minimum Payment (Residential)	\$1,138
Minimum Payment (Commercial)	\$1,702

A statement of the Rating Objects and Reasons has been prepared and is available to view on the Town's website [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au) and a hard copy is available from the Town Administration Centre located at 135 Canning Highway, East Fremantle.

Submissions are invited from any elector or ratepayer with respect to the proposed rates, and any related matter, within 21 days of the date of this notice. They should be clearly marked 'Submission – 2021/22 Differential Rates' and emailed to [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au) or received by the CEO, Town of East Fremantle, PO Box 1097, FREMANTLE WA 6959, by 4.00pm 21 May 2021.

Gary Tuffin  
Chief Executive Officer



TOWN *of*  
EAST FREMANTLE

# DELEGATED AUTHORITY REGISTER



## DOCUMENT CONTROL

DOCUMENT DISTRIBUTION LIST			
Copy No	Distributed to	Position/Title	Date

DOCUMENT CONTROL			
Version	Approved by		Date
	Name	Title/Resolution	
1	Ordinary Council	Review of Register of Delegations	16 June 2015
2	Ordinary Council	Review of Register of Delegations	21 June 2016
3	Ordinary Council	Review of Register of Delegations	20 June 2017
4	Ordinary Council	Review of Register of Delegations	19 June 2018
5	Ordinary Council	New Delegations & Amendments	21 August 2018
6	Ordinary Council	Delegation Amendments	20 November 2018
7	Ordinary Council	Review of Register of Delegations	19 March 2019
8	Ordinary Council	New Delegation & Amendments	16 July 2019
9	Ordinary Council	New Delegation	17 September 2019
10	Ordinary Council	Delegation Amendment	19 November 2019
11	Ordinary Council	Delegation Amendments	18 February 2020
12	Ordinary Council	Delegation Amendment	21 April 2020
13	Ordinary Council	Review of Register of Delegations	19 May 2020
14	Ordinary Council	New Delegations	21 July 2020
15	CEO	Subdelegation Additions	29 October 2020
16	Ordinary Council	New Delegation	16 February 2021

AMENDMENTS/ADDITIONS		
Document Version	Date of Amendment	Amendment details
3	20 June 2017	DA52: <i>"The prior approval of the Presiding Member being sought"</i> added as a Condition.
4	19 June 2018	<ul style="list-style-type: none"> <li>DA6,8,12,14,15,16,19,20,22,23,34,35,41,45,46,49 &amp; 54 change of title from Executive Manager Corporate &amp; Community Service to Executive Manager Corporate Services</li> <li>DA10 Delegation by CEO to Human Resources Coordinator</li> <li>DA13 <i>"All prosecution actions to be reported to next monthly Concept Forum"</i> added as a Condition.</li> <li>DA17 Delegation by CEO to Operations Manager</li> <li>DA30 <i>"All prosecution actions to be reported to next monthly Concept Forum"</i> added as a Condition.</li> <li>DA34 Delegation by CEO to Manager Administration &amp; Finance</li> </ul>

		<ul style="list-style-type: none"> <li>• DA43 Delegation by CEO to Executive Manager Regulatory Services</li> <li>• DA45 Delegation by CEO to Executive Manager Regulatory Services &amp; Manager Administration &amp; Finance</li> <li>• DA46 Delegation by CEO to Executive Manager Regulatory Services</li> <li>• DA55 Launching Ramp deleted.</li> <li>• New Delegation DA74 Authority to Make Gratuity Payments to Departing Staff</li> </ul>
5	21 August 2018	<ul style="list-style-type: none"> <li>• DA35 Adding 5 additional officers to subdelegation. Also replacing reference to Policy 8.1 with Policy 4.2.4</li> <li>• DA42 Cat Registration, DA43 Cat Control Notice and DA53 Temporary Placement of Rubbish Skip Bins on Street replacing subdelegation from Executive Manager Regulatory Services with Executive Manager Corporate Services</li> <li>• New delegations: DA75 Dog Registration, DA76 Write Off Debt &amp; DA76 Graffiti Removal – Private Property being added to Register.</li> </ul>
6	20 November 2018	<ul style="list-style-type: none"> <li>• DA35 Ordering Thresholds to include the Administration Support Officer – Operations.</li> <li>• DA62 Withdrawal, Amendment &amp; Collection of Infringement Notices replacing subdelegation from Executive Manager Regulatory Services with Executive Manager Corporate Services</li> </ul>
7	19 March 2019	New delegation DA78 Petty Cash Disbursement added to Register
8	16 July 2019	<ul style="list-style-type: none"> <li>• DA35 Ordering Thresholds to include Assistant Coordinator CHSP.</li> <li>• New delegation DA79 Determine Applications for Rates Exemption</li> </ul>
9	17 September 2019	New delegation DA80 Determine Applications for more than 3 Cats
10	19 November 2019	DA35 Ordering Thresholds to include Executive Assistant Corporate Services
11	18 February 2020	<ul style="list-style-type: none"> <li>• Delegation DA8 Engaging Consultants/Contractors be amended to increase limit for appointment of consultants to “less than \$150,000”.</li> <li>• Delegations DA24 Demolition Permits, DA25 Building Permits, DA26 Building Orders, DA27 Extension of Period of Duration of an Occupancy Permit or Building Approval Certificate, DA28 Strata Titles and DA36 Occupancy Permits or Building Approval Certificates be amended to remove the delegation to the Principal/Building Surveyor.</li> <li>• Delegation DA51 Donations to Community Groups and Individuals be amended to include donations to Emergency Relief Appeals</li> <li>• Renamed Delegation DA56 Activities in Public Places and Local Government Property be amended to replace references to the now defunct Activities on Thoroughfares and Public Places Local Law and include a delegation</li> </ul>

		<p>regarding the number of approved mobile food vendors at any location within the Town.</p> <ul style="list-style-type: none"> <li>Renamed Delegation DA66 Authorisation to Approve the Storage of Dinghies and Remove Unauthorised Dinghies from Foreshore be amended to incorporate the required 4uthorization to approve and issue Dinghy Storage registrations.</li> </ul>
12	21 April 2020	Delegation D14 to include the waiving of all admin charges and penalty interest where payment arrangements are entered into and financial hardship can be demonstrated.
13	19 May 2020	<ul style="list-style-type: none"> <li>DA4 to include "Complete Disposal Form" in Formal Record</li> <li>DA7 to include subdelegations to EMCS, EMRS &amp; OM with the addition of Conditions 2 &amp; 3</li> <li>DA11 to include subdelegations to EMCS &amp; OM</li> <li>DA13 to include subdelegation to EMCS (parking related prosecutions only).</li> <li>DA14 to include subdelegation to Manager Finance &amp; Admin</li> <li>DA15 to include subdelegation to OM and addition to (iii) of Extent of Delegation.</li> <li>DA16 to include subdelegation to Manager Finance &amp; Admin</li> <li>DA35 to replace Project Coordinator with Community &amp; Marketing Officer</li> <li>DA38 &amp; DA39 to include subdelegation to EMRS</li> <li>DA42 to include subdelegation to Rates Officer</li> <li>DA69 to include subdelegation to EMRS &amp; EMCS</li> <li>DA75 to include subdelegation to Rates Officer for Parts (i),(ii) &amp; (iii) of delegation</li> <li>DA78 to include subdelegation to CHSP Coordinator</li> </ul>
14	21 July 2020	<p>New Delegations:</p> <ul style="list-style-type: none"> <li>DA81 Financial Hardship Applications</li> <li>DA82 Trading in Public Places Applications</li> </ul>
15	29 October 2020	<ul style="list-style-type: none"> <li>DA23 to include limited subdelegation to Manager Finance &amp; Admin</li> <li>DA62 to include subdelegation to Manager Finance &amp; Admin</li> <li>DA71 to include subdelegation to Manager Finance &amp; Admin</li> <li>DA76 to include subdelegation to Manager Finance &amp; Admin</li> <li>DA79 to include subdelegation to Manager Finance &amp; Admin</li> <li>DA81 to include subdelegation to Manager Finance &amp; Admin</li> </ul>
16	16 February 2021	New Delegation DA83 Appointment of Persons to Receive & Withdraw Complaints



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## Delegated Authority Register

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### INTRODUCTION

#### **Purpose of Delegating Authority**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Town's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the **Local Government Act 1995** (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

#### **Legislation**

The **Local Government Act 1995** allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

#### **Associated legislation**

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- Planning and Development Act 2005 including regulations and adopted policies
- Dog Act 1976 and regulations
- Bush Fires Act 1954 regulations and local laws created under that Act)
- Health Act 1911 (as amended) regulations and local law created under that Act
- Freedom of Information Act 1992
- Land Administration Act 1997 as amended and regulations
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provision) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations
- Strata Titles Act 1985
- Food Act 2008
- Environmental Protection Act 2005
- Building Act 2011
- Cat Act 2011

Note - this is not an exhaustive list



## Delegated Authority Register

### Delegations to Committees

- (a) Council may delegate its powers and duties to committees comprising only of Council members except –
- (i) any power or duty that requires a decision of an absolute majority of the local government; and any other power or duty that is prescribed; or
  - (ii) the power of delegation.
- (b) Council may delegate to a committee comprising of council members and employees, any of the local government's powers or duties that can be delegated to the Chief Executive Officer.
- (c) Council may delegate to a committee comprising staff members or members of the public any of the local government powers and duties necessary or convenient for the proper management of:
- (i) the local government's property; or
  - (ii) an event in which the local government is involved.

### Delegation by the Chief Executive Officer

The Act allows for the CEO to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the CEO to place conditions on any delegations if desired [Section 5.44 (4)].

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year [Section 5.46 (1) and (2)]. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used [Section 5.46 (3)].

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty [**Local Government (Administration) Regulations 1996, regulation 19**].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the CEO where applicable, once approved through a signed authority by the CEO.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under S.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the CEO to delegate a power [Section 5.44 (1)].



## Delegated Authority Register

### Acting through another person

#### **Local Government Act 1995 - section 5.45 (2)**

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or**
- (b) a CEO from performing any of his or her functions by acting through another person.**

The key difference between a delegation and "acting through" is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Town and acting through another person to undertake a function on behalf of the Town where not discretion exists is reinforced by *Section 56* of the **Interpretation Act 1984** which states:

**56. "May" imports a discretion, "shall" is imperative**

- (1) Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.**
- (2) Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.**

### Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Department or Senior Line Manager for the period of absence.





## Delegated Authority Register

### DA1 ACTING CHIEF EXECUTIVE OFFICER

<b>Objective of Delegation:</b>	Appointment of an Acting Chief Executive Officer
<b>Extent of Delegation:</b>	The authority to appoint an Acting Chief Executive Officer during periods of absence.
<b>Conditions imposed:</b>	The relief appointment is for a period not exceeding 5 weeks. Policy 1.2.2 CEO Leave Approval – requires the CEO to obtain approval from the Mayor prior to taking to leave.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	On making any appointment under this delegation the Chief Executive Officer shall inform the Council of the details of the appointment. Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.39 &amp; 5.42</i></li> <li>• <i>Town of East Fremantle Policy 1.2.2 – Acting Chief Executive Officer</i></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA2 CODE OF CONDUCT ENFORCEMENT

<b>Objective of Delegation:</b>	To enforce the Code of Conduct
<b>Extent of Delegation:</b>	The duty to enforce the Code of Conduct in respect of employees, contractors and volunteers.
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is required to implement appropriate procedures for enforcing the Code of Conduct in respect of allegations or complaints involving employees, contractors and volunteers.</li> <li>2. The procedure should include internal investigations and/or referral to appropriate external agencies.</li> <li>3. The Chief Executive Officer is not required to personally investigate or enforce the Code, but to ensure that it is properly enforced and that the integrity and probity of the Town is maintained at a high level.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system Personnel File
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Town of East Fremantle Staff Policy – Code of Conduct – Staff</i></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	





## Delegated Authority Register

### DA3 CONTROL AND MANAGEMENT OF LAND

**Objective of Delegation:** To control and manage land.

**Extent of Delegation:** The duty to do anything necessary for the administration purpose of controlling and managing land reserved under the ***Land Act 1933*** and vested in or under control and management of the Council.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995</i></b></li> <li>• <b><i>Land Act 1933</i></b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA4 DISPOSAL OF PROPERTY OTHER THAN LAND

- Objective of Delegation:** To expedite the disposal of Town property other than land.
- Extent of Delegation:** The power to dispose of Town property (other than land or buildings) by public tender or public auction where the expected value is:
- less than \$50,000.
- The power to dispose of items of a minor nature by private treaty, such as surplus old plant or equipment, where the anticipated value is:
- less than \$20,000.
- Conditions imposed:**
1. This delegation does **NOT** apply to the disposal of plant or light vehicles or equipment that is being replaced by a tender or quotation process involving trade-in.
  2. The Chief Executive Officer is to develop and implement an appropriate procedure for the management of disposal of property by public tender or public auction and which provides a high standard of probity and accountability.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Not applicable</del> Executive Manager Technical Services
<b>Formal Record:</b>	Receipt of payment Completed Disposal Form Recorded in central records system
<b>Heads of Power:</b>	<b>Local Government Act 1995</b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA5 SIGNING OF DOCUMENTS

<b>Objective of Delegation:</b>	To sign Town documents on behalf of the Town of East Fremantle.
<b>Extent of Delegation:</b>	The authority to sign documents as a part of the day to day operations of the Town of East Fremantle.
<b>Conditions imposed:</b>	Authority is delegated on the provision that one or more of the following provisions apply: <ol style="list-style-type: none"> <li>1 The Council has authorised the entering into a formal contract/document.</li> <li>2 A formal contract is authorised under delegated authority of the Council.</li> <li>3 A formal contract/document is considered necessary by the Chief Executive Officer as part of the day to day operations of the Council.</li> <li>4 The Chief Executive Officer is to prepare the necessary documentation taking into account any specific policy requirements of Council and to arrange for signing of the contract/documents without further reference to Council.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Common Seal Register Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 s9.49 (a) 4</b></li> <li>• <b>Town of East Fremantle Administration Policy – Execution of Documents</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA6 INVESTMENT OF FUNDS

- Objective of Delegation:** To oversee the investing of funds
- Extent of Delegation:** The power to invest excess funds into investment funds as approved by the Town of East Fremantle Finance Policy – Investment of Funds.
- Conditions imposed:**
1. To observe any regulations relating to investments by local government.
  2. To observe any Council policy, direction or guidelines relevant to the investment of Town funds.
  3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.
  4. To conduct regular reviews of the investment performance and controls.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Included in Monthly Financial Statements in Ordinary Council agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995</b></li> <li>• <b>Local Government (Financial Management) Regulations – Reg 19</b></li> <li>• <b>Policy 2.1.2 Investment of Surplus Funds</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA7 CONTRACT PRICE VARIATION

- Objective of Delegation:** To approve minor price variations to contracts
- Extent of Delegation:** The power to approve a minor price variation for a contract subject to sufficient funds being available within the approved expenditure budget and that the price variation is necessary.
- Conditions imposed:**
1. For the purposes of this delegation, a minor price variation is limited to \$50,000.
  2. Sub-delegations are authorised to approve variations up to 10% of their authority limit set in DA35 & Policy 2.1.3 – Purchasing.
  3. Pursuant to Regulation 21A of the Local Government (Functions and General) Regulations 1996, the contract must not be varied unless the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Executive Manager Regulatory Services <del>Operations Manager</del> <a href="#">Executive Manager Technical Services</a>
<b>Formal Record:</b>	Any contract variation is to be recorded in a register of contracts. Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – section 3.58</b></li> <li>• <b>Policy 2.1.3 Purchasing</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA8 ENGAGING CONSULTANTS/CONTRACTORS

**Objective of Delegation:** To appoint consultants/contractors to the Town of East Fremantle

**Extent of Delegation:** The power to:

- appoint consultants, such as architects, valuers, planning consultants etc. for projects and tasks where specific external skills or knowledge are required.
- Engage private contractors to assist and complement the Town's work staff in implementing the works program.

**Conditions imposed:**

Consultants

- Any applicable Council Policy must be implemented.
- The consideration for the consultancy is less than \$150,000
- Specific budget provision exists

Contractors

1. Applies to Contracts under \$150,000.
2. In exercising this authority, the Chief Executive Officer must be satisfied that it will be in the best interest of Town and have regard for:
  - adequate budget provision exists;
  - the engagement of contractors is made in accordance with the Town's purchasing policy;
  - that all contracts are in writing; and
  - that appropriate performance measures are in place and performance is subject to supervision.
3. The payment for any work carried out under contract must be specifically authorised by the responsible senior officer and certified as carried out to a satisfactory standard.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services <del>Operations Manager</del> <u>Executive Manager Technical Services</u> Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995 – section 6.5 – 6.10</i></b> <b><i>Policy 2.1.3 Purchasing</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

### DA9 ENTERING INTO CONTRACTS

<b>Objective of Delegation:</b>	To enter into contracts on behalf of the Town of East Fremantle
<b>Extent of Delegation:</b>	The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where: <ul style="list-style-type: none"> <li>• the Council has authorised entering into a formal contract; or</li> <li>• a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$150,000; or</li> <li>• a formal contract is authorised under a delegated authority from the Council</li> </ul>
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. All contracts where the consideration is greater than \$150,000 must be subject to specific authorization of the Council.</li> <li>2. Compliance with the requirements of the Standing Orders Local Law in respect of signing documents under seal if applicable.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Policy 2.1.3 Purchasing</i></li> <li>• <i>Town of East Fremantle Administration Policy –Signing of Documents</i></li> <li>• </li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA10 INDUSTRIAL REPRESENTATION

**Objective of Delegation:** To source advice from an industrial service

**Extent of Delegation:** To source advice from an appropriate industrial service with consent to act on the Council's behalf in any general industrial/award matter and any industrial dispute involving employees of the Council.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Human Resources Coordinator
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995</b></li> <li>• <b>Policy 1.2.1 Code of Conduct, Staff</b></li> <li>• <b>Town of East Fremantle Staff Policy – Occupational Safety and Health (OSH)</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018





## Delegated Authority Register

### DA11 ISSUING OF NOTICES

**Objective of Delegation:** To issue notices to owners of land in the Town of East Fremantle

**Extent of Delegation:** The power to issue notices requiring certain things to be done by the owner/occupier of land. Such items in addition to those contained with the Act are also outlined in Schedules 3.1 and 3.2 and contain such issues as:

- Preventing water from dripping or running from a building
- Placing a street number in a prominent place
- Ensuring that unsightly land is either enclosed or where it is considered untidy having such materials or rubbish removed including contaminated material
- Taking steps for preventing or minimising danger to the public or damage to property which might arise.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services Executive Manager Corporate Services <del>Operations Manager</del> Executive Manager Technical Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA12 LEGAL ADVICE

- Objective of Delegation:** To seek legal advice for the Town of East Fremantle
- Extent of Delegation:** The power to obtain legal advice and opinions as deemed necessary in the exercise of the management of the local government.
- Conditions imposed:**
- The authority is restricted to legal advice of an operational nature that is required to protect the interests of the Town and to an initial value not exceeding \$20,000.
  - The budget containing appropriate provision.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Town of East Fremantle Annual Budget</i></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA13 PROSECUTIONS

<b>Objective of Delegation:</b>	To sign all prosecution complaint forms
<b>Extent of Delegation:</b>	The power to sign all prosecution complaint forms in relation to prosecutions under the <i>Local Government Act 1995</i> on behalf of the Council.
<b>Conditions imposed:</b>	The Chief Executive Officer is required to use discretion in taking action under this delegation where there are mitigating circumstances. All prosecution actions to be reported to next monthly Concept Forum.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services – parking related <a href="#">and bushfire</a> prosecutions (only).
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA14 RATES AND SERVICE CHARGES AGREEMENTS

- Objective of Delegation:** To accept payment of a rate or service charge
- Extent of Delegation:** The power to accept payment of a rate or service charge that is due and payable by a person in accordance with an agreement made with that person.
- Conditions imposed:**
1. The Chief Executive Officer is required to observe any relevant policy.
  2. In making any such agreement, the Chief Executive Officer is to exercise discretion in negotiating the best possible repayment schedule to protect the interests of the Town without imposing undue financial hardship on the person.
  3. The Chief Executive Officer is to ensure that appropriate written agreements are entered into and that appropriate internal controls are in place to monitor compliance with the agreed repayment schedule.
  4. The Chief Executive Officer is to have regard to the Town's Rating Policy should the person materially default with the terms of the agreement.
  5. The Chief Executive Officer is able to approve the waiving of all administration charges and penalty interest where a payment arrangement is entered into and financial hardship can be demonstrated.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Manager Finance & Administration
<b>Formal Record:</b>	Copy of signed offer and acceptance retained on property file. Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995</b></li> <li>• <b>Policy 2.1.7 Debt Collection</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018, 21 April 2020, 19 May 2020.



## Delegated Authority Register

### DA15 TENDERS / QUOTATIONS

- Objective of Delegation:** To expedite the calling of quotations and tenders.
- Extent of Delegation:** The power to:
- (i) make the decision to invite quotations and tenders for goods and services.
  - (ii) call quotations and tenders before the Town enters into a contract of a prescribed kind.
  - (iii) accept a quotation where the consideration is less than \$150,000, or in the case of sub-delegations, in accordance with the respective authority limits set in DA35 & Policy 2.1.3 – Purchasing.
- Conditions imposed:**
1. All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.
  2. The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.
  3. That the process is conducted fairly and impartially and in strict compliance with the **Local Government Act 1995** and the associated regulations, and any appropriate Council policy, direction or guideline.
  4. That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Town.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services Executive Manager Corporate Services <del>Operations Manager</del> Executive Manager Technical Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – section 3.57</b></li> <li>• <b>Policy 2.1.3 Purchasing</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018, 19 May 2020



## Delegated Authority Register

### DA16 BOND REFUNDS

<b>Objective of Delegation:</b>	To expedite the approvals process
<b>Extent of Delegation:</b>	The authority to refund bond monies where all conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services <del>Operations Manager</del> <u>Executive Manager Technical Services</u> Executive Manager Corporate Services Manager Finance & Administration
<b>Formal Record:</b>	Monthly List of Payments included in the Ordinary Council agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – section 5.42</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018, 19 May 2020



## Delegated Authority Register

### DA17 UNDERTAKING PRIVATE WORKS

<b>Objective of Delegation:</b>	To facilitate private works
<b>Extent of Delegation:</b>	The authority to use discretion in accepting or rejecting private works requests.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Operations Manager</del> <u>Executive Manager Technical Services</u>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – section 5.42</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA18 GRANT APPLICATIONS

<b>Objective of Delegation:</b>	To make applications for grants from various sources
<b>Extent of Delegation:</b>	The authority to make application for grants from various sources.
<b>Conditions imposed:</b>	<del>The Chief Executive Officer must approve and sign any grant application</del> <a href="#">Signing of Grant Applications is to be in accordance with the administrative Grants Policy.-</a>

Where possible, the prior approval of the Council is required before making application for grants that may impose an ongoing commitment by the Town.

Any application that requires a financial commitment from the Town requires specific approval of the Council.

Where it is proposed to make a submission for grants and/or subsidies from state/commonwealth governments without prior approval of Council, the grant/subsidy shall not be accepted without specific Council endorsement through the budget process.

Any application must be in accord with Council's strategic objectives.

The Chief Executive Officer is to ensure that any relevant grant conditions are met and that the appropriate grant acquittal is completed in a timely manner and subject to audit scrutiny.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Not applicable</del> <a href="#">Executive Manager Corporate Services</a> <a href="#">Executive Manager Regulatory Services</a> <a href="#">Executive Manager Technical Services</a>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	





## Delegated Authority Register

### DA19 INSURANCE

<b>Objective of Delegation:</b>	To enter into appropriate contracts of insurance
<b>Extent of Delegation:</b>	The authority to enter into appropriate contracts of insurance.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services <a href="#">Manager Finance and Administration</a>
<b>Formal Record:</b>	Retain copy of Insurance documentation Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – section 5.42</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA20 PUBLIC LIABILITY CLAIMS

<b>Objective of Delegation:</b>	To consider claims for property damage
<b>Extent of Delegation:</b>	The authority to consider claims against Council for the property damage that does not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.
<b>Conditions imposed:</b>	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excesses amount and then only upon receipt of an appropriate release form provided by Council's insurers.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Retain all claims Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995 – section 5.42</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA21 APPOINTMENT OF AUTHORISED OFFICERS

<b>Objective of Delegation:</b>	To appoint authorised officers.
<b>Extent of Delegation:</b>	The power to appoint authorised officers/persons to enforce local laws of the Town made in accordance with the <i>Local Government Act 1995</i> and the following Acts (including their relevant Regulations): <ul style="list-style-type: none"> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Cemeteries Act 1986</i></li> <li>• <i>Control of Vehicles (Off Road Areas) Act 1978</i></li> <li>• <i>Dog Act 1976</i></li> <li>• <i>Public Health Act 2016</i></li> <li>• <i>Health (Miscellaneous Provisions) Act 1911</i></li> <li>• <i>Litter Act 1979</i></li> <li>• <i>Food Act 2008</i></li> <li>• <i>Building Act 2011</i></li> <li>• <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i></li> <li>• <i>Cat Act 2011</i></li> <li>• <i>Town Planning Scheme No 3</i></li> </ul>
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Acts as listed above</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA22 TENDER EVALUATION

<b>Objective of Delegation:</b>	To expedite the evaluation of tenders received.
<b>Extent of Delegation:</b>	The authority to: <ul style="list-style-type: none"> <li>establish the individual weighting for each evaluation criterion.</li> <li>vary the Evaluation Criteria where in his opinion the particular tender requires a variation to the established evaluation criteria.</li> </ul>
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Operations Manager</del> <u>Executive Manager Technical Services</u> Executive Manager Regulatory Services Executive Manager Corporate Services
<b>Formal Record:</b>	Copies of tender evaluations to be filed with Tender documents. Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995</b></li> <li><b>Local Government (Function and General) Regulations 1996</b></li> <li><b>Policy 2.1.3 Purchasing</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA23 RATING AND SERVICE CHARGES RECOVERY

- Objective of Delegation:** To recover debt from rates or services charges.
- Extent of Delegation:** The power to:
1. recover rates and service charges which are apportioned between successive owners in respect of time as if they accrue.
  2. recover a rate or service charge, if it remains unpaid after it becomes due and payable, as well as costs of proceedings, if any, for that recovery, in a court of law.
  3. recover rates and charges outstanding.
  4. give notice to the lessee of land if payment of a rate or service charge imposed is due and payable requiring the lessee to pay any rent as it falls due in satisfaction of the debt.
  5. give the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.
  6. recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
  7. recover unpaid rates or service charges. Refer 6.60 (5) and (6).
  8. request the occupier of property, or an agent of the owner of property to disclose the name and address of the owner or of the person receiving or authorised to receive the rate or service charge.
  9. apply the money for or towards rates or service charges where money is paid on rates and charges due on the land in the order in which they become due.
  10. lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect of the land is in arrears.
  11. instigate action through a court to recover a debt, including recovery costs, associated with a rate or service charge, if it remains unpaid after the time for payment under the Act, and after the procedures under



## Delegated Authority Register

the Town debt collection policy has been unsuccessful.

**Conditions imposed:**

1. The Chief Executive Officer is required to observe any relevant policy.
2. Legal action is only to be taken, where in the opinion of the Chief Executive Officer, that action is a last resort to obtain payment.
3. The legal action is only to be taken by persons with the specific written authority to commence the action.
4. To observe all relevant provisions of the **Local Government Act 1995**, all other written law and regulations, Council policies, directions and guidelines.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Manager Finance & Administration ( <i>Legal action limited to referral to debt collection and lodgment of General Procedure Claim.</i> )
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995</b></li> <li>• <b>Policy 2.1.7 Debt Collection</b></li> </ul>
<b>Last Reviewed:</b>	29 October 2020.
<b>Amended:</b>	19 June 2018, 29 October 2020.



## Delegated Authority Register

### DA24 DEMOLITION PERMITS

<b>Objective of Delegation:</b>	To manage dangerous buildings in the Town of East Fremantle
<b>Extent of Delegation:</b>	Council delegates its authority and power to Executive Manager Regulatory Services to approve or refuse to grant demolition permits submitted under section 21 of the <b>Building Act 2011</b> .
<b>Conditions imposed:</b>	Subject to the following conditions:  No permits will be issued for any property entered in the Register of Heritage Places under the <i>Heritage of WA Act 1990</i> unless it has received Planning Approval in accordance with section 61 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

<b>Delegation by Council to:</b>	Executive Manager Regulatory Services
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011 – sections 21, 22 and 127 Planning and Development (Local Planning Schemes) Regulations 2015 section 61</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

### DA25 BUILDING PERMITS

<b>Objective of Delegation:</b>	To expedite the approval of Building Licences
<b>Extent of Delegation:</b>	Council delegates its authority and power to the Chief Executive Officer, Executive Manager Regulatory Services to approve or refuse to approve plans and specifications submitted under the <b><i>Building Act 2011</i></b> .
<b>Conditions imposed:</b>	Subject to the following conditions:  In undertaking the functions of this delegation Uncertified Plans must be approved by a Principal/Building Surveyor that: <ol style="list-style-type: none"> <li>1) is employed by the Town of East Fremantle in accordance with section 5.36 of the <b><i>Local Government Act 1995</i></b>; and</li> <li>2) holds the appropriate qualifications as set out under Regulation 6 of the <b><i>Building Services (Registration) Regulations 2011</i></b></li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer Executive Manager Regulatory Services
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011 – sections 16, 20, 22 and 127</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020





## Delegated Authority Register

### DA26 BUILDING ORDERS

- Objective of Delegation:** To expedite the approval of building orders
- Extent of Delegation:** Council delegates its authority and power to Executive Manager Regulatory Services to:
- 1) make building orders pursuant to section 110 of the **Building Act 2011** in relation to:
    - a) stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the **Building Act 2011**;
    - b) taking specific action to prevent contravention of the **Building Act 2011**;
    - c) finishing an outward facing side of a wall;
    - d) buildings which are considered as being unsafe or not fit for human habitation.
  - 2) revoke building orders pursuant to section 117 of the **Building Act 2011**.
- Conditions imposed:** Subject to the following conditions:
- 1) The Executive Manager Regulatory Services may:
    - a) seek legal advice on the issue of a building order where it is considered appropriate.
    - b) determine that a building order is to remain in effect in accordance with section 117(2) of the **Building Act 2011** where it is considered appropriate.
  - 2) In undertaking the functions of this delegation, the Principal Building Surveyor must be employed by the Town of East Fremantle in accordance with section 5.36 of the **Local Government Act 1995**.



## Delegated Authority Register

<b>Delegation by Council to:</b>	Executive Manager Regulatory Services
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011 – sections 110, 111, 117 and 127</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

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### DA27 EXTENSION OF PERIOD OF DURATION OF AN OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

**Objective of Delegation:** To manage extending the period of duration of an occupancy permit or building approval certificate.

**Extent of Delegation:** Council delegates its authority and power to the Executive Manager Regulatory Services to approve or refuse to approve applications submitted under section 65 of the ***Building Act 2011***.

**Conditions imposed:** Nil.

<b>Delegation by Council to:</b>	Executive Manager Regulatory Services
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011 – sections 65 and 127</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

### DA28 STRATA TITLES

<b>Objective of Delegation:</b>	To manage strata titles in the Town of East Fremantle
<b>Extent of Delegation:</b>	Pursuant to the provisions of section 23 of the <i>Strata Titles Act 1985</i> , the authority to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building statutory requirements and that the Chief Executive Officer, is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the <i>Strata Titles Act 1985</i> .
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Building Act 2011</i></li> <li>• <i>Strata Titles Act 1985</i></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

### DA29 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

- Objective of Delegation:** To expedite the approval of Planning Applications
- Extent of Delegation:**
- 1) The authority to perform the functions of Council in respect of determining applications for development approval, including applications involving:
    - a) the variation of scheme provisions, Planning Policy or provisions of the Residential Design Codes or
    - b) the exercise of discretion under the scheme, Planning Policy or the Residential Design Codes.
  - 2) The authority to refuse any development applications where the proposed use is not permitted by the Town Planning Scheme or where the development does not comply with the non-discretionary provisions of the Residential Planning Codes or any mandatory statutory requirement, unless:
    - a) advertising is undertaken and any substantial objections are received that officers cannot adequately resolve through sourcing of additional information or through conditions of approval;
    - b) the application is contentious; or
    - c) it requires the concurrence of the Minister of Planning.
- Conditions imposed:** Elected members are to be notified of all applications in excess of \$200,000 in value. An elected member may, within 72 hours of being notified of such an application, request in writing that an application be referred to the Town Planning & Building Committee for determination.



## Delegated Authority Register

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services Senior Planner
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Planning and Development Act 2005</i></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA30 AUTHORITY TO COMMENCE PROSECUTIONS

<b>Objective of Delegation:</b>	To provide authority to commence legal proceedings
<b>Extent of Delegation:</b>	Council delegates its authority and power to Chief Executive Officer the authority to commence prosecutions pursuant to: <ul style="list-style-type: none"> <li>• section 133 of the <b>Building Act 2011</b></li> <li>• section 59(3) of the <b>Bush Fires Act 1954</b></li> </ul>
<b>Conditions imposed:</b>	All prosecution actions to be reported to next monthly Concept Forum

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<a href="#">Nil/Executive Manager Corporate Services (Bush Fires Act only)</a>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011 - sections 133</i></b> <b><i>Bush Fires Act 1954 – section 59(3)</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018, 18 February 2020



## Delegated Authority Register

### DA31 SUBDIVISION

<b>Objective of Delegation:</b>	To expedite the sub division referral proformas
<b>Extent of Delegation:</b>	The authority to: <ol style="list-style-type: none"> <li>1 endorse subdivision referral proformas for the purposes of part 10 Division 2 of the <b><i>Planning and Development Act 2005</i></b>.</li> <li>2 certify the compliance with subdivision conditions for the purposes of part III sections 20 &amp; 24 of the <b><i>Planning and Development Act 2005</i></b>.</li> <li>3 approve or refuse the Subdivision referral which complies with all relevant legislation and policies involving:           <ol style="list-style-type: none"> <li>(i) the boundary realignment of a property which is not creating additional lots</li> <li>(ii) the creation of a maximum of ten (10) lots.</li> </ol> </li> </ol>
<b>Conditions imposed:</b>	Council is to be notified of delegated authority used by report through the Information Bulletin.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995</i></b></li> <li>• <b><i>Local Government (Miscellaneous Provisions) Act 1960</i></b></li> <li>• <b><i>Planning and Development Act 2005</i></b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	





## Delegated Authority Register

### DA32 SUBDIVISIONAL CLEARANCE

**Objective of Delegation:** To issue subdivision clearances

**Extent of Delegation:** The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Executive Manager Regulatory Services and ~~Operations Manager~~Executive Manager Technical Services.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services <del>Operations Manager</del> <u>Executive Manager Technical Services</u>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995</b></li> <li>• <b>Local Government (Miscellaneous Provisions) Act 1960</b></li> <li>• <b>Planning and Development Act 2005</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA33 VARIATION TO ADVERTISING PERIOD

**Objective of Delegation:** To manage the advertising periods in accordance with the Town Planning Scheme

**Extent of Delegation:** The authority to determine whether advertising is required, the level of advertising and undertake the advertising process in accordance with 9.4.3 of the ***Town Planning Scheme No 3***.

The Chief Executive Officer may extend the advertising period beyond the minimum where he/she believes there is a need to extend or where there has been changes to the applicant's original proposal.

**Conditions imposed:** Advertising is to be not less than fourteen (14) days in accordance with the Scheme.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995</i></b></li> <li>• <b><i>Local Government (Miscellaneous Provisions) Act 1960</i></b></li> <li>• <b><i>Planning and Development Act 2005</i></b></li> <li>• <b><i>Town of East Fremantle Town Planning Scheme No 3</i></b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA34 PAYMENT OF CREDITORS

<b>Objective of Delegation:</b>	To ensure the timely payment of creditors
<b>Extent of Delegation:</b>	The authority to make payments from the Municipal Fund Bank Accounts and the Trust Bank Accounts.
<b>Conditions imposed:</b>	Expenditure must have been authorised by Council by inclusion in the annual budget as amended.

Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Account is to be noted on a list compiled for each month showing:

- a) The Payees name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Manager of Administration & Finance
<b>Formal Record:</b>	List of payments in monthly Ordinary Council agenda Recorded in central records system
<b>Heads of Power</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995</b></li> <li>• <b>Local Government (Financial Management) Regulations – Reg 13</b></li> <li>• <b>Policy 2.1.6 Supplier Payments</b></li> </ul>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA35 ORDERING THRESHOLDS

<b>Objective of Delegation:</b>	To authorise officers to sign purchase orders
<b>Extent of Delegation:</b>	To authorise officers to sign orders on behalf of Council within the limits stated provided such proposed purchases are contained within the Budget and are within the officer's area of activity.
<b>Conditions imposed:</b>	As outlined in Town of East Fremantle Policy 2.1.3 Purchasing.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services <del>Operations Manager</del> <u>Executive Manager Technical Services</u> Executive Manager Corporate Services Principal Environmental Health Officer Manager Finance & Administration Operations Supervisor Coordinator CHSP Assistant Coordinator CHSP Community Marketing Officer Human Resources Coordinator Coordinator Capacity Building Executive Assistant Corporate Services Executive Assistant to CEO Coordinator Planning & Building Services <del>Administration Support Officer</del> — <del>Operations</del> <u>Operations Coordinator</u>
<b>Formal Record:</b>	Retain copy of purchase order Recorded in central records system
<b>Heads of Power</b>	<b><i>Policy 2.1.3 Purchasing</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018, 21 August 2018, 20 November 2019, 16 July 2019, 19 November 2019, 10 December 2019 & 19 May 2020



## Delegated Authority Register

### DA36 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES

**Objective of Delegation:** To expedite the approval of occupancy permits or building approval certificates.

**Extent of Delegation:** Council delegates its authority and power to the Executive Manager Regulatory Services the authority to grant, modify or refuse to grant occupancy permits or building approval certificates.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Executive Manager Regulatory Services
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Monthly information bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011, section 58 and 127</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

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### DA37 AUTHORITY TO APPOINT AUTHORISED PERSONS - BUILDING

<b>Objective of Delegation:</b>	To provide authority to appoint authorised persons
<b>Extent of Delegation:</b>	Council delegates its authority and power to the Chief Executive Officer to appoint authorised persons pursuant to section 96 of the <b><i>Building Act 2011</i></b> .
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Building Act 2011 – sections 96 and 127</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA38 FOOD ACT 2008 – TO ISSUE INFRINGEMENT NOTICES

<b>Objective of Delegation:</b>	To issue infringement notices
<b>Extent of Delegation:</b>	The authority to issue infringement notices in accordance with section 126(2) of the <i>Food Act 2008</i> .
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Principal Environmental Health Officer Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Food Act 2008, Section 126(2)</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA39 FOOD ACT 2008 – TO RECEIVE PAYMENT AND GRANT EXTENSIONS OF TIME

**Objective of Delegation:** To receive payment and grant extensions of time for infringement notices.

**Extent of Delegation:** To receive payment of modified penalties, granting extension of time and withdrawing infringement notices in accordance with Section 126(1), (3), (6) and (7) of the *Food Act 2008*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Principal Environmental Health Officer Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Food Act 2008, Section 126(1), (3), (6) and (7)</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020





## Delegated Authority Register

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### DA40 FOOD ACT 2008 – TO ISSUE PROHIBITION ORDERS AND CERTIFICATES OF CLEARANCE

- Objective of Delegation:** To issue Prohibition Orders and Certificates of Clearance.
- Extent of Delegation:** To issue prohibition orders and Certificates of Clearance for the purpose of Sections 65 and 66 of the *Food Act 2008*.
- Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Food Act 2008, Sections 65 and 66</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA41 WITHDRAWAL RATES AND SERVICE CHARGES CAVEAT

- Objective of Delegation:** To expedite the withdrawal of a Caveat that has been lodged with Landgate for unpaid rates and charges on a property in the Town of East Fremantle, where the purpose for which the Caveat was lodged has been satisfied.
- Extent of Delegation:** The authority to withdraw a Caveat to enable dealings on land, where the purposes for which the Caveat was lodged has been satisfied and the Chief Executive Officer is satisfied that the Town's interests arising from the Caveat are fully protected.
- Conditions imposed:**
1. The Chief Executive Officer and the Executive Manager Corporate Services are required to observe any relevant policy.
  2. The action to withdraw a Caveat is only to be taken, where in the opinion of the Chief Executive Officer or the Executive Manager Corporate Services, the purpose for which the Caveat was lodged has been satisfied or will be satisfied at settlement.
  3. The action is only to be taken by persons with the specific written authority to withdraw the Caveat.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Policy 2.1.7 Debt Collection</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA42 CAT REGISTRATION

- Objective of Delegation:** To expedite the registration of cats in the Town.
- Extent of Delegation:** The authority to grant, renew or refuse an application for cat registration
- The authority to cancel a cat registration
- Conditions imposed:**
1. A registration number, certificate and tag is to be issued with each registration
  2. A replacement tag is to be provided if required
  3. A cat register is to be kept
  4. Notify the owner of the cat the outcome of a decision

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Town Rangers Customer Service Officers Rates Officer
<b>Formal Record:</b>	Cat Register Recorded in central records system
<b>Heads of Power:</b>	<b><i>Cat Act 2011, sections 9, 9 (5), 10, 11, 13</i></b> <b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	21 August 2018, 19 May 2020



## Delegated Authority Register

### DA43 CAT CONTROL NOTICE

<b>Objective of Delegation:</b>	To expedite the issuing of cat control notices
<b>Extent of Delegation:</b>	The authority to issue a cat control notice to a cat owner
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Town Rangers
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Cat Act 2011, section 26</i></b> <b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018 21 August 2018



## Delegated Authority Register

### DA44 LEGAL REPRESENTATION COSTS FOR AN ELECTED MEMBER OR EMPLOYEE

<b>Objective of Delegation:</b>	To refuse or grant an application for payment of legal representation costs by an elected member or employee, where a delay would be detrimental to the legal rights of the applicant.
<b>Extent of Delegation:</b>	Legal representation costs up to a maximum of \$10,000.
<b>Conditions imposed:</b>	Compliance with conditions contained in Council Policy regarding Legal Representation for Council Members and Employees which includes the revocation or variance of an approval for the payment of legal advice.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Report to subsequent Council Meeting Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Policy 2.2.1 Legal Representation for Council Members and Employees</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA45 APPOINTMENT OF BANK SIGNATORIES TO BANK ACCOUNTS

<b>Objective of Delegation:</b>	To authorise CEO, Executive Manager Corporate Services, Executive Manager Regulatory Services, and Manager of Administration & Finance to sign all cheques or remit EFT's drawn on the Municipal, Reserve and Trust Funds bank accounts.
<b>Extent of Delegation:</b>	Expenditure must have been authorised by Council by inclusion in the annual budget as amended.
<b>Conditions imposed:</b>	Expenditure to have the correct certification from authorised officers and be accompanied by sufficient documentation so as to confirm correct procedures have been followed.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Manager Finance & Administration
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA46 RECOVERY OF IMPOUNDING EXPENSES AND RECOVERY OF DEBTS (NON RATES)

**Objective of Delegation:** To collect, negotiate terms of payment and initiate court action to recover, and if necessary, write off debts due to Council.

**Extent of Delegation:** The authority to collect, negotiate terms of payment and initiate court action to recover, and if necessary, write off debts due to Council

**Conditions imposed:** Nil.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

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### DA47      OBJECTIONS AND APPEALS TO RATES RECORD

<b>Objective of Delegation:</b>	To consider the objection to rates record
<b>Extent of Delegation:</b>	The authority to allow or disallow, wholly or in part, an objection to a rates record.
<b>Conditions imposed:</b>	Following determination, to promptly serve upon the person by whom the objection was made, written notice of the decision and a statement of reason for that decision.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	





## Delegated Authority Register

### DA48 NEGOTIATIONS OF LEASES (OTHER THAN MOORING PEN & RESIDENTIAL LEASES)

- Objective of Delegation:** To initiate and negotiate draft lease proposals.
- Extent of Delegation:** The authority to
- initiate or respond to all lease proposals involving property that the Town owns or controls
  - negotiate all draft lease proposals referred to above, to the point of a recommendation to Council.
- Conditions imposed:** The CEO will not enter into or execute any property lease agreement without Council approval other than for mooring Pens & council owned/controlled residential property.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA49 APPROVAL TO ISSUE MOORING PEN AND RESIDENTIAL LEASES

<b>Objective of Delegation:</b>	To consider applications for Council's mooring pens.
<b>Extent of Delegation:</b>	The authority to consider, determine and issue mooring pen and residential leases.
<b>Conditions imposed:</b>	Mooring pen lease payments to be in accordance with relevant charge as prescribed in Council's annual budget. Residential leases as per market rental advice. All leases to be a maximum of 12 months.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### DA50 EX GRATIA PAYMENTS

- Objective of Delegation:** To consider the payment of ex gratia payments.
- Extent of Delegation:** The authority to grant ex gratia payments for claims against Council.
- Conditions imposed:** Payment of ex gratia amounts to a maximum of \$1,500.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA51 DONATION REQUESTS

**Objective of Delegation:** To consider applications for donations by community organisations and individuals, and donations to Emergency Relief Appeals.

**Extent of Delegation:** The authority to approve donations from community organisations and individuals and to Emergency Relief Appeals.

**Conditions imposed:** Community Organisations and Individuals  
Approval of donations to a maximum of \$500 which have the prior support of the Mayor.  
Information provided to next Concept Forum.

Emergency Relief Appeals

- Following discussion and assent from the Mayor and informal majority support from elected members, approval of a donation up to an amount of \$10,000.
- Formal endorsement and budgetary adjustment at subsequent Council Meeting.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Policy 2.1.5 Donations</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

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### DA52      **AUTHORITY TO CANCEL ADVERTISED MEETINGS WHERE INSUFFICIENT BUSINESS TO WARRANT A MEETING**

**Objective of Delegation:**      To cancel advertised meetings of Council and Committee.

**Extent of Delegation:**      The authority to cancel a Committee or Council meeting where there is insufficient business to warrant such meeting.

**Conditions imposed:**      The prior approval of the Presiding Member being sought

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	20 June 2017



## Delegated Authority Register

### DA53 TEMPORARY PLACEMENT OF RUBBISH SKIP BINS ON STREET

<b>Objective of Delegation:</b>	To issue permits for the temporary placement of skip bins on the street.
<b>Extent of Delegation:</b>	The authority to issue permits for the temporary placement of skip bins on the street.
<b>Conditions imposed:</b>	May require fee, rental or bond or waiving of any fee, rental or bond.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services <a href="#">Executive Manager Technical Services</a> Rangers
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	20 August 2018



## Delegated Authority Register

### DA54 LOCAL GOVERNMENT PROPERTY

**Objective of Delegation:** To administer the Local Government Property Local Law.

**Extent of Delegation:** The authority to administer this Local Law, including the following:

- approve/refuse, with or without conditions, including the imposition of a fee, charge or bond, or waiving or reduction of any fee, rental or bond, a permit to use local government property
- approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, a request to consume alcohol on local government property
- approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, applications for liquor, gaming or other special permits pursuant to the Liquor Licensing Act, on local government property.

**Conditions imposed:** Nil.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 June 2018



## Delegated Authority Register

### ~~DA55 — LAUNCHING RAMP PERMITS~~

**Objective of Delegation:** To issue a ratepayer launching ramp parking permit where Policy criteria is not met. **(NO Longer relevant To be deleted)**

**Extent of Delegation:** The authority to issue a ratepayer launching ramp parking permit in exceptional circumstances contrary to the criteria contained in Policy 2.2.1.

**Conditions imposed:** Nil.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Council Policy 2.2.1</i></b>
<b>Last Reviewed:</b>	19 June 2018
<b>Amended:</b>	





## Delegated Authority Register

### DA56 ACTIVITIES IN PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY

- Objective of Delegation:** To administer the Activities in Public Places and Local Government Property Local Law.
- Extent of Delegation:**
1. The authority to administer this Local Law, including the following:
    - Approve the appointment of authorised persons under Section 9.10 of the Local Government Act.
    - approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, a permit to use a public place.
    - approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, a request to consume alcohol in a public place.
    - approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, applications for liquor, gaming or other special permits pursuant to the Liquor Licensing Act in a public place.
    - close thoroughfares (for repairs, maintenance or other works) to vehicles.
    - exercise & discharge powers & functions conferred on local government for the purpose of authorising the temporary placement of cranes on the streets of the Town
  2. The authority to determine the maximum number of mobile food vendors permitted at a location.
- Conditions imposed:** Nil.



## Delegated Authority Register

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<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

### DA57 APPROVAL FOR CONSTRUCTION OF CROSSOVERS

<b>Objective of Delegation:</b>	To approve variations to standard crossover specifications.
<b>Extent of Delegation:</b>	The authority to approval variations to Local Planning Policy – Residential Design Guidelines in respect to Crossovers (s3.7.14 – Footpaths & Crossovers).
<b>Conditions imposed:</b>	This delegation does not include approval for a second crossover which requires the special approval of Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Operations Manager</del> <u>Executive Manager Technical Services</u>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA58 LANDSCAPING OF STREET VERGES

**Objective of Delegation:** To approve landscaping and reticulation installation of street verges.

**Extent of Delegation:** The authority to approve landscaping and reticulation installation of street verges.

**Conditions imposed:** Compliance with Council guidelines on planting and reticulation of Council verges.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Operations Manager</del> <u>Executive Manager Technical Services</u>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

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### DA59 WILFUL DAMAGE OF TREES AND OTHER COUNCIL PROPERTY

**Objective of Delegation:** To pursue the identification of persons responsible for wilful damage of Council property.

**Extent of Delegation:** The authority to pursue the identification of the person or persons responsible for any act of wilful damage of trees and other Council property, including the authority to offer a reward of up to \$5,000 for information leading to the conviction of any person responsible, and to take protective measures in respect of vandalised trees and other Council property aimed at preventing further attacks.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA60 APPROVAL TO ISSUE A LICENCE FOR EXCAVATION NEAR OR THE DEPOSITING OF BUILDING MATERIAL ON THE STREET

**Objective of Delegation:** To issue or refuse a licence for excavation near a street or the depositing of building material on the street.

**Extent of Delegation:** The authority to issue or refuse a licence for excavation near or the depositing of building material on the street

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services <a href="#">Executive Manager Technical Services</a>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA61 AUTHORISATION OF PARKING RESTRICTIONS

**Objective of Delegation:** To constitute, determine and vary parking restrictions on roads and parking stations within the Town.

**Extent of Delegation:** The authority to constitute, determine and vary parking restrictions on roads and parking stations within the Town.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

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### DA62 WITHDRAWAL, AMENDMENT & COLLECTION OF INFRINGEMENT NOTICES

<b>Objective of Delegation:</b>	To withdraw, amend and pursue infringement notices.
<b>Extent of Delegation:</b>	The authority to withdraw, amend, grant extension of time to pay and take action to collect infringements issued under local laws or regulations under the Local Government Act 1995.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Manager Finance & Administration
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	29 October 2020
<b>Amended:</b>	20 November 2018, 29 October 2020.





## Delegated Authority Register

### DA63 DISPOSING OF PROPERTY, CONFISCATED OR UNCOLLECTED GOODS

**Objective of Delegation:** To dispose or sell any goods that have been confiscated or impounded.

**Extent of Delegation:** The authority to dispose or sell any goods that have been:

- Ordered to be confiscated under Section 3.43 of the Act
- Impounded and have not been collected within the periods shown in Section 3.47(2b).

**Conditions imposed:** Compliance with Policy 2.1.1 Disposal of Surplus Property

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Policy 2.1.1 Disposal of Surplus Property</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA64 AUTHORISATION TO REMOVE DEAD OR DYING STREET TREES

**Objective of Delegation:** To remove dead and dying street trees and other Council owned vegetation.

**Extent of Delegation:** The authority to approve the removal of dead and dying street trees and other Council owned vegetation.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Operations Manager</del> <u>Executive Manager Technical Services</u>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Policy 4.2.1 Maintenance &amp; Removal of Public &amp; Verge Trees</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA65 AUTHORISATION TO APPROVE THE REMOVAL OF TREES ON PUBLIC LAND

- Objective of Delegation:** To permit removal of trees on public land.
- Extent of Delegation:** The authority to approve the removal of trees on public land.
- Conditions imposed:** Subject to specialist advice concluding:
- the tree poses an unacceptable risk to life, limbs or property
  - the Town faces a potential liability for injury or damage due to the tree
  - no practical alternatives to removal are considered to exist.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA66 AUTHORISATION TO APPROVE THE STORAGE OF AND REMOVE UNAUTHORISED DINGHIES FROM FORESHORE

**Objective of Delegation:** To approve the storage of dinghies at the approved foreshore storage area and remove unauthorised dinghies from the foreshore.

**Extent of Delegation:** The authority to approve applications for dinghy storage in accordance with Council's Foreshore Dinghy Management Policy.

The authority to have dinghies removed from the foreshore.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Not Applicable</del> <a href="#">Executive Manager Corporate Services</a> <a href="#">Team Leader Customer Service</a>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	18 February 2020



## Delegated Authority Register

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### DA67      **AUTHORITY TO DO PARTICULAR THINGS ON LAND EVEN THOUGH IT IS NOT LOCAL GOVERNMENT PROPERTY**

<b>Objective of Delegation:</b>	To carry out work on land which is not under the control of Council.
<b>Extent of Delegation:</b>	The authority to do particular things on land even though it is not local government property as per Schedule 3.2 of the Act.
<b>Conditions imposed:</b>	Compliance with conditions of entry as stated in Sections 3.30, 3.31, 3.32, 3.33, 3.34 & 3.35 LGA.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA68 TEMPORARY ADVERTISING SIGNS AND BANNERS IN STREETS, RESERVES AND PUBLIC PLACES

**Objective of Delegation:** To approve and control placement of temporary signage and banners in streets, reserves and public places.

**Extent of Delegation:** The authority to issue licences or permits, with or without conditions, including the imposition of a fee, rental or bond or the waiving of such fee, rental or bond for the placement of temporary signs and banners and to exercise authority for the control of signs and banners in streets, reserves and public places.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Not Applicable</del> <a href="#">Executive Manager Regulatory Services</a>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b> <b><i>Policy 3.1.2 Signage Design Guidelines</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

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### DA69      CATEGORY 2 ADVERTISING SIGNS WITHIN MAIN ROADS WA RESERVES

**Objective of Delegation:**      To approve Category 2 advertising signs within Main Roads WA reserves.

**Extent of Delegation:**      To administer the approval of Category 2 advertising signs within Main Roads WA reserves subject to Main Roads WA continued delegation of this approval to Council.

**Conditions imposed:**      Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA70 AUTHORISING COLLECTIONS

<b>Objective of Delegation:</b>	To authorise collections by charities within the Town.
<b>Extent of Delegation:</b>	The authority to exercise and discharge powers and functions conferred on local government for the purpose of authorising collections by charities within the Town.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	





## Delegated Authority Register

### DA71 HOUSE NUMBERING

<b>Objective of Delegation:</b>	To allocate or change street numbering to properties within the Town.
<b>Extent of Delegation:</b>	To administer the allocation or change of street numbering to properties within the Town.
<b>Conditions imposed:</b>	<p>Any change should not significantly impact on other landowners.</p> <p>The procedure to be adopted, unless the street number can be allocated without impact on any adjoining land owner ie a simple addition of a letter of the alphabet in a duplex type development or where a number is simply an addition to an existing string of street numbers, requires the Chief Executive Officer to contact the owners of all land, the address of which may be changed as the result of the allocation of a street number to a property, and must secure agreement from those landowners before progressing the change. Where agreement is not achieved, the matter must be referred to Council for resolution.</p>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Manager Finance and Administration
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	29 October 2020
<b>Amended:</b>	29 October 2020



## Delegated Authority Register

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### DA72 APPROVAL TO EXTEND TERM OF PLANNING APPROVAL

<b>Objective of Delegation:</b>	To approve an extension of the term of planning approval
<b>Extent of Delegation:</b>	To administer an approval for an extension of the term of a planning approval.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Town Planning &amp; Development Act 2005</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA73 DETERMINATION OF PLANNING APPLICATIONS OR ADVICE TO REFERRAL AGENCIES OR OTHER PLANNING AUTHORITIES

**Objective of Delegation:** To determine applications for planning approval or advice to referral agencies and other planning authorities.

**Extent of Delegation:** To determine applications for planning approval or advice to referral agencies and other planning authorities not otherwise included within the current delegations to the Chief Executive Officer.

**Conditions imposed:**

- (a) At least four Committee members vote in favour of the Committee recommendation
- (b) The Committee determination accords with the Reporting Officer's recommendation or an amended recommendation that is supported by the Executive Manager Regulatory Services or his delegate.

<b>Delegation by Council to:</b>	Town Planning & Building Committee
<b>Delegation by Chief Executive Officer to:</b>	N/A
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Town Planning &amp; Development Act 2005</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA74 AUTHORITY TO MAKE GRATUITY PAYMENTS TO DEPARTING STAFF

- Objective of Delegation:** To authorise the CEO to make gratuity payments to departing staff who have provided between 10 and 20 years continuous service.
- Extent of Delegation:** This authority is limited to payments to a maximum of \$1,000
- Conditions imposed:**
- (a) Eligible staff must meet criteria set out in Policy 2.2.4 Gratuity Payment.
  - (b) The Mayor is to be notified of any proposed payment.
  - (c) Applications for Gratuity payments exceeding \$1,000 must be the subject of an officer report to Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	N/A
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA75 DOG REGISTRATION

**Objective of Delegation:** To expedite various duties and make determinations under the Dog Act 1976.

**Extent of Delegation:** The authority to:

- (i) keep an accurate and up to date register of dogs (s14)
- (ii) grant, renew or refuse an application for dog registration (s16)
- (iii) cancel a dog registration (s16)
- (iv) discount or waive the registration fee for an individual dog or any class of dogs, except dangerous dogs(s15(4)(a))
- (v) if no application for registration has been made, give written notice to the owner that a dog cannot be registered because of any of the prescribed reasons and inform the owner of right of review (s17A(2))
- (vi) grant an exemption from the limit imposed on the number of dogs that can be kept (s26(3))
- (vii) consider an objection under s33G(2)(d)(i) and give notice to the owner of the dog setting out its determination(s33G(4))
- (viii) revoke a declaration or proposal to destroy (s33H(1),(2) & (5)).

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer is delegated authority to exercise all of its powers and discharge all of its duties under the Act.
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services – Delegations (i) – (v) Town Rangers - Delegations (i), (ii) & (iii) Customer Service Officers - Delegations (i), (ii) & (iii) Rates Officer – Delegations (i), (ii) & (iii)
<b>Formal Record:</b>	Dog Register Recorded in central records system
<b>Heads of Power:</b>	<b><i>Dog Act 1976, sections 10A(1), 14, 15(4)(a), 16, 17A(2), , 26(3), 33G(4), 33H(1), (2) &amp; (5)</i></b> <b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	19 May 2020



## Delegated Authority Register

### DA76 WRITE OFF DEBT

**Objective of Delegation:** Authority to defer, waive, grant concession or write off any amount of money under section 6.12 of the *Local Government Act 1995* to a maximum of five hundred dollars (\$500.00).

*Note that s. 6.12(2) of the Local Government Act 1995 does not allow money owed to the Town in respect of rates and service charges to be waived or for a concession in relation to such money to be granted.*

**Extent of Delegation:** The power to defer, waive, grant concession or write off any amount of money owed to the Town of East Fremantle, under section 6.12 of the Local Government Act 1995.

**Conditions imposed:**

1. No amounts exceeding \$500.00.
2. The full details of the deferment, waiver, concession or write off is to be recorded on the appropriate financial record and the report to be provided to Council on a monthly basis

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Manager Finance and Administration
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995 section 6.12</i></b>
<b>Last Reviewed:</b>	29 October 2020
<b>Amended:</b>	29 October 2020



## Delegated Authority Register

### DA77 GRAFFITI REMOVAL – PRIVATE PROPERTY

**Objective of Delegation:** To expedite graffiti removal from private property under the *Graffiti Vandalism Act 2016*.

**Extent of Delegation:** The authority to:

- (i) issue a notice requiring the removal of graffiti
- (ii) give effect to a notice requiring the removal of graffiti where a person fails to comply with the notice
- (iii) commence proceedings to recover costs incurred in giving effect to a notice requiring the removal of graffiti
- (iv) remove graffiti that has been applied without the consent of owner or occupier of property

**Conditions imposed:**

1. When issuing a notice requiring the removal of graffiti, person to be advised of their right to lodge an objection to the notice with the Chief Executive Officer or alternatively, or seek a review of the Town's decision to issue a notice from the State Administrative Tribunal.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services, Executive Manager Regulatory Services, <del>Operations Manager</del> <u>Executive Manager Technical Services</u>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Graffiti Vandalism Act 2016, sections 18(2), 19(3) &amp; (4) &amp; 25(1)</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA78 PETTY CASH DISBURSEMENTS

- Objective of Delegation:** To streamline process for payment of miscellaneous office purchases.
- Extent of Delegation:** The authority to issue petty cash disbursements to a maximum value of \$100
- Conditions imposed:**
1. Petty cash voucher to be completed and signed by relevant officers with accompanying receipt, then countersigned by authorised/delegated officer.
  2. Requests for petty cash disbursements over \$100 to be referred to Executive Manager Corporate Services for approval.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Team Leader Customer Service CHSP Coordinator
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Adoption Date:</b>	19 May 2020
<b>Amended:</b>	





## Delegated Authority Register

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### DA79 DETERMINE APPLICATIONS FOR RATES EXEMPTION

<b>Objective of Delegation:</b>	To consider applications for rates exemption.
<b>Extent of Delegation:</b>	To administer a determination on applications for rates exemption in accordance with the Rates Exemption Policy.
<b>Conditions imposed:</b>	In accordance with Policy 2.1.4, organisations are required to reapply for a rates exemption each financial year.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Manager Finance and Administration
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Local Government Act 1995</i></b>
<b>Last Reviewed:</b>	29 October 2020
<b>Amended:</b>	29 October 2020



## Delegated Authority Register

### DA80 DETERMINE APPLICATIONS FOR MORE THAN 3 CATS

**Objective of Delegation:** To expedite consideration of applications for more than 3 cats.

**Extent of Delegation:** Authority to approve applications to keep more than 3 cats per property provided there are no objections from adjoining owners.

**Conditions imposed:** An assessment of the prescribed premises be undertaken in accordance with section 2.4 of the *Town of East Fremantle Cat Local Law 2016*.

Adjoining property owners are to be informed in writing of the application, and invited to comment. If objections are received to an application, a report will be provided to Council for determination.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<b><i>Cat Act 2011</i></b> <b><i>Town of East Fremantle Cat Local Law 2016</i></b>
<b>Last Reviewed:</b>	19 May 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA81 FINANCIAL HARDSHIP APPLICATIONS

- Objective of Delegation:** Determination of Applications for Financial Hardship in accordance with Council's Debt Collection Policy, Rates Concession Policy, Application for Financial Hardship Form (Rates and Sundry Debtors) and Budget Parameters.
- Extent of Delegation:** The power to defer, waive, grant concession or write off any amount of money owed to the Town of East Fremantle, under section 6.12 of the Local Government Act 1995.
- Conditions imposed:**
1. The power to write off or waive individual amounts not exceeding \$2,000
  2. The power to defer liability to pay monies for a maximum period of 6 months
  3. The full details of the deferment, waiver, concession or write off is to be recorded on the appropriate financial record and the report to be provided to Council on a monthly basis

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Manager Finance and Administration
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	• <b><i>Local Government Act 1995 section 6.12</i></b>
<b>Adoption Date:</b>	21 July 2020
<b>Amended:</b>	29 October 2020



## Delegated Authority Register

### DA82 TRADING IN PUBLIC PLACES APPLICATIONS

- Objective of Delegation:** Determination of applications for Trading in Public Places in accordance with the Trading in Public Places Policy.
- Extent of Delegation:** The power to grant a licence to a person to carry on any trading on local government property.
- Conditions imposed:**
1. An application for a licence must:
    - (a) comply with the requirements of the Trading in Public Places Policy;
    - (b) be in the form determined by the CEO;
    - (c) be signed by the applicant;
    - (d) provide the information required by the form and policy; and
    - (e) be forwarded to the CEO together with any fee imposed by the Council.
  2. The CEO may waive the fees and charges associated with the grant of an annual licence to allow trading on local government property.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Regulatory Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Public Places and Local Government Property Law 2016</i></b></li> </ul>
<b>Adoption Date:</b>	21 July 2020
<b>Amended:</b>	



## Delegated Authority Register

### DA83 APPOINTMENT OF PERSONS TO RECEIVE & WITHDRAW COMPLAINTS

<b>Objective of Delegation:</b>	To authorise the CEO to appoint persons in accordance with cl.11(3) of the <i>Model Code of Conduct for Elected Members, Committee Members &amp; Candidates</i> .
<b>Extent of Delegation:</b>	Authority to appoint persons to receive and withdraw complaints in respect to the Model Code of Conduct.
<b>Conditions imposed:</b>	Actions to be in accordance with Complaints Handling Policy and Procedures (soon to be developed).

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	N/A
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Model Code of Conduct) Regulations 2021</i></li> <li>• <i>Local Government Legislation Amendment Act 2019</i></li> </ul>
<b>Adoption Date:</b>	16 February 2021
<b>Amended:</b>	

## Business Plan – East Fremantle Oval Redevelopment – public comment submissions

No.	Submitter Name	Synergy Ref.	Summary of Submission	Officer's Comments
01	Peter Callaghan <a href="mailto:p.callaghan@inet.net.au">p.callaghan@inet.net.au</a>  Resident of Speedy Cheval St	IEM94318	<ol style="list-style-type: none"> <li>1. Development weighted too much towards Moss Street (little/no construction on Allen Street).</li> <li>2. Location of carpark at corner Moss/Marmion St and access in/out point off Moss St would be unworkable for local residents of Richmond Raceway. Proposed in/out point is a safety hazard and should be located off Marmion St.</li> </ol>	<ol style="list-style-type: none"> <li>1. The development has been located in accordance with recommended best practice for Sport &amp; Recreation facilities development. Facilities are to be placed looking away from the Sun and positioned adjacent to the Centre wing position. This position also allows for the greatest opportunity to consolidate all the existing site community tenants within a single building without compromising their ability to operate. This allows for the maximum amount of landscaping forecourt/buffer to the residences on both Moss and Allen street from the new building.</li> <li>2. Location of the car park on the corner of Moss/Marmion Street is where the current car park is situated. A detail traffic study has been conducted and the location of the new cross overs and new car parks poses very little impact on the adjacent road systems and on street parking.</li> </ol>
02	Aaron Senzio <a href="mailto:sensaa14@gmail.com">sensaa14@gmail.com</a>  Resident of Dalgety Street	IEM94619	<ul style="list-style-type: none"> <li>• Support redevelopment of buildings however not pleased with architecture/design proposal which is too similar to other 'modernist' designs which are bland and ugly.</li> <li>• Contract an architect who will design something to fit in with character of Town eg Victoria pavilion Ftle Oval, Gilbert</li> </ul>	<ul style="list-style-type: none"> <li>• Comments on the design noted.</li> </ul>

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03	Fraser Maywood <a href="mailto:fraser.maywood@gmail.com">fraser.maywood@gmail.com</a>  Town resident, location not specified	IEM94566	Request development makes a statement on being carbon neutral by: <ul style="list-style-type: none"> <li>• Materials and methods of construction</li> <li>• Roof top solar PV and battery storage</li> <li>• Energy saving and energy rating</li> <li>• Solar hot water</li> <li>• No gas – all electric for hot water booster, cook tops and air conditioning</li> <li>• EV charging &amp; vehicle to grid connection for council transport.</li> </ul>	<ul style="list-style-type: none"> <li>• Council is very supportive of maximising opportunities to incorporate sustainable environmental initiatives.</li> <li>• As part of the project scope, the design will need to adhere to the new Building Codes for energy efficiency. As from 1st May 2021 the revised codes will require the building to implement an even greater level of efficiency. The design team will apply the most effective and efficient building systems and construction systems to reduce the resource consumption of the building. A specialist energy consultant will be included in the team whose primary role will be to assist in guiding and monitoring the best ESD outcomes within the project budget</li> </ul>
04	Mike Rosenstreich <a href="mailto:mrosenstreich@westnet.com.au">mrosenstreich@westnet.com.au</a>  Resident of Moss Street	IEM94673	<ul style="list-style-type: none"> <li>• Submission prepared in consultation with 12 other households in close proximity to Oval.</li> <li>• Business Plan falls well short in terms of candid disclosure and appears to deliberately submerge some of the more impactful issues such as traffic impacts and the specific commercial activities.</li> </ul> <ol style="list-style-type: none"> <li>1. Town to provide greater disclosure on scale of commercial activities.</li> <li>2. There <u>will be</u> 'new competitive activities' on the A Class Reserve contrary to the Town's assertions.</li> <li>3. The facility should not be run by a Trust it should remain the responsibility of the Council.</li> <li>4. The Town to provide independently reviewed summary of the financial model underpinning its business case so that ratepayers are properly advised on the commercial risks.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Town has provided full disclosure on the level of commercialisation of the facility. There will be a commercial health club/Gym, Café/bar, a function (est seating 300) and three small general-purpose spaces for related businesses ie Sports Physio, Allied Health services... It is anticipated the function room will operate as a general community facility available for hire, outside of the Football club's use during match days.</li> <li>2. The only new activity will be the introduction of a small café, otherwise all other proposed activities already exist or would be community-based activities (ie Glyde-In event). The plan anticipates that there will not be any "significant adverse impact" on existing service providers, it does not say there won't be any impact. The Town is obligated to</li> </ol>

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			<ol style="list-style-type: none"> <li>5. Traffic impacts need to be properly assessed and managed. The most recent Traffic Survey suggested that the Town is not serious about this issue.</li> <li>6. The Town to implement and enforce a system of Resident Parking Permits in the streets surrounding the Oval.</li> <li>7. The Town to disclose its intentions in regarding to existing and proposed liquor licencing and ensure that there is 'no greater' adverse impact in terms of noise etc on local residents.</li> </ol>	<p>undertake a formal disposal process for any property in relation to a commercial activity (lease). Furthermore, the Town is not responsible for controlling commercial competition. A café could potentially be opened in any appropriate commercial property within EF.</p> <p>There is nothing proposed in the development that was not consistent with the use of an A-class reserve with numerous precedents of similar A-class reserves with community and complementary commercial facilities.</p> <p>3. As stated in the business case this matter is still under review and council has not formally decided on which model to progress. Regardless of the final model, it is intended that Council will still maintain a level of control to ensure community outcomes and concerns are addressed. The Trust model still ensures Council has responsibility and ultimate control of the venue.</p> <p>4. The financial modelling has been independently provided by specialist sport and leisure facility advisory firms Paatsch Group and NS Group, with specialist sport and leisure market research firm ActiveXchange having completed the demand assessment underpinning the modelling. The financial and commercial model has also been market tested with specialist operators in the sport and leisure facility area thru a market sounding process.</p> <p>5. A traffic impact study was completed in December 2020, noting a range of changes through</p>



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				<p>the development, including an approximate 400 increased daily trip numbers due to the development.</p> <p>This was followed up by further traffic counts undertaken from 22/01/21 to 1/03/21.</p> <p>6. Onsite parking increases from 174 car bays to 203 car bays, plus an additional 40 overflow bays.</p> <p>7. It is intended that the operator/Town will seek a "Special Facilities" liquor licence. Allowable trading hours are between 8am to 10pm</p>
05	<p>Kevin Fox EFBC  <a href="mailto:efbc@bigpond.com">efbc@bigpond.com</a></p>	ICORR94647	<p><u>Outside</u></p> <ol style="list-style-type: none"> <li>1. Objects to provision of 2 x 5 rink green. Club requires a minimum of 12 rinks.</li> <li>2. Listing of numerous external design/equipment requirements to facilitate Club operations.</li> </ol> <p><u>Inside Facilities</u></p> <ul style="list-style-type: none"> <li>• Listing of numerous internal design/equipment features to facilitate Club operations.</li> <li>• Concern about the café facility in relation to size to accommodate pennant events, bar facilities.</li> </ul> <p><u>Financial/Administrative</u></p> <ol style="list-style-type: none"> <li>3. Many financial issues not clear – Club relies heavily on bar and function income so these restructured expenses and sources of income will dictate ongoing viability.</li> <li>4. Require Council to implement stringent checks and balances on precinct management structure should the trust model proceed.</li> </ol>	<ol style="list-style-type: none"> <li>1. Objection noted - The Bowling Club's stakeholder representative was advised of this decision during the finalisation of the concept and schematic drawings.</li> <li>2. (Inside &amp; Outside) comments noted and will be further considered during the development of the detailed design and specifications for the project. The current level of detail in the schematic design does not allow for this level of detail.</li> </ol> <p>The café area will provide approx. 50 seats (460m<sup>2</sup>), bar area approx. 80 seats, and the function room will seat up to 300 (380m<sup>2</sup>), in addition to the general bar facility and alfresco area directly in front of the bowling greens (approx. seat up to 60). Further detailed design work will be required to determine final numbers.</p> <ol style="list-style-type: none"> <li>3. The proposed business model provides the facility will cover all operational costs, including</li> </ol>

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				<p>significant costs which are currently the responsibility of the EFBC, and the clubs will receive a dividend from net bar sales (based on club usage). This is understood to be a similar approach taken by the Fremantle Sports Club (Bowls &amp; Tennis).</p> <p>4. Comments noted – this matter is still under investigation, and Council has not taken a formal position yet.</p>
06	<p>Damien Flynn  <a href="mailto:damienflynn@inet.net.au">damienflynn@inet.net.au</a>                      Resident of Allen Street</p>	IEM94761	<ol style="list-style-type: none"> <li>1. The environmental enhancement value should be included in the summary given the prominence accorded by residents in previous consultations.</li> <li>2. The Background should include actual facts regarding the site, not just brief history and comment about the clubs.                      Under the previous Consultations there is no mention of the initial consultative process by Consultants Greg Whyte and Associates in 1996 entitled "East Fremantle Oval Feasibility Study".</li> <li>3. Section on Proposed Governance Trust is ambiguous and incomplete. There seems to be a complete lack of community representation. Can a Trust be legally vested with management function, given the Town is the body with vested responsibility?</li> </ol>	<ol style="list-style-type: none"> <li>1. Refer to comments provided above to submission 03. In addition, the schematic design provides for the inclusion of a 10-metre natural landscape buffer around the entire site, in addition to other tree &amp; scrub plantings (Landscape improvements).</li> <li>2. The intent of this business plan is to address the requirements of s3.59 of the <i>Local Government Act</i>. A full detailed business plan has been prepared in addition to this plan that provides a much higher level of detail including past project history.</li> <li>3. Refer to comments above to submissions 04 &amp; 05. Community representation will be provided as part of any Trust arrangement. Refer to page 9 where the Plan in part states "<i>it is anticipated its members would be drawn from the existing user groups, community members....</i>"                      The diagram on page 10 of the Plan, illustrates the possible leasing and licencing arrangements if a Trust is used.</li> </ol>

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07	Mike Rosenstreich <a href="mailto:mrosenstreich@westnet.com.au">mrosenstreich@westnet.com.au</a>  Resident of Moss Street (see submission #4 above)	IEM94758	<u>Supplementary submission</u> Town to update Traffic Management Study and Plan to recognise during events (eg football matches) there are dozens of cars parked informally in the ground which are unlikely to have been include in the assessment of currently available parking within Oval. (Sunday 14/3/21 Women's WAFL game 2-3 dozen cars parked on the hill)	<ul style="list-style-type: none"> <li>The Traffic Impact Statement completed in December 2020 recognises the major events (Football match days) and the increase in parking within these events.</li> <li>The proposed schematic drawings provide an informal overflow area (grassed) for match days at the most southern end of the ground, having only entry and exit point onto Allen Street.</li> </ul>
08	Alma Car <a href="mailto:alma.car@iinet.net.au">alma.car@iinet.net.au</a>  Resident of Moss Street	IEM94713	<ol style="list-style-type: none"> <li>Fully support Mike Rosenstreich's submission.</li> <li>Concerned re commercial liquor licence being granted in area being promoted as a family friendly area with a children's playground.</li> <li>Lack of concern for Moss St residents re current and ongoing parking problems</li> </ol>	<ol style="list-style-type: none"> <li>Refer to comments provided to submission 04.</li> <li>It is intended that the operator/Town will seek a "Special Facilities" liquor licence. Allowable trading hours are between 8am to 10pm</li> <li>Ranger Services have received very few complaints in relation to parking on Moss or Allen Street. The majority of complaints on both Streets are in fact in relation to alleged abandoned vehicles which have been parked for alleged long terms without moving with Rangers identifying that the vehicles are in fact a neighbour's vehicle that has been parked outside another residents home (eg. car owner's family members have more vehicles than can be parked within or on the carriageway outside their own property or other cars were parked outside a neighbour's home as no parking was available outside their home at time of arrival). Most residents are willing to allow neighbours short term parking outside their homes as they may need to park.  Residents of Moss Street between Marmion Street and George Street previously had time</li> </ol>

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				<p>limited parking bays adjacent to the homes on the residential side of Moss Street (opposite East Fremantle Oval), these 3p (3 hour) restriction signs were removed at residents' request.</p> <p>Each residence was allowed two permits allowing extended parking above the sign posted limit. As many residents have more than two cars (some families had 5) this meant family members could not park on Street in reasonable proximity to their respective homes and hampered residents visitors, especially during social gatherings such as parties, weddings etc.</p> <ul style="list-style-type: none"> <li>• The implementation of parking time restrictions and parking permits are in fact more detrimental to residents than standard parking.</li> </ul>

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No.	Submitter Name	Synergy Ref.	Summary of Submission	Officer's Comments
09	Martin & Jill Lowry <a href="mailto:lowmaj@aapt.net.au">lowmaj@aapt.net.au</a>  Residents of 8 Tondarup Way/cnr Moss St	IEM94712	<ol style="list-style-type: none"> <li>1. Fully support Mike Rosenstreich's submission.</li> <li>2. Traffic counters were installed during quieter times (during lockdown, out of football season) wouldn't reflect normal traffic flows.</li> <li>3. No traffic counter located and southern end of Moss St to capture traffic coming in and out of carpark from Marmion Street.</li> <li>4. At a recent scratch match, observed 50 cars inside grounds, all Moss St parking and carpark on Moss Street full. Has this been taken into account – during actual football season, figure much higher.</li> <li>5. Seek an assurance traffic from carpark off Fletcher St will exit to Allen Street to share the load.</li> <li>6. Request more information on the Management Plan and the Trust, including operation hours, liquor licensing, noise levels.</li> <li>7. Concern regarding costing structure and ongoing costs and their effect on rates.</li> <li>8. Request assurance that residents parking permits will be issues and appropriate signage installed.</li> </ol>	<ol style="list-style-type: none"> <li>1. Refer to the comments provided to submission (04) above.</li> <li>2. Traffic counters were put out for an extended period of time, however the data used was for the period Monday 15 February until Monday 1 March was after the lockdown. Traffic counters were placed in areas that would best capture the traffic flow of the area, which further North on Moss Street we thought was best suited.</li> <li>3. More traffic counters may be placed in the future, if further data is required.</li> <li>4. Onsite parking increases from 174 car bays to 203 car bays, plus an additional informal 40 overflow bays. The design cannot cater for all game day parking to be on site (as is the case at present), with overflow parking possibly spilling into local streets for these 10 or so events per year.</li> <li>5. We can give no assurances in regard to specific parking entry/exits at this moment in time as the design is still conceptual, however the goal is to spread the parking entry/exits through the adjacent streets evenly.</li> <li>6. It is intended that the operator/Town will seek a "Special Facilities" liquor licence. Allowable trading hours are between 8am to 10pm</li> <li>7. The commercial spaces within the building will provide external funding, and the modelling suggests over the longer term will cover all</li> </ol>

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				<p>operating costs, without directly impacting on future rate raises.</p> <p>8. Refer to comments above regarding parking permits in submission (08) above.</p>
10	<p>Rebecca James  <a href="mailto:Beck.james@bigpond.com">Beck.james@bigpond.com</a></p>	ICORR94750	<ul style="list-style-type: none"> <li>• Supports sustainable model proposed for an overarching trust and also the proposed colocation of existing sporting clubs to optimise facilities.</li> <li>• Concerned about absence of renewable energy targets being incorporated in line with WA State Climate Policy goals &amp; Town’s climate emergency declaration.</li> <li>• Recommends:               <ul style="list-style-type: none"> <li>- Carbon emission/renewable energy targets be established in line with the Strategic Objectives in climate emergency strategy, drafted by CARG</li> <li>- A specialist energy consultant be engaged to undertake feasibility study and provide recommendations on best renewable energy options for project. Scope to include consideration of anticipated usage patterns and max energy consumption during peak and off-peak periods, as well as advice on impact of future energy regulation and tariff changes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Refer to comments provided above in (03) &amp; (06).</li> </ul>

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No.	Submitter Name	Synergy Ref.	Summary of Submission	Officer's Comments
11	Shane Sheridan 29 Speedy Cheval St	ICORR94740	<ol style="list-style-type: none"> <li>1. Submitting following objections: <ul style="list-style-type: none"> <li>- The cost of over \$25m to ratepayers/taxpayers with little return</li> <li>- The cost to realign Oval and relocate facilities, for what reason.</li> <li>- The heavily weighted redevelopment to Moss St, with little happening on Allen St side.</li> <li>- The new carpark (not on previous plans) with entry/ exit points at top of Speedy Cheval &amp; retention of access point of Moss St near Marmion (potentially dangerous traffic management proposal).</li> <li>- Declining numbers of fully paid members of EF Football Club, EF Bowling Club &amp; EF Croquet Club.</li> <li>- Safety of sporting participants given dogs can be exercised on this area.</li> </ul> </li> <li>2. Given current homelessness problem, that \$26m could be better redirected to this issue.</li> </ol>	<ol style="list-style-type: none"> <li>1. The return to the community will be a modern purpose-built community facility for everyone to enjoy that will bring significant social benefit to the ratepayers of the Town of East Fremantle. The project has been made possible by a funding commitment from the State Government of \$20 million. As stated in the Plan, the Town intends to borrow the balance of \$5 million on a low interest (1.9%), long term (20 years) fixed loan. The oval is being realigned to make better use of the entire precinct (8.4ha) and enable development of an integrated facility that meets the operational requirements of all clubs. Refer to comments above provided in 01. Car park entry/exits have not been confirmed as of yet, with a few different variations being considered. With the design still conceptual, particulars such as this still need to be worked through.</li> <li>2. Comment noted.</li> </ol>
12	Maureen Flynn <a href="mailto:maureenflynn@iinet.net.au">maureenflynn@iinet.net.au</a>  Member of EFO working group and East Fremantle Climate Action Reference Group Resident of Allen Street	IEM94775	<ul style="list-style-type: none"> <li>• Urge Council to include renewable energy as an integral part of the design of the main building, and not as a potential “add on” at a later stage as currently indicated in BP ie that solar panels will be considered.</li> <li>• Proposal have a stronger focus on opportunity to improve urban tree cover to provide shade and habitat.</li> </ul>	Refer to comments provided to submissions (03) & (06) above.

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13	Darren Monument <a href="mailto:darren@abvconsultants.com.au">darren@abvconsultants.com.au</a>	IEM93844	<ol style="list-style-type: none"> <li>1. The commercial gym/health club location will create an unreasonable traffic impact on the residents of Hamilton Street.</li> <li>2. It will be an unreasonable traffic load on a very short residential street.</li> <li>3. Simple solution to relocate commercial gym/health club aspect at the arterial road end of the site – Marmion Street (via a sliproad) and provision of more parking at that end.</li> <li>4. Hamilton St residents unhappy with this proposal and three properties currently for sale.</li> </ol>	<ol style="list-style-type: none"> <li>1. Concerns noted.</li> <li>2. The Traffic Impact Statement has assessed the estimated impact to be an additional 400 movements per day as a direct result of the health club.</li> <li>3. The building has been located to achieve co-location between the clubs and to maximise use of the site.</li> <li>4. The Town of East Fremantle undertook traffic counts in February 2021, with Hamilton Street carrying an average weekday traffic amount of 585 vehicles per day, or 50 &amp; 51 vehicle movements during peak hours (am/pm). This compares to Moss street daily vehicle movement of 1,872. Considering the width and current average weekday traffic numbers, any minor commercial building such as a gym would have minimal impact on the traffic numbers. As easy as it sounds to have all entry/exits onto a busier road, the surrounding street have to be utilised due to the layout of the car parks.</li> </ol>
14	Bruce Seligmann <a href="mailto:bpseligmann@iinet.net.au">bpseligmann@iinet.net.au</a> 18 Hamilton Street East Fremantle	IEM94776	<ol style="list-style-type: none"> <li>1. Concern regarding: <ul style="list-style-type: none"> <li>- reduced dog exercise area</li> <li>- location, size, access &amp; Internal/external interface of proposed café, failing to recognise the potential to be the central focus of the community – not child, dog, cyclist friendly.</li> <li>- Why is eth GST not included in the figures provided?</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed dog (off leash) walking area has not been reduced in size. Dogs will be permitted to be walked (on-lead) over the entire site excluding playgrounds and the WAFL oval (as per current practice) The Café has been centrally located to provide both internal &amp; external spaces and provided maximise accessibility to all clubs and general users.</li> </ol>



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			<ul style="list-style-type: none"> <li>- lack of options and vulnerability to economic factors eg               <ol style="list-style-type: none"> <li>1. do nothing, maintain what is there and replace when necessary</li> <li>2. minimum capital expenditure eg leave clubs as present but update infrastructure.</li> <li>3. as currently drawn up.</li> </ol> </li> <li>2. Would be prepared to support Option 3 if:               <ul style="list-style-type: none"> <li>- dog exercise area and café issues were satisfactory addressed.</li> <li>- Option 3 clearly showed benefit over Option 2 economically &amp; in meeting the overriding objective of encouraging community use – very likely as the \$20m WA support might no longer be forthcoming.</li> </ul> </li> </ul>	<p>The economic impact of this project for East Fremantle will be limited, its more about the social benefits this project will bring. GST has no impact on the project cost (“0” net effect), as the Town is registered to claim these amounts. Thus, all figures in the Business Plan, much like our Annual Budgets &amp; Annual/Monthly Financial Reports are reported as GST exclusive.</p> <p>During the development of the detailed Business Plan (Confidential) a number of project variations were considered, and a detailed long term 10-year financial forecast was produced. A summary of this information has been provided in the s3.59 busines plan. More detailed information has not been provided due to the commercially sensitive information contained within the document. The figures provided on page 11 provide net results (a summary).</p> <p>2. The option was investigated in regard to the possible reuse of the existing facilities, however, this option was assessed as not optimal due to the very poor state of the structures and also attempting to reuse the existing building would not facilitate co-location (Community Hub) and would not result in meeting the community’s requirements for a purpose-built facility.</p> <p>Consideration was given regarding individual refurbishment / redevelopment of the four key sporting and community buildings on the site</p>

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				<p>however, this option was not considered viable due to the following:</p> <ul style="list-style-type: none"> <li>○ All building were effectively at end of useful life and in some cases no longer fit for purpose</li> <li>○ Any refurbishment was identified as expensive and would only extend the life of the buildings for another 10-15 years (all buildings on site are 40+ years old) and was not considered a viable long term solution.</li> <li>○ There was little appetite from external funding parties to contribute to individual redevelopments /refurbishments therefore, the Town would incur the whole cost of the project.</li> <li>○ This would also result in having to stage the refurbishment / redevelopment of each building, potentially over 5-10 years.</li> <li>○ This solution provides no opportunity to revitalise the whole precinct within a single project phase.</li> <li>○ There are economies of scale achieved during design and construction through delivery of a single co-located facility, allowing for cost savings.</li> <li>○ Delivering a brand new, consolidated building for the four key sporting and community tenants will assist with their on-going operations and attracting new members.</li> </ul>

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15	Dan & Geraldine Lowry 69 Moss St	ICORR94806	<ol style="list-style-type: none"> <li>1. Object to Council relinquishing its responsibilities of the facility in favour of a Trust</li> <li>2. Seek feedback on:               <ul style="list-style-type: none"> <li>- What is the situation with a Trust model if the facility runs at a loss?</li> <li>- Where is there a reference to the fee or forecast fee for a Facility Manager?</li> <li>- Does the \$1.6m figure include the forecast expenses of \$273,057 mentioned in page 13?</li> <li>- Which figure will leases need to cover on an ongoing basis, the \$1.6m, the "273,057 or a combination of both? If it is the larger amount, will ratepayers have to cover the shortfall?</li> <li>- Why is "AFL ground maintenance" amount blank? Who will service this amount if not Council?</li> <li>- What planning to ensure noise levels are acceptable for nearby residents?</li> <li>- What planning for an extended lockdown of the precinct (given we are still working through a Pandemic) and how would it service itself?</li> </ul> </li> <li>3. Request proposed exit onto Allen St be a definite to ensure equitable flow of traffic.</li> <li>4. No traffic counters at southern end of Moss Street to record vehicles coming from Marmion Street through the turnstile entrance and southern car park.</li> </ol>	<ol style="list-style-type: none"> <li>1. Refer to the comments provided above in (04) &amp; (05).</li> <li>2. As mentioned in the Business Plan, to reduce Council's exposure to fully subsidising the facility, various contingency plans have been explored and identified to assist with an operating deficit. The anticipated Facility Management fee has been incorporated into the overall net position shown on page 13. Yes, the \$273,057 is included in the overall amount of \$1.6 million. It must be remembered that the commercial side of the facility is only one aspect, primarily it's a community facility. However, like many other local government facilities and services in the state, it is most likely the community component of the building and surrounds will need some level of subsidy as a community facility. Based on the modelling and market sounding undertaken, it is anticipated that by year 2 the facility will operate at a profit covering all costs, excluding loan repayments. Losses are expected to be greater in the establishment year as commercial incentives may be required to attract the right (viable) commercial tenants. The Plan does not consider selling any portion of the site.</li> </ol>

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				<p>The operating deficit from year 3 contains a charge (expense), being a cash transfer of \$270,080 per year to a facility reserve account which is to be held for the future asset maintenance requirements of the facility and surrounds.</p> <p>This table provides the “<i>worst case scenario</i>” if no revenue was received at all from any of the proposed commercial tenants.</p> <p>The AFL ground maintenance has been left blank as this would be the responsibility of the Football club (Sharks) in a worst-case scenario. The current oval maintenance costs are under \$25k per annum.</p> <p>It is anticipated the same activities will be undertaken as currently provided on-site excluding the addition of the new Café.</p> <p>It is intended the Gym, Café &amp; 3 small commercial spaces would be privately leased on a commercial basis, therefore, any forced shutdown would be the responsibility of the tenants. Therefore, if no income was received Council would revert to the current situation and maintain the garden and surrounds.</p> <p>3. The current design provides overflow parking entry and exist point is from Allen Street.</p> <p>4. Traffic counters were placed in areas that would best capture the traffic flow of the area, which further North on Moss Street we thought was best suited.</p>

## Business Plan – East Fremantle Oval Redevelopment – public comment submissions

No.	Submitter Name	Synergy Ref.	Summary of Submission	Officer's Comments
16	Neil & Suzanne Farnsworth <a href="mailto:neil.farnsworth@optusnet.com.au">neil.farnsworth@optusnet.com.au</a>  Residents of Moss Street	IEM94771	<ol style="list-style-type: none"> <li>1. Fully support Mike Rosenstreich's submission.</li> <li>2. Express misgivings about Business Plan:               <ul style="list-style-type: none"> <li>- Lack of disclosure and transparency on scale of commercial activities resulting in concerns regarding:                   <ul style="list-style-type: none"> <li>➤ noise associated with activities at all hours</li> <li>➤ vehicle noise</li> <li>➤ heavy use of Moss St for parking (Council refused their request for a double carport so are forced to use street parking)</li> </ul> </li> <li>• Governance concerns – Council appears to be passing its responsibilities onto (and diminishing its obligations to residents) by standing behind the protection of an at “arm’s length” Trust which will control liquor licences, hours of operation, commercial activities, noise.</li> </ul> </li> <li>3. Request Council consider and enforce a “Residents Only” parking arrangement on the west side of Moss St.</li> </ol>	<ol style="list-style-type: none"> <li>1. Refer to the comments provided above in (04)</li> <li>2. As detailed in the traffic impact statement completed in December 2020 traffic trips are estimated to increase by approximately 400 per day after the redevelopment. Considering the car park layouts, this number will be spread through the surrounding streets, where a 10% increase in Moss Street, would not be noticeable, considering recent traffic counts undertaken had an average weekday traffic number of 1,872 vehicles per day in Moss Street.</li> <li>3. Refer to the comments provide above in (08).</li> </ol>

**Business Plan – East Fremantle Oval Redevelopment – public comment submissions**

No.	Submitter Name	Synergy Ref.	Summary of Submission	Officer's Comments
17	East Fremantle Croquet Club – M Hood		<ol style="list-style-type: none"> <li>1. Concern expressed regarding the space provided for making afternoon tea &amp; drinks</li> <li>2. Requested more shelter be provided.</li> <li>3. Requested ability to be able to hire out facility to other user for fund raising and to lift the profile of the sport.</li> <li>4. Concern expressed regarding the location of the toilet facilities – need to be closer to the playing surfaces.</li> </ol>	<ol style="list-style-type: none"> <li>1. Provision has been made for a small kitchenette for the preparation of food &amp; drinks.</li> <li>2. Whilst a number of shelters have been provided x 3 at the end of each playing field, there is potential to provide further shelters at each end.</li> <li>3. The intended model would allow the club to use the buildings facilities including, the function room and other spaces. In addition, under the proposed model all operating costs of the club would be covered by the facilities.</li> <li>4. Comment noted and will be given further consideration during final detailed design process.</li> </ol>

PROCESS

- Email to confirm submission received.
- Email to advise of report to Council, which will include the summary of submissions.

**Business Plan (s3.59)**  
***Local Government Act 1995***  
**East Fremantle Oval Precinct Redevelopment**



**(DRAFT)**

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East Fremantle WA 6158  
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## Executive Summary

This Business Plan has been prepared as per the requirements of section 3.59 of *Local Government Act 1995* due to size of undertaking.

The plan is to replace the ageing East Fremantle Oval infrastructure with an Integrated Community Sport and Leisure Facility and associated precinct.

### Project summary

- Land vested in the Town of East Fremantle as A Class reserve.
- Broad scope for requirements to include:
  - Walking tracks around the oval.
  - Sports Oval
  - Removal of perimeter fence
  - Indoor multi-purpose hall
  - New playgroup facilities
  - Outdoor ½ hard court.
  - Outdoor adventure playground.
  - Enclosed dog exercise area.
  - Skate Zone.
  - Improved community facilities including the oval tenant facilities as well as other amenities available to hire for the community (e.g. meeting rooms).
- Projected Capital Cost (QS estimate) is **\$26,594,874.**
- Proposed funding as per below:
 

▪ Town of East Fremantle (Proposed Treasury loan)	\$ 5,000,000
▪ External agencies (State Government)	\$20,000,000
▪ External agencies (Federal Government, AFL and others )	<u>\$ 1,594,874</u>
	<b><u>\$26,594,874</u></b>
- Based on the detailed Business Plan assumptions, it is anticipated the facility will become cost neutral after year 3 of operation.
- Timetable to build and open the proposed facility by end of 2023.

The Business Plan is available from the Town's website [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au). Alternatively you can request a copy by telephone (08) 9339 9339 or via email [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au).

Any person wishing to make a submission on matters contained in the Business Plan is to address the submission to the Chief Executive Officer, Town of East Fremantle, PO Box 1097, East Fremantle WA 6959, by the close of business on **15th March 2021**.

## Purpose

Proposal to enter into a major land transaction for the redevelopment of the East Fremantle Oval Precinct buildings and surrounding area as an open, inviting, community and recreational space, available to all within the Town.

This Business Plan has been prepared in order to satisfy the requirements of Section 3.59 of the *Local Government Act 1995* in respect to the redevelopment of the East Fremantle Oval Precinct.

The Business Plan outlines:

1. Proposed services and future management arrangements for the precinct;
2. Financial details of the Project;
3. Adherence to the Town's Community Plan; and
4. Information on the Town's ability to manage the project.

This Plan has been based on a detailed Business Plan which contains confidential (commercial) information not for public release.

The community is asked to provide comment on the specific aspects listed above, via a submission process.

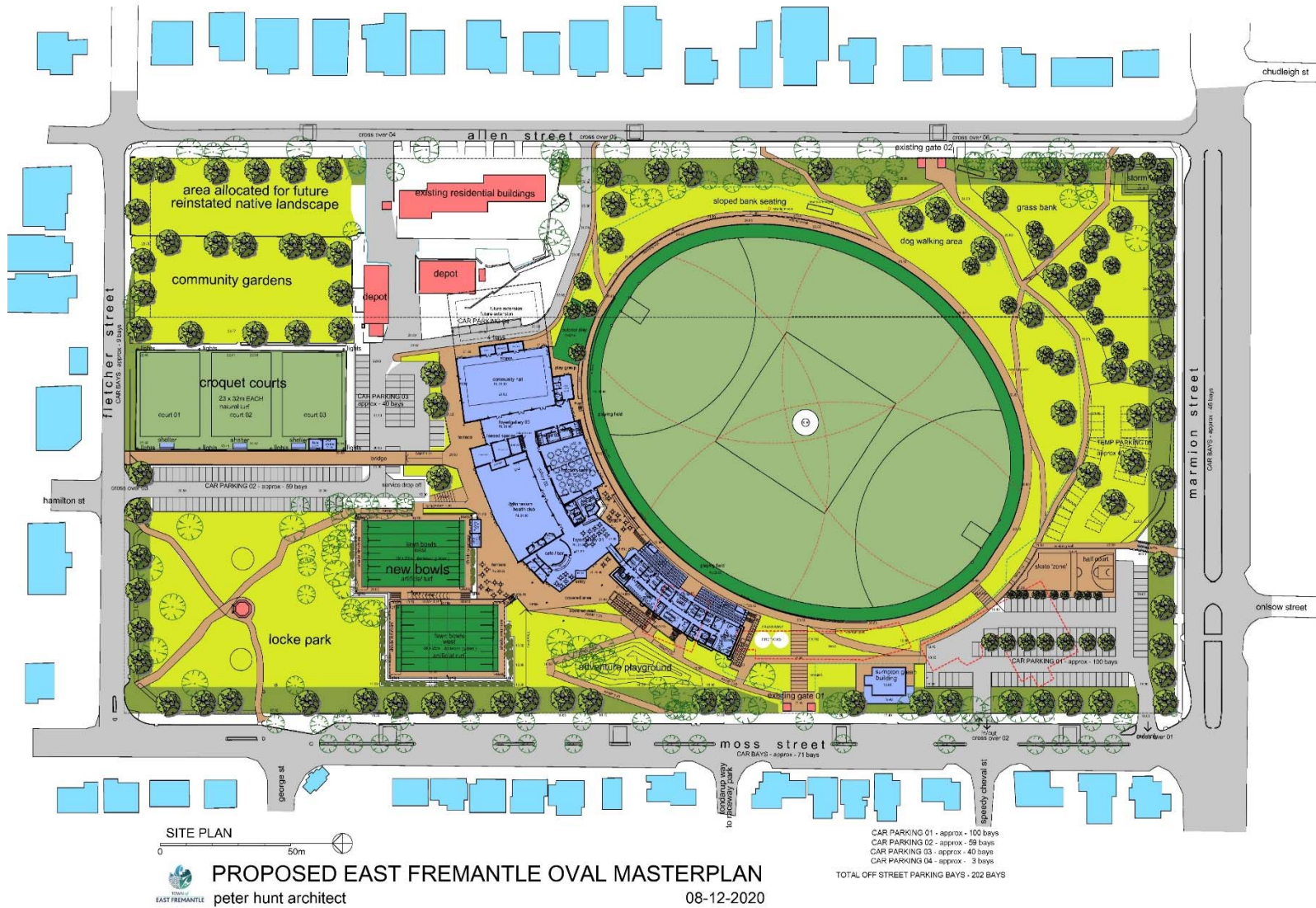
## The Project

The redevelopment of the East Fremantle Oval Precinct is being actioned as a priority major project for the Town of East Fremantle to achieve the following objectives:

- To maximise the opportunities for local residents to pursue a healthy and active lifestyle through a range of sporting and leisure pursuits and for personal development for all ages and abilities.
- To provide a venue where local teams can develop excellence by competing at the highest level, in high quality facilities that can be enjoyed equally by local and visiting teams, coaches and spectators.
- To host a place where people can develop and impart skills, and to fulfil their potential in their chosen sport/activity.
- To build social connectedness and cohesion among our community.
- To build a space where East Fremantle residents can gather, share and celebrate occasions/milestones – to share a meal, a coffee, to start conversations and host functions.
- To create opportunities for new businesses and to thrive.

The proposed co-location of the existing sports clubs (Football, Bowls & Croquet) will also provide efficient operating synergies through the creation of a central administration function and result in optimising the use of the shared facilities on site, ultimately assisting with each club's long-term sustainability.

Proposed precinct concept plan



Note: Ultimately, the Council will decide the final precinct layout, it may be varied subject to final costs and/or the outcomes of any further investigations (ie Traffic impacts)

## Land Description

The subject site is a 8.43ha lot bound by Fletcher Street, Allen Street, Marmion Street and Moss Street, with the land held in ownership by the State of Western Australia and vested to the Town of East Fremantle as a Class (A) Reserve.

Further details of the lot include:

- Lot 6229 on D1243 & on P3286

Landgate's Practice Manual (RES -01) defines a reserve as;

*A reserve is Crown land that has been set aside for a particular purpose in the public interest. It is a form of tenure of Crown land and is not an interest in land.*

*Class A reserves afford the greatest degree of protection for reserves of Crown land created under the LAA. The A classification is used solely to protect areas of high conservation or high community value.*

## Background

The existing key tenants on the site include:

- The East Fremantle Football Club ('EFFC')
- The East Fremantle Bowling Club ('Bowls')
- The East Fremantle Croquet Club ('Croquet')
- The East Fremantle Playgroup and Child Nurse

All tenants are in separate facilities which are all requiring significant upgrades due to varying levels of disrepair. This project presents an opportunity to consolidate these tenants into a single facility as well as look to other community groups which could utilise the facility, and to open the site up for use by the community generally, not just sports.

Other infrastructure on the site includes the Town of East Fremantle's work depot and residential housing owned by the Town. These buildings will remain on site and have been excluded from this project.

The cost of relocating the depot was briefly explored but was considered beyond the budget set for this project. Therefore, further consideration may be given at a future date to the depot's relocation and the demolition of the staff houses.

## History of the site

### East Fremantle Football Club

The ground was opened in 1906 and underwent a large redevelopment in 1953. It currently serves as the home ground of the East Fremantle Football Club in the West Australian Football League (WAFL).

### East Fremantle Bowling Club

The Bowls Club has been based at the Precinct since 1904, with one of the bowling greens still situated in its original location.

### East Fremantle Croquet Club

Similar to Bowls, the Croquet Club has been based at the Precinct since 1906. The club is located on the corner of Fletcher and Allen Street and currently has 2.5 croquet greens (area of 2,000m<sup>2</sup>).

## Previous Consultation

The Town has undertaken an extensive consultation process regarding this project.

Redevelopment of the East Fremantle Precinct has been a priority of the Town for decades, and unfortunately there have been a number of prior unsuccessful attempts that failed due to a lack of community support for the redevelopment models put forward.

Previous investigations and reports published include:

- Masterplan: East Fremantle Oval Precinct (2008)
- East Fremantle Oval Redevelopment: Stakeholder Communication and Consultation Plan (2013).
- East Fremantle Oval Precinct Redevelopment: Opportunities and Constraints Report (2013)
- East Fremantle Oval Recreation Precinct: Community Reference Group (2014)
- Recreation and Community Facilities Plan (2016)
- East Fremantle Oval Precinct Revitalisation: Shape Our Future (2018) – Vision Plan.
- East Fremantle Oval Precinct – Investment Logic Mapping (ILM) Workshop Report (2019)

A Revitalisation Plan (Design Charrette) was developed in 2018, which undertook an extensive community engagement process to develop an initial concept for a consolidated community and sporting building. The key outcomes which were established from the community engagement included:

- The precinct should be revitalised into a community and sporting space that is open to all, with or without WAFL games played at the Oval.
- Preference to retain the entire precinct as an A Class Reserve.
- Affordable and equitable revitalisation with multiple funding options.
- Improve physical and visual accessibility into the precinct.
- Create shared facilities that meet the needs of clubs and community.
- Maximise use of existing areas, and better utilise underused spaces.
- Strong agreement that sale of portions of the land (for residential/commercial multi-story development) to fund the project should not be considered.

While the ILM Workshop Report (2019) built upon these key outcomes, it identified the four key problem statements currently restricting the precinct including:

1. Lack of multi-purpose facilities in the Town available for community groups and members.
2. An overprovision and deteriorating condition of the existing infrastructure at the Oval.
3. The Precinct has poor amenity, presenting as uninviting and largely inaccessible for passive recreational use.
4. The Precinct is underutilised for passive recreation and does not meet the needs of the community.

A community reference group was formed to assist with the delivery of the ILM process. The Group consisted of one member from each sports club and 4 community members, plus Town staff.



Since this time Paatsch Group were engaged by the Town of East Fremantle (Feb 2020) to deliver a business plan and concept masterplan regarding the redevelopment of the East Fremantle Oval Precinct, this work was completed in June 2020.

In September 2020, Peter Hunt Architects were engaged to further refine the concept plans and project costings (QS figures), which involved a number of opportunities for community feedback through the various workshop/presentations and invitations for written submissions.

The Community Reference Group was also reformed to again provide assistance with this process.

Overall, the consultation results indicate the community is supportive of the East Fremantle Oval Precinct Redevelopment Project. A full summary of the consultation undertaken can be found on the Town's website.

### **Compliance to s3.59 Local Government Act 1995**

As per the requirements set out under Section 3.59 of the *Local Government Act 1995* this Business Plan for a major land transaction has been prepared for the redevelopment of the East Fremantle Oval Precinct.

*The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) its expected effect on the provision of facilities and services by the local government; and*
- (b) its expected effect on other persons providing facilities and services in the district; and*
- (c) its expected financial effect on the local government; and*
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) any other matter prescribed for the purposes of this subsection.*

The Act sets out the Town's requirements to advertise the business plan as outlined below (as per s3.59(4):

*(4) The local government is to —*

*a) give Statewide public notice stating that —*

*i. the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*

*ii. a copy of the business plan may be inspected or obtained at any place specified in the notice; and*

*iii. submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

**AND**

*b) make a copy of the business plan available for public inspection in accordance with the notice.*

*c) publish a copy of the business plan on the local government's official website*

*(5) After the advertising period has closed, Council will be required to consider any submissions made and may then decide, with absolute majority required, to proceed with the ongoing*

*undertakings and transactions proposed. Any future undertakings and transactions will be required to not significantly differ from what was proposed in the advertised Business Plan.*

### **The expected effect on the provision of facilities and services by the Town - 3.59(3)(a)**

The Town currently does not own or provide a community facility/building that is available for general community use. This proposal will provide a purpose built multi-purpose community building, associated facilities, and parkland. Therefore, increasing the provision of community facilities and services available within the Town.

In addition to housing the existing sports clubs, the proposal will also provide;

- Walking tracks around the oval.
- Indoor multi-purpose hall
- New playgroup facilities
- Outdoor ½ hard court.
- Outdoor adventure playground.
- Enclosed dog exercise area.
- Skate Zone.
- Improved community facilities including the oval tenant facilities as well as other amenities available to hire for the community (e.g. meeting rooms).

#### **Proposed Trust**

When considering the operational responsibility of the facility, two governance scenarios were considered. These included:

1. Direct governance by the Town.
2. The Town facilitate the establishment of a Trust. The Trust then has responsibility and governance over the facility, with the Town having oversight of the Trust.

The key difference between the two models is that the establishment of a Trust puts the facility at arm's length from the Town, as opposed to the Town having direct responsibility. The Trust also provides the Town with the ability to co-opt members to sit on the Trust who have experience in community facility governance, management and/or operation. An independent Trust would have responsibility for all governance matters in relation to the precinct.

Whilst the final trust/governance structure is yet to be finalised, it is anticipated its members would be drawn from the existing user groups, community members (including those with relevant community facility experience) & the Town of East Fremantle.

This model ensures that the Trust (and broadly the Town) has total control over the facility and that the facility is maintained as a community asset and that no one tenant has exclusive rights over an amenity which is not part of their key service offering.

Further legal advice will be obtained regarding the use of a Trust prior to the Town finalising the preferred governance model.

#### **Facility Management**

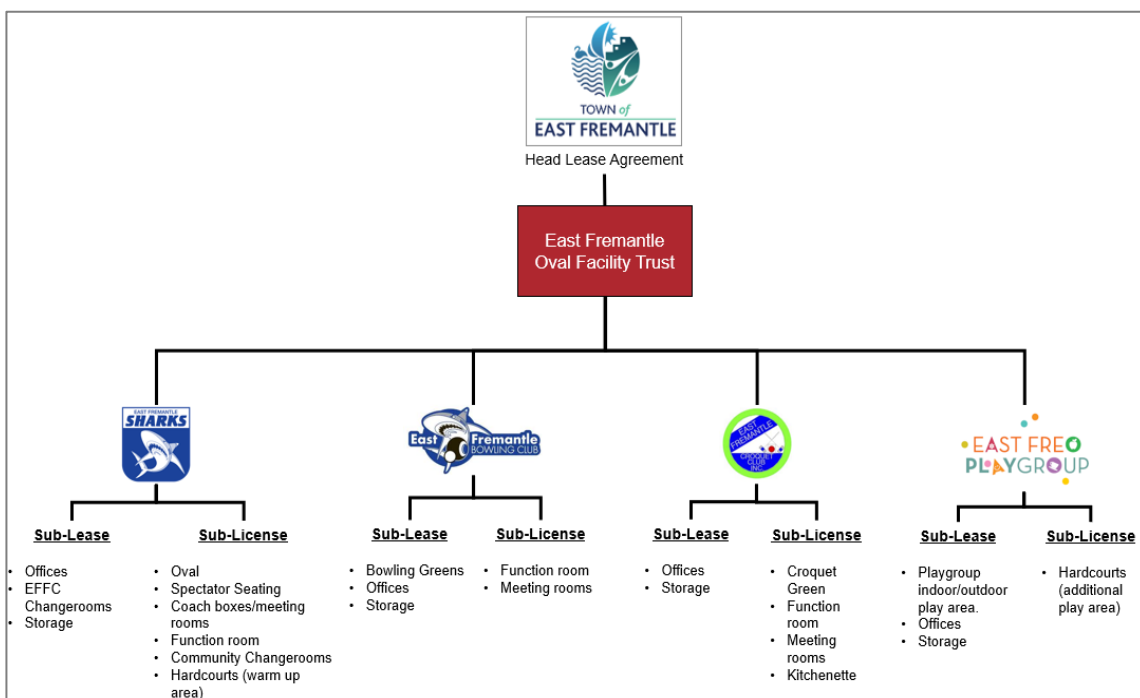
It is proposed the facility's operations will be outsourced to an experienced and professional facilities management organisation under a fee for service arrangement. It is anticipated that the

cost of the management arrangement will be offset by the facilities proposed commercial leases and commercial activities.

The proposed management agent (facility manager) would be an organisation whose sole responsibility is to manage the day-to-day responsibilities of the facility and the precinct overall and ensure that the facility is driving traffic to the area and is performing adequately.

It is further proposed that with the appointment of an external management entity, the establishment of a lease agreement will be developed, outlining the terms of the lease and annual lease payments. Based on the market engagement undertaken, the following has been recommended:

- A 10 year lease agreement (5 X 5 year leases) with extension options in order to successfully attract an external management agency.
- Appropriate key performance indicators would be included in the lease agreement to ensure high levels of facility maintenance and upkeep, protection of interests of the tenant clubs and community service obligations.



Ultimately, the final operational management structure will be determined by the Council subject to further investigation of the model proposed above.

**The expected effect on other persons providing facilities and services in the district - 3.59(3)(b)**

It is not anticipated that the proposed facilities and services will have any significant adverse impact on other persons who provide services and facilities within the Town other than potentially the existing EF Oval commercial tenants.

As the existing EF Oval commercial tenants’ current facilities will be demolished to enable the project to occur, the existing commercial tenants may be affected if they are not successful in securing a lease agreement in the new facility. All commercial tenancy appointments in the redeveloped facility will be the subject of a competitive tender process.



## The expected financial effect on the Town - 3.59(3)(c)

The Town currently expends on average around \$120,000 pa on maintenance costs for the current facility and surrounds. These costs will no longer be incurred under this proposal, as the facility operator will be directly responsible for such costs.

### Financial Details

Based on the current masterplan and schematic drawings, the following capital cost estimates have been prepared by Cost Management Intelligence (Natshell Pty Ltd). Note, all costs exclude GST.

### Estimated Project Cost

Item	Cost (excl. GST)
Main Facility	\$13,182,663
External Works & Services	\$9,389,079
<b>Total Construction costs</b>	<b>\$22,571,742</b>
Contingencies, Fees and Headworks	
Design Contingency	\$564,294
Contract Contingency	\$694,081
Fixtures Furniture & Equipment	\$497,425
Professional Fees	\$2,267,332
<b>Estimated Total Cost</b>	<b>\$26,594,874</b>

The overall estimated project value (and associated fees) will be subject to the final design and specifications being completed.

### Environmentally Sustainable Design

The development of this facility will have a strong focus on providing an opportunity to deliver a range of sustainable environmental initiatives to the precinct. The Town will engage a specialist consultant as part of the Detailed Design phase to ensure the Town maximises the opportunities to include the latest ESD initiatives with the objective to reduce overall environmental impact and operating costs for the facility.

Some of these initiatives that will be considered include:

- Solar panels for power consumption
- Building orientation to reduce the requirement for air conditioning
- Building Management System (BMS) with direct digital controllers (DDC) to control air conditioning and ventilation equipment

### Economic Impact

**Construction Impact:** The East Fremantle Oval Precinct redevelopment's construction spend of approximately \$23.6 million will generate a further \$75 million of output in the wider State economy. The Precinct's construction will directly generate approximately 50 Full Time Equivalent (FTE) jobs, indirectly creating a further 155 in the wider State economy.

**Operational Impact:** The redeveloped East Fremantle Oval Precinct will generate an additional operating expenditure of approximately \$1.6 million per year, which will create approximately \$4.6 million of additional output in the wider State economy. The above operating output will directly generate 9 new FTE jobs each year, creating a further 10 indirect jobs in the wider State economy per annum.

### Funding Model

Funding source	
Town of East Fremantle (Proposed Treasury loan)	\$5,000,000
External agencies (State Government*)	\$20,000,000
External agencies (Federal Government, AFL and others )	\$1,594,874
<b>Total Funding</b>	<b>\$26,594,874</b>

\*Both major political parties have made a 2021 election commitment of \$20 million for the project.

### Proposed WA Treasury Corporation Loan

It has been proposed that the Town will part fund the construction of the facility via a WA Treasury Corporation Loan for an amount up to \$5 million (Indicative WA Treasury quote received 11/01/21).

Loan amount	\$5,000,000
Loan Term	20 years
Fixed Interest rate	1.90%
Annual Capital Repayment	\$ 209,489
Annual Interest Payment	\$ 92,381

**Total Annual payment      \$ 301,870**

The proposed loan repayments will be incorporated into the Town's Strategic Resource Plan (*Long Term Financial Plan - 10 years*)

In the event the facility is able to generate a profit, any dividend provided to the Town will be used to offset the Treasury loan repayments mentioned above. The detailed business plan identified that this could occur as early as in year 3, and under this scenario repayments would be fully funded by year 10.

### Operating Costs

Given the proposed operating model, the facility will operate independently of the Town, and therefore the Town will not be directly responsible for any operating costs.

Based on facilities research undertaken for this project and the findings of a market sounding process, it is proposed that the following commercial tenancies will be integrated within the development:

- Health club.
- Allied health tenants.
- Café and function space.

The purpose of introducing these spaces is to provide financial support for the ongoing operating costs of the facility and the surrounding precinct.

Based on the detailed Business Plan assumptions, it is not anticipated the facility will become cost neutral until after year 3 of operation. Therefore, operating expenditure contingency plans will need to be put in place by the Trust.

The estimated loss (Revenue – expenses) in Year (1) one, inclusive is approximately **\$300,792**. This loss is forecast in part on the basis that the new commercial facilities will take some time to grow to their optimum financial performance and standard commercial rental incentives are likely to need to be offered to commercial tenants to assist in business establishment.

Some start-up operational funding will also likely be required in the year prior to opening (marketing/advertising and human resources) to ensure the facility is ready to go. The Town and clubs will be required to contribute to a start-up fund in Year 1 to assist with the predicted operating revenue shortfall (inclusive of any pre-opening funding).

The start-up contribution for the Town may be equal to the existing expenditure that would ordinarily be expended each year maintaining the precinct and surrounds (Approx \$120,000 pa) which will not be required to be expended during construction of the facility, or once the facility is constructed and operating at its optimum.

The detailed business plan estimates prepared by Paatsch Group anticipate the facility will cover all operating costs by year 2. In the event this does not occur the Town may be required to provide further financial assistance in addition to the loan repayments.

In the **worst-case scenario**, the Town could be required to cover the following additional costs if no revenue at all was derived from the facility’s commercial tenants and activities.

Item	Annual expenses
AFL Ground Maintenance	\$ -
Maintenance	\$ 17,326.00
Gardening	\$ 61,200.00
Security	\$ 25,500.00
Utilities	\$ 169,031.00
<b>Total forecast expenses</b>	<b>\$ 273,057.00</b>

Therefore, the total annual contribution could be \$273,057 plus the annual loan repayments of \$301,870, providing a combined total of \$574,927.

**Best-case scenario** the facility operates better than expected, and fully funds its operations, sinking fund provisions and the Town’s annual loan repayments, therefore, removing any reliance on the Town for future financial contribution/support.

**Expected financial contribution from the Town for the first 10 years**

	Year 1	Year 2	Year 3	Year 4	Year 5
Net Profit	-\$300,792	\$328,435	\$95,978	\$117,258	\$139,564
Contribution by others	\$180,792	0	0	0	0
Finance Repayment	-\$307,947	-\$307,947	-\$307,947	-\$307,947	-\$307,947
<b>Total forecast payments by TOEF</b>	<b>-\$427,947</b>	<b>\$20,488</b>	<b>-\$211,969</b>	<b>-\$190,689</b>	<b>-\$168,383</b>

	Year 6	Year 7	Year 8	Year 9	Year 10
Net Profit	\$182,793	\$208,047	\$234,480	\$281,651	\$330,877
Finance Repayment	-\$307,947	-\$307,947	-\$307,947	-\$310,351	-\$307,947
<b>Total forecast payments by TOEF</b>	<b>-\$125,154</b>	<b>-\$99,900</b>	<b>-\$73,467</b>	<b>-\$28,700</b>	<b>\$22,930</b>

Note:

*Excluding Year (1), the business plan assumes the Town will only need to contribute to the portion of the loan repayments that have not been offset by net profits (as shown in the above table). Beyond Year (1), no contribution will be required to subsidise the operating costs.*

*In Year (1), the Town may be required to subsidise the operating loss to an estimated amount of \$120,000 (this amount is equal to current average annual facility maintenance costs, that will no longer apply once the facility is constructed).*

*In Year (3), the allocation (\$270,080) to the Asset Maintenance sinking fund commences, resulting in the large reduction to the net profit in Year 3.*

Asset Maintenance

The detailed business plan proposes that a sinking fund be established in Year 3, and an allocation of \$270,080 be transferred annually to a reserve account to be held for the future asset maintenance requirements of the facility and surrounds.

### **The expected effect on matters referred to in the local government's current plan prepared under section 5.56 (Strategic Community Plan) - 3.59(3)(d)**

#### **Strategic Community Plan - Priority Area 1 (Social)**

The East Fremantle Oval Precinct Redevelopment Project has been identified as a key priority by the community and council.

The achievement of this project will deliver on key Town priorities as expressed in our Strategic Community Plan under Priority Area 1 (Social) - **"A socially connected, inclusive and safe community"**

**Objective 1.2 - Inviting open spaces, meeting places and recreational facilities.**

#### **Strategies**

*1.2.2 Provision of adequate recreational, sporting and social facilities.*

*1.2.3 Activate inviting open spaces that foster social connection.*

This project will enhance the liveability of the Town and the quality of life of its people, reaffirming their connection to place. It will improve the desirability of the Town as a destination and location of choice, and will have flow-on positive effects that will factor into decision making for those persons choosing East Fremantle as the place in which they choose to live, raise a family, invest, operate a business, visit, work, retire, play and recreate.

As well as the project's strong alignment to the Town's strategic priorities, a community perception survey was also undertaken in 2018, and it identified seven priority areas that the community would like the Town to focus on. The third highest ranked priority was:

*"For the Town to take action with the East Fremantle Oval Precinct"*

### **The Town's ability to manage the undertaking or the performance of the transaction - 3.59(3)(e)**

The Town will contract the necessary expertise and resources to assist it in the delivery and management of the project.

**Other matters - 3.59 (3)(f)**

The Town is not aware of any other matters that are relevant to the proposed transaction in relation to the requirements of section 3.59 of the *Local Government Act 1995*.

**Business Plan Access & Submissions**

The Business Plan is available from the Town's website [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au). Alternatively you can request a copy by telephone (08) 9339 9339 or via email [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au).

A hard copy of the Business Plan is available from the Town's Administration Centre at 135 Canning Highway, East Fremantle, WA, 6158.

Submissions related to this proposal are invited from members of the public. Any submissions received during the six-week advertising period will be considered by Council at a council meeting before Council makes a decision on whether to proceed with the Business Plan or not.

Any persons wishing to make a submission on matters contained in the Business Plan is to address the submission to the Chief Executive Officer, Town of East Fremantle, PO Box 1097, East Fremantle WA 6959, by the close of business on 15<sup>th</sup> March 2021.





## Traffic Count Summary

### East Fremantle Oval surrounds



## Document Control

<b>Owner Unit</b>	Operations
<b>Originator</b>	CEO
<b>Author</b>	Nicholas King
<b>Date Created</b>	23 March 2021
<b>Draft Approved</b>	
<b>Document Approved</b>	
<b>Additional Comments</b>	Traffic counts undertaken to support Traffic Impact Study for EF Oval Redevelopment

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## Traffic summary – East Fremantle Oval surrounds

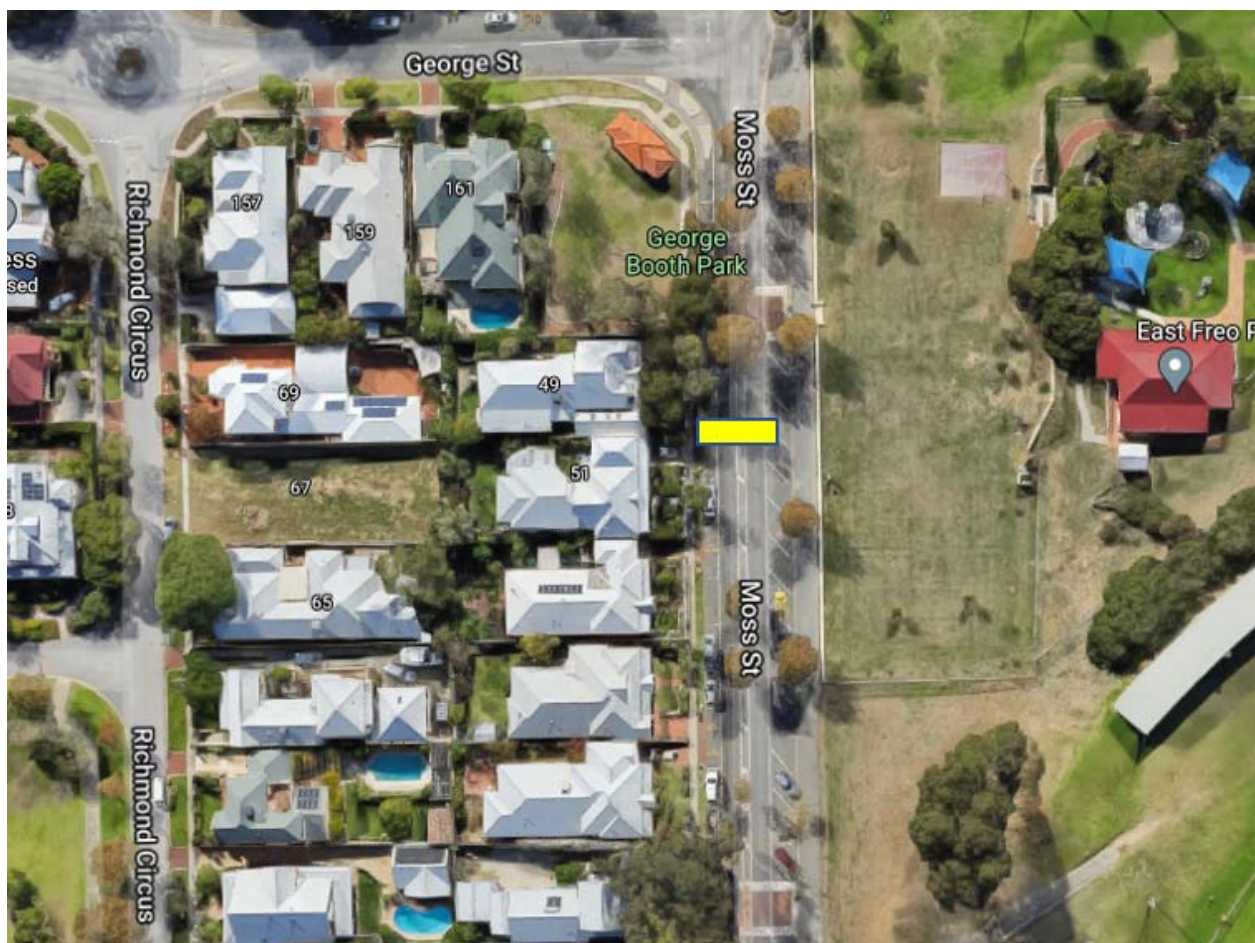
### Background

The Town of East Fremantle following several queries regarding increased traffic and speeds around the East Fremantle oval, undertook traffic counts in January and February 2021. The counts were placed on site in late January 2021 and picked up in March 2021, due to a period of Covid-19 lockdown, the counts were left on site for longer than standard.

The traffic data was filtered to capture a two-week period from Monday 15 February 2021 until Monday 1 March 2021, to capture a realistic snapshot of traffic data.

### Data

#### Moss St, between 49 & 51



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	1872.3	1700.5
Morning Peak	151.5 (0800-0900)	129.3 (1000-1100)
Afternoon Peak	193.9 (1700-1800)	160.6 (1700-1800)

85% Speed = 34.56 km/h

Fletcher St, between Moss & Hamilton



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	1707.4	1589.1
Morning Peak	198.1 (0800-0900)	164.9 (0800-0900)
Afternoon Peak	183.3 (1700-1800)	155.4 (1700-1800)

85% Speed = **43.74 km/h**



Allen St, in front of number 72



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	563.6	562.9
Morning Peak	54.3 (0800-0900)	48.8 (0800-0900)
Afternoon Peak	52.6 (1700-1800)	49.7 (1700-1800)

85% Speed = **43.20 km/h**

Tondarup Way, in front of number 4



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	167.7	163.5
Morning Peak	14.7 (0800-0900)	12.0 (1000-1100)
Afternoon Peak	14.7 (1700-1800)	14.1 (1700-1800)

85% Speed = 35.28 km/h



Hamilton St, in front of number 34



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	585.6	540.7
Morning Peak	60.9 (0800-0900)	50.5 (0800-0900)
Afternoon Peak	59.9 (1700-1800)	51.4 (1700-1800)

85% Speed = 45.72 km/h

Speedy Cheval, in front of number 32



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	391.9	377.9
Morning Peak	41.8 (0800-0900)	34.9 (0800-0900)
Afternoon Peak	39.4 (1700-1800)	35.1 (1700-1800)

85% Speed = 39.96 km/h



Silas St, between 44 & 48



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	318.7	306.4
Morning Peak	35.6 (0800-0900)	29.9 (0800-0900)
Afternoon Peak	33.5 (1700-1800)	30.0 (1700-1800)

85% Speed = 49.14 km/h

George St, west of Moss St



	Weekday (Mon-Frid)	Whole week (Mon-Mon)
Average weekday traffic	2,307.3	2,410.9
Morning Peak	239.1 (0800-0900)	204.2 (0800-0900)
Afternoon Peak	241.8 (1700-1800)	203.0 (1700-1800)

85% Speed = 36.72 km/h





## 4.2.2 Foreshore Dinghy Management

<b>Type:</b>	Operations – Parks & Reserves
<b>Legislation:</b>	Swan and Canning Rivers Management Act 2006 <a href="#">Swan and Canning Rivers Management Regulations 2007</a> <a href="#">September 2010 SRT Policy SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline</a> <a href="#">Corporate Policy Statement No. 45 - Planning for miscellaneous structures and facilities in the Swan Canning Development Control Area (June 2016)</a>
<b>Delegation:</b>	DA66 Authorisation to Approve the Storage of and Remove Dinghies from Foreshore
<b>Other Related Document:</b>	Town of East Fremantle Fees and Charges

### Introduction

The administration of dinghy storage in the Swan Canning Riverpark is the responsibility of the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Service or other agencies as identified.

While the informal storage of private dinghies on foreshore areas is a common practice it should be noted that there are no general rights to store dinghies on public lands.

~~The former Swan River Trust Swan and Canning Rivers Management Regulations~~ [Regulation 22A of the Swan and Canning Rivers Management Regulations 2007](#) states that a person must not leave a vessel unattended for 8 hours or more above the high water mark, unless the vessel is stored in a facility approved for that purpose. This Policy is developed in response to the Department of Biodiversity, Conservation and Attractions [Corporate Policy Statement No. 45 - Planning for miscellaneous structures and facilities in the Swan Canning Development Control Area \(June 2016\)](#) ~~- Parks and Wildlife Service September 2010 policy SRT/D26, Dinghy Management along the Swan Canning Riverpark Shoreline~~ which supports the development of dinghy storage facilities where:

- there are limited opportunities to provide launching facilities;
- they are not the predominant use on the foreshore; and
- they do not unacceptably restrict public access, have unmanageable ecological impacts or unreasonably affect the amenity of an area.

### Objective

- To provide for the management and storage of dinghies along the foreshore within the Town of East Fremantle.
- To maintain and improve public safety, access and amenity at the river foreshore with regard to the management of dinghy storage by proposing locations with minimal impact on other users.
- To further protect and enhance the amenity and ecological value of the foreshore by installing adequate infrastructure and requiring registered dinghy owners to tend to their vessel's upkeep.

## Policy Scope

This policy applies to all persons, organisations or others seeking to store or tether a dinghy, canoe, ski, board, tender type vessel, coracle or any waterborne craft on the river foreshore areas that fall within the jurisdiction of the Town of East Fremantle.

Storage bays for dinghies are available by application to the Town of East Fremantle and the payment of an annual fee to balance the costs of implementing, administering and maintaining the system and infrastructure. Preference will be given to licensed mooring holders in the East Fremantle area, followed by East Fremantle residents, and then other members of the community/surrounding suburbs. A waitlist will be maintained where the Town is oversubscribed for storage facilities.

The Town will undertake ongoing monitoring and maintenance of the facility area to ensure that the potential increase in pedestrian traffic and activity at the location does not adversely impact the foreshore area.

## Definitions

<b>DBCA:</b>	Department of Biodiversity, Conservation and Attractions.
<b>Dinghy:</b>	A single hull watercraft no longer than 3.5m in length.
<b>Dinghy storage area:</b>	Defined area where water craft are permitted to be stored. Dinghy storage areas may, or may not, be provided with a constructed storage facility.
<b>Management system:</b>	A management system is a system for the provision of dinghies for access to vessels moored offshore, or for other purposes, that minimises the impact of dinghy usage on the shoreline. Management systems are likely to be particular to each location and may encompass storage facilities or shared usage. Management systems require approval by the Swan River Trust and are administered by the Town.
<b>Riverpark:</b>	The Swan Canning Riverpark is defined by the Swan and Canning Rivers Management Act 2006. The Riverpark includes the waters of the Swan and Canning rivers and all public land adjoining these rivers.
<b>Riverpark shoreline:</b>	The area of Crown land in the Riverpark extending from two metres below the high water mark to two metres above the high water mark, measured horizontally above the surface of the land and including the surface of any structure built to retain the land.

## Policy

Support the implementation of a dinghy management policy by implementing storage management policies and procedures:

- The adhoc storage of dinghies is not permitted in any area of the foreshore except where there is a formal storage area (see attached location plan) and an authorised permit for the storage of a dinghy has been issued by the Town.
- Storage will be limited by the available space, not by demand, however it is proposed that the current 'historical' number (12) and location of dinghy storage bays be formalised so the dinghies can be managed effectively with minimal disruption.
- Any dinghy found outside a designated dinghy storage area or any unregistered dinghies within a dinghy storage area may be subject to confiscation or impoundment by the Department of Biodiversity Conservation and Attractions or the Town of East Fremantle (under Delegation DA66 Authorisation to Remove Dinghies from Foreshore).

- While the Swan River is a State asset, the use of infrastructure to access and store dinghies is funded through municipal rates, and as such, a preference is given to Town of East Fremantle ratepayers.
- Allocation of dinghy storage positions is controlled by the Town and managed via dedicated dinghy storage locations. The order of priority for dinghy storage is as follows:
  - (1) Long Term Mooring Holders who are Town of East Fremantle residents
  - (2) Long Term Mooring Holders who are not Town of East Fremantle residents
  - (3) Small water craft owners who are Town of East Fremantle residents
  - (4) Small water craft owners who are not Town of East Fremantle residents
- Private dinghies, and other small approved watercraft, can be stored for a 12 monthly period once registered with the Town and expires June 30 each year.
- The Town will retain a ‘Dinghy Registration Waiting List’ for an available bay should demand exceed permitted storage areas.
- Previous registration holders can apply to renew their storage registration each year and will be given preference over new applicants.
- The ‘on-selling’ or gifting of storage bays to third parties or family members is not permitted and will result in the immediate forfeit of the storage bay and remaining fees.
- An annual registration fee applies to all registered storage allocations. This fee will be reviewed on an annual basis.
- The CEO and Executive Manager Corporate Services has delegation to approve and issue Dinghy Storage registrations in line with this policy.

<b>Responsible Directorate:</b>	Corporate Services
<b>Reviewing Officer:</b>	Executive Manager Community Service
<b>Decision making Authority:</b>	Council
<b>Policy Adopted:</b>	18/2/20
<b>Policy Amended:</b>	
<b>Next Review Date:</b>	



**LOCATION OF  
DINGHY MOORINGS**





## CORPORATE POLICY STATEMENT NO. 45

# PLANNING FOR MISCELLANEOUS STRUCTURES AND FACILITIES IN THE SWAN CANNING DEVELOPMENT CONTROL AREA

June 2016

### 1. OBJECTIVE

The objective of this policy is to ensure that miscellaneous structures and facilities in the Swan Canning Development Control Area (DCA) protect the ecological health, maintain and enhance long-term community use and enjoyment, and preserve the amenity of the Swan Canning river system.

### 2. SCOPE

Miscellaneous structures and facilities in the DCA require development or permit approval and may require a lease. This policy provides direction and guidance regarding how the Department of Parks and Wildlife (the department) assesses development and permit applications for miscellaneous structures and facilities in accordance with the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and the *Swan and Canning Rivers Management Regulations 2007* (SCRM Regulations).

This policy applies to applications for bridges; groynes and headlands; river retaining walls; car parks and associated access roads; pedestrian and cycle access paths; boardwalks; landfills; fuel storage systems; sullage pump-out facilities; signage; lighting; telecommunications infrastructure; dinghy, tender and small vessel storage facilities; fireworks displays; and other miscellaneous structures.

This policy provides guidance to applicants and other decision making authorities regarding the department's position regarding appropriate miscellaneous structures and facilities in the DCA.

In this policy, the Swan Canning river system means the Swan, Canning, Helena, Southern and Avon (to Moondyne Brook) rivers and includes the adjacent and nearby land areas within the DCA.

All guidance documents identified in this policy should be taken to refer to the most current published version.

### 3. CONTEXT

**Bridges** are prominent built features across the Swan and Canning rivers and serve as critical transport infrastructure. The design of bridges is largely defined by their functions and requirements (e.g. road, rail, pedestrian), nevertheless disturbance to water flows and sediment movement, construction techniques and resulting impacts and aesthetics are important planning considerations. Bridges that address aesthetic principles of design can enhance the amenity of the river system.

**Groynes and headlands** can contribute to riverbank stabilisation in some locations, however they have the potential to disturb natural sediment transport regimes and accretion and erosion processes. If these processes are not understood prior to groynes being constructed, there is the potential for changes in riverbank stability, formation of underwater sandbars, interference with navigation channels and the ecology and landscape character of the river system may be adversely altered as a result.

**River retaining walls** can control erosion, stabilise banks and protect infrastructure, however they usually provide poor habitat for local aquatic species, limit natural geomorphic processes along riverbanks and restrict access to the water. The construction of long lengths of river walls may result in the loss of river landscape values and estuarine and riverine habitats.

**Car parking and associated access roads** can connect the community with the river system. Many recreational areas and community and commercial organisations operating along the river system rely on adequate and convenient car parking facilities. A proliferation of car parks can detract from the amenity of the river landscape and impinge on recreation or conservation areas. Car parks in the DCA should be strategically located to meet community expectations and be designed to be safe, integrated into the local landscape and address water runoff that may contain hydrocarbon and other pollutants.

**Boardwalks and pathways for pedestrians and/or cyclists** provide public access to the river system and can enrich visitor experiences. A structured network of pathways and boardwalks currently provides pedestrian and cyclist access to most parts of the river system. There are locations that are not suitable for public access other than in an informal manner.

**Landfills and rubbish disposal sites** were common uses of the foreshores along the Swan Canning river system, from European settlement until 1982. Using sites along the foreshore for waste and rubbish disposal is no longer considered environmentally or socially acceptable. Leachate from these sites poses a risk to the water quality of the river system through surface water and groundwater pollution. Landfills can also cause the loss of wildlife habitat, facilitate the introduction of pest animals and reduce the community's benefit and enjoyment of the river system.

**Fuel storage facilities** in the DCA help support the boating community and convenient access to fuel is needed by both individual and commercial operators of powered watercraft. Fuel can be stored in either above or below ground tanks. Bunded above-ground tanks have been favoured in the past because they are accessible for maintenance and leaks are easily detected. Below-ground tanks now have the technology to be a viable and safe option as well, and can be more appropriate in locations where the preservation of amenity is important.

**Sullage pump-out facilities** connected to reticulated sewer provide for appropriate disposal of sewage and wastewater from vessels. In accordance with the Department of Transport's (DoT's) sewage discharge strategy, sewage discharge from vessels into waters of the Swan Canning river system is prohibited.

**Signage** provides directional assistance, identifies hazards, facilitates appropriate use, interprets natural and cultural features and values, and helps communicate information about community activities, commercial operations and the Riverpark in general. Signage can however, detract from the amenity of the river system if it is not related to approved uses, is in poor condition or if there is an inappropriate accumulation of signs

at a given location. Section 9 of the SCRM Regulations requires a permit for exhibiting signage, with exceptions outlined in section 9(2).

**Telecommunications infrastructure** can offer public benefits. The expansion and installation of telecommunications networks usually involves development that may have impacts on the character and amenity of local environments. In the DCA, the location, siting and design of telecommunications infrastructure is to protect the ecological health, landscape character and amenity of the river system. The *Telecommunications Act 1997* requires the installation of telecommunications facilities, except those that are exempted specifically by the legislation, to comply with State (and local) planning and environmental procedures. Low-impact facilities described in the *Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No. 1 1999* are exempt under the Telecommunications Act when installed by a carrier. The determination specifies that no facilities are low impact in “an area of environmental significance”.

**Dinghy, tender or small vessel storage facilities** assist in the management of the Riverpark shoreline and public foreshore reserves in the Riverpark. Appropriate dinghy, tender or small vessel storage facilities help to mitigate environmental impacts on the Riverpark by protecting the river shoreline and associated riparian vegetation, maintain and improve amenity, and enhance public access to and along river foreshores. The proper planning for storage facilities provides a basis for establishing dinghy, tender or small vessel management systems to be implemented by the relevant authorities responsible for managing foreshore reserves in the Riverpark.

**Fireworks displays and lighting installations** can contribute to and enrich the community's use of the river system. In some cases, private or public fireworks displays or lighting installations may disrupt nearby residents, wildlife or acceptable uses of the DCA and there is a need to manage their location, timing and frequency. The debris associated with fireworks displays over the river can be significant. Minimising and managing debris is therefore a key factor when planning for fireworks displays in the DCA.

This policy supports the implementation of *State Planning Policy 2.10: Swan Canning River System* (WAPC, 2006) and the associated policy statements for parts of the river. The department will have regard for the *Swan Canning River Protection Strategy* and its subsidiary documents, such as the *Land and Waterway Use Plan* (in preparation) and *Swan River System Landscape Description* (SRT, 1997) when assessing applications made under the SCRM Act. This policy is to be read and applied together with *Corporate Policy Statement No. 42: Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area*.

#### 4. LEGISLATION

Under section 70 of the SCRM Act all development in the DCA is subject to approval and control. The term ‘development’ includes: physical development; any material change of use of land or waters; and any act or activities defined as development under the SCRM Regulations.

In undertaking its statutory planning role, the department typically assesses and provides advice and recommendations to the Minister for Environment regarding development in the DCA. The CEO of the department is authorised to approve certain classes of development in the DCA under section 85. The CEO is also responsible for approving other works, acts and activities declared not to constitute development or controlled for Riverpark and DCA protection by the SCRM Regulations, under a permit.

The SCRM Regulations include provisions relating to signage (Regulation 9), temporary structures (Regulation 13), and unattended vessels such as dinghies (Regulation 22A).

The CEO is authorised to grant River Reserve leases under section 29 of the SCRM Act. In accordance with section 29(4), leases must not be granted until the associated development has been approved and must be consistent with the conditions of that approval.

## 5. POLICY

In undertaking its statutory planning roles and functions under the SCRM Act, the department will:

### Bridges

- 5.1 Ensure new bridge locations are consistent with the provisions of the Metropolitan Region Scheme (MRS), the local planning scheme or other relevant planning instruments.
- 5.2 Require applications to demonstrate that the bridge has been designed to minimise and manage effects on the floodway and the normal flow of the Swan Canning river system during flood conditions, on advice from the Department of Water.
- 5.3 Encourage applicants to consider aesthetics as an integral part of bridge design so they demonstrate architectural merit. Applicants are directed to the principles outlined in *Bridge Aesthetics: Design guideline to improve the appearance of bridges in NSW (2012)*.
- 5.4 Require bridge lighting to be fit-for-purpose so that it meets relevant Australian Standards and safety requirements. Lighting can be used to highlight the features of a bridge as a means of enhancing the amenity of the area. Where practicable, in areas of habitat or conservation significance unnecessary light spill should be minimised and lamp types selected to minimise adverse impacts on fauna.
- 5.5 Where appropriate bridges are to make separate provisions for vehicle, pedestrian and cycle access and enable the co-location of services such as gas, electricity, communications and sewerage.
- 5.6 Require bridge design to incorporate the principles of water sensitive urban design, in a manner that will enhance the environmental quality of the river system. Further guidance is provided in *Corporate Policy Statement No. 49: Planning for stormwater management affecting the Swan Canning Development Control Area* and in the *Stormwater Management Manual for Western Australia*. The design of road bridges should minimise the potential effects of chemical spills.
- 5.7 Require applicants to provide information about the construction methodology and ongoing management of a bridge, to demonstrate that it can be developed without causing unacceptable impacts on the river system.
- 5.8 Where in-river construction is proposed, require measures to be taken to minimise underwater noise and vibration and effects on marine fauna. Where



necessary, protection of fauna through the use of a marine mammal observer (or similar) will be required.

### **Groynes and headlands**

5.9 Have a presumption against the construction of groynes unless an application demonstrates:

- the necessity for the groyne;
- that the sediment transport regime will not be unacceptably impacted in a way that affects other parts of the river system or navigation channels (for example, through changes to accretion and erosion processes resulting in changes in riverbank stability or the formation of underwater sandbars);
- that options other than constructing a groyne are not considered feasible or acceptable;
- that the size of the groyne has been minimised to the extent possible;
- the materials used to construct the groyne are based on materials and hues naturally occurring or predominantly used in the locality; and
- that adverse impacts on amenity, ecology, public access and use, flood plain and navigation requirements have been minimised.

### **Riverbank stabilisation and river retaining walls**

5.10 Have a preference for riverbank stabilisation that uses natural or bioengineering measures to complement the dynamic nature and ecological values of the river system. Applicants should have due regard for the department's *Best Management Practices for Foreshore Stabilisation (2009)*.

5.11 Require applications for river walls to demonstrate that:

- the river wall is necessary to stabilise the bank;
- the wall design is consistent with the guidance provided by *Best Management Practices for Foreshore Stabilisation*;
- the wall design addresses visual amenity and is in harmony with the landscape character of the location;
- natural or bioengineering measures have been investigated and used wherever possible;
- potential off-site impacts of constructing the wall will be minimised and managed, including accretion or erosion of sediments or banks caused by altered littoral drift and wave deflection; and
- riverbank vegetation has been retained wherever possible and opportunities to incorporate planting around the wall have been maximised.

5.12 Generally require the vertical level of river walls to be constructed at, or below, the high water mark. Applications for river retaining walls that extend vertically above the high water mark will only be supported to protect essential infrastructure.

5.13 Where an application proposes a vertical wall and the waterside boundary of the land is an irregular line, generally support the construction of the wall on a fair average straight alignment.

## Car parking and access roads

- 5.14 Require car park applications within the DCA to demonstrate that they are necessary and their size and scale is appropriate for the location. When assessing applications the department will have regard for:
- local government advice regarding the implications on the local area;
  - requirements as identified in the relevant local planning scheme and the relevant Australian Standards;
  - the local / district / regional car parking needs of the location;
  - capacity of existing parking facilities in the area;
  - potential for, and formalisation of, reciprocal parking arrangements or joint-use parking arrangements; and
  - available alternative transport options.
- 5.15 Require applications for car parks within the DCA to address specific design criteria, or requirements related to:
- the expected number of visitors and the nature of the associated facilities;
  - universal access;
  - security, lighting and surveillance;
  - safe access for pedestrians and cyclists;
  - native landscaping to minimise the visual impact of the car park, provide shade and contribute to ecological and habitat values; and
  - water sensitive urban design (as outlined in *Corporate Policy Statement No. 49: Planning for stormwater management affecting the Swan Canning Development Control Area and the Stormwater Management Manual for Western Australia*) so that stormwater runoff containing hydrocarbons and other pollutants are not directly discharged into the river system without water quality management. Water sensitive urban design measures for car parks may include:
    - a) porous / permeable paving;
    - b) bio-retention landscaped verge areas;
    - c) open or flush kerb design to allow flow into bio-retention areas;
    - d) street tree bio-retention pits;
    - e) vegetated swale systems in road reserves;
    - f) grass paver systems; and
    - g) gross pollutant traps (for space-constrained sites only).
- 5.16 Require applications for car parks at river based facilities, such as marinas, aquatic clubs and commercial facilities or at constrained foreshores (generally less than 75 metres wide) within the DCA to demonstrate that the parking area is set back from the high watermark as far as practical. For other car parks, where the width of the foreshore is relatively unconstrained (generally greater than 75 metres wide), the parking area and associated access road is to set back no less than 30 metres from the high watermark.

- 5.17 Where a proposed car park is likely to cause traffic issues, congestion or detract from the amenity of the surrounding locality, require a traffic management report, prepared by a suitably qualified consultant, to be prepared to support the application.
- 5.18 Require access roads within the DCA to be located and aligned to consolidate and maximise the effectiveness of public open space. Access roads should also safely accommodate other users by providing cycle lanes and pedestrian crossings where appropriate.

### **Boardwalks and pathways for pedestrians and/or cyclists**

- 5.19 Require applications for boardwalks and pathways to demonstrate that they are consistent with an endorsed precinct or foreshore management plan for the area (or if there is no such plan, provide a public benefit and be consistent with the policy statements for parts of the river set out in SPP2.10 and the *Land and Waterway Use Plan*). Facilities are to be safe, provide convenient access and be developed as part of a structured hierarchy of connected access ways. The following matters will be considered when assessing applications:
- pathways and boardwalks should provide the public with the opportunity to conveniently and safely view and use the river system without impinging on informal access to foreshore areas and the river edge;
  - dedicated cycle ways designed for faster-flowing traffic should, where possible, be separated from pedestrian pathways. Where possible they should be set back from riparian areas or located along side adjacent roads;
  - pathways and boardwalks designed solely for pedestrians may have a variety of surfaces depending on the local context and may be constructed close to the river, including areas landward of fringing riparian vegetation;
  - existing uses in a locality should be considered and there will be a presumption against pathway or boardwalk proposals that adversely affect appropriate existing uses;
  - alternative locations, alignments or less formal means of public access will be required if a pathway or boardwalk proposal is likely to cause unacceptable impacts on the ecology or amenity of the river system;
  - the provision of universal access should be considered and addressed in any application for a pathway or boardwalk; and
  - appropriate signage or other visual means should be installed to identify pathway or boardwalk use (i.e. pedestrian, cycle or shared) as necessary.
- 5.20 Where appropriate, require pathway design and construction to comply with *Australian Standard AS2156.2 Walking Tracks – Infrastructure Design* and *Australian Standard AS1428 Design for Access and Mobility*. Pathway design should ensure that stormwater run-off does not result in erosion, and earthworks undertaken as part of construction should be minimised. Boardwalks are to be certified by a practising structural engineer and comply with relevant Australian Standards.
- 5.21 Construction materials and colours of pathways and boardwalks should be selected to complement the local character of the river system.

- 5.22 Require applications for pathways or boardwalks to demonstrate that the relevant vested authority supports its construction. The department will not accept responsibility for pathways or boardwalks unless it is the managing agency for the reserve in which the path is constructed. Boardwalks constructed over the River reserve will likely require an ongoing management and maintenance agreement with the organisation or body that was responsible for its development.
- 5.23 Generally not support the development of a boardwalk over water where an alternative land-based access option is available or will soon be available.

### **Landfills**

- 5.24 Not support the development of landfills immediately adjacent to the Swan Canning river system or its tributaries. The department may support the development of landfills in the broader Swan Canning Catchment if they are constructed to ensure leachate is contained on site and in accordance with the requirements of the Department of Environment Regulation (DER). The department will not support the development of landfills in the Swan Canning catchment where there is a risk of contaminants entering groundwater and/or surface water bodies the discharge to the Swan Canning river system.
- 5.25 Require proposals for land use changes and applications for development on sites historically used as landfills to demonstrate that the site will be remediated in accordance with the *Contaminated Sites Act 2003* and to the satisfaction of the DER, and managed to minimise the mobilisation of nutrients or contaminants from the site to the river system.

### **Fuel storage**

- 5.26 Require applicants to demonstrate that the design, installation and operation of fuel storage facility in the DCA is consistent with the relevant Australian Standards and the requirements of the Department of Mines and Petroleum (DMP), including the *Storage and handling of dangerous goods code of practice (2010)*. Applications should detail measures to minimise and manage impacts of spillage or leakage on the river system. The decommissioning of fuel storage facilities also requires approval.
- 5.27 Have a preference for upgrading and replacing existing fuel storage facilities rather than providing additional facilities as this will help prevent their proliferation in the DCA. Applications for new fuel storage systems in the DCA are to demonstrate that they are necessary and pertinent to the river system.

### **Sullage pump-out**

- 5.28 Typically only support applications for new sullage pump-out facilities in the DCA where they are based within a marina or yacht club. For further information see *Corporate Policy Statement No. 43: Planning for Marinas, Yacht Clubs and Aquatic Clubs in the Swan Canning Development Control Area*.

### **Signage**

- 5.29 Require applications for signage in the DCA to demonstrate that they are providing a public benefit and minimising effects on the river system's landscape character and amenity. Applicants will likely be required to provide information and details regarding the signage, including:

- size, height and shape so that it will not dominate the surrounding landscape. The department has a presumption against above-roof or skyline signage and billboard advertising;
  - materials and colour scheme so that it considers the context of the river setting and the characteristics of the site;
  - quantity so that amenity is maintained and clutter is minimised. The department encourages co-location of signage and the use of common support structures wherever possible. It has a preference for applications that consolidate and reduce the total number of signs in a locality;
  - illumination (neon advertising or flashing illumination may not be supported);
  - content and design so that: the purpose of the signage is pertinent to the river system and approved developments, works, acts or activities in the DCA; the signage does not include excessive, unrelated product advertising or irrelevant corporate symbols; and the signage uses symbols and graphics to convey information with minimal wording; and
  - maintenance requirements.
- 5.30 Require applications for signage in the DCA to demonstrate that they are safe and minimise adverse effects on community use. Applicants will likely be required to provide information or details regarding signage location so that it does not impede public access, maritime or vehicle traffic safety, or emergency access.
- 5.31 Have regard for adopted signage guidelines in identified commercial precincts within the DCA (e.g. Barrack Square).
- 5.32 Only support the display of permanent sponsorship signage or signage associated with a sporting or cultural event in the DCA where the signage is displayed within an identifiable premise or lease area. Permanent signs are to be faced internally to the premises so that the face of the sponsorship signage is not primarily visible from areas outside the venue and be a maximum size of 1 metre vertically and horizontally.
- 5.33 Support temporary sponsorship signage or signage or banners associated with a sporting or cultural event where it is displayed within or immediately adjacent to an identifiable premise or lease area. Signs and banners are to be displayed when the event is underway, and if related to sporting club activities, only displayed when members of the club are in attendance at the premises, and in a form that can be easily removed on a day to day basis. Signs are to be a maximum size of 1 metre vertically and horizontally and the height of a banner is to remain under 2.5 metres.

### **Telecommunications infrastructure**

There is a presumption against the development of telecommunications infrastructure within the DCA due to the area's environmental significance. Telecommunications towers should be located within commercial, business, industrial and rural areas and outside identified conservation areas.

In assessing telecommunications infrastructure, the department will:

- 5.34 Implement the WAPC's *Statement of Planning Policy No. 5.2 Telecommunications Infrastructure*, which requires telecommunications facilities

to be designed and sited to minimise any potential adverse impacts on the character and amenity of the local environment, prominent landscape features, views, areas of natural conservation value, and places of heritage significance.

- 5.35 For telecommunications infrastructure proposals adjoining the DCA, encourage the co-location of facilities and the implementation of measures to minimise visual impact.

### **Dinghy, tender or small vessel storage facilities**

- 5.36 Support the development of dinghy, tender or small vessel storage facilities in the DCA where:

- there are limited opportunities to provide alternate approaches or structures such as dinghy, tender or small vessel launching facilities;
- they are not the predominant use on the foreshore; and
- they do not unacceptably restrict public access, have unmanageable ecological impacts or unreasonably affect the amenity of an area.

- 5.37 Where dinghy, tender or small vessel storage facilities are proposed, consider the impact on the river system's ecological health, amenity and public access. The design, size and location of the storage facility should respond to demand while balancing other Riverpark user needs. To minimise visual and environmental impacts, the amount and size of infrastructure installed to secure vessels to the foreshore should be minimised. Bollards or similar low key facilities will typically be supported. Storage racks will likely be supported in circumstances where there is already significant development such as at a yacht club. Reference should be made to *Corporate Policy Statement No. 43: Planning for Marinas, Yacht Clubs and Aquatic Clubs in the Swan Canning Development Control Area* for further information and requirements.

- 5.38 Likely support new parking areas and access facilities for small hand trailers to enable boat owners to launch dinghies or tenders to reach their vessels in areas with limited ecological value adjacent to mooring sites, where dinghy, tender or small vessel storage is limited or not provided.

- 5.39 Provide advice to applicants and land managers in the Riverpark on management systems for dinghy, tender or small vessel storage facilities.

### **Co-location of infrastructure**

- 5.40 Where practical, require co-location of infrastructure crossing the river. Services such as powerlines, gas lines, fibre optic cables and telephone lines should be co-located beneath the river system or on bridges crossing it to minimise environmental and visual impacts and reduce the likelihood of possible conflicts with river users.

### **Fireworks displays and lighting installations**

- 5.41 Only support fireworks in the DCA if they do not unacceptably impact on the amenity of surrounding land uses. Matters such as noise, traffic management and event organisation will likely require consideration.

- 5.42 Require measures to be taken to minimise debris or litter from fireworks from entering the river system, including the shortening of fuses and anchoring of

fuse-head wires to contain debris in the firing area, and inspections of the firing area after the display to collect debris. The department supports the use of paper-coated fuses, rather than plastic-coated fuses.

- 5.43 Advise proponents to obtain other relevant approvals prior to a fireworks display, including a fireworks and display permit from DMP, and contact DoT to ensure that issues of navigation and marine safety are adequately addressed.
- 5.44 Where necessary, require applications for lighting installations to demonstrate they are minimising light spill to areas within and immediately adjoining the DCA so that fauna, community enjoyment and visual amenity are not unacceptably affected. In this respect, encourage applications to implement the *Guide on the Limitation of Effects of Obtrusive Light from Outdoor Lighting Installations* (2003).

#### **Other miscellaneous structures**

- 5.45 Require applications for other miscellaneous structures or facilities to demonstrate that the structure is pertinent to the river and maintains or improves public access; community use and enjoyment of the river system; the visual amenity and landscape character of the river; and views to and from the river. The long term health and natural ecosystem of the river is to be protected and enhanced where possible.

## **6. POLICY IMPLEMENTATION STRATEGIES**

To implement this policy department will:

#### **Swan River Trust**

- 6.1 Consult with the Swan River Trust when assessing applications under Part 5 of the SCRM Act and preparing strategic documents and corporate policies and guidelines.
- 6.2 Keep the Swan River Trust informed of development, including permitted works, acts and activities approved within the DCA.

#### **Planning authorities (Department of Planning, local governments and redevelopment authorities)**

- 6.3 Regularly consult with relevant planning authorities when providing advice on planning applications and assessing development and other permitted works, acts and activities in and around the DCA.

#### **Referral agencies**

- 6.4 Ensure there is a clear understanding of the role of referral agencies, how their advice will be considered in assessing applications and 'clearing' conditions of approval.

#### **Assessment of applications**

- 6.5 Seek appropriate advice when assessing applications. Advice may be sought from planning authorities, referral agencies, contractors, consultants, or other stakeholders and from the department's specialist branches and regional locations. Where expertise is available from within the department it will be utilised prior to seeking advice from external parties.

6.6 Ensure relevant staff, contractors and consultants have the necessary qualifications, skills and expertise when assessing planning and development applications.

6.7 Maintain records of discussions, advice and decisions when undertaking the department's statutory planning roles with respect to the SCRM Act in accordance with the *State Records Act 2000*.

**7. CUSTODIAN**

Director Rivers and Estuaries.

**8. PUBLICATION**

This policy will be made available on the department's website and intranet.

**9. KEY WORDS**

Swan, Canning, river, Development Control Area, bridge, groynes, headlands, car parking, access road, pathway, cycle access, boardwalk, landfill, petroleum storage, sillage pump-out, signage, lighting, telecommunications infrastructure, fireworks.

**10. REVIEW**

This policy will be reviewed at the discretion of the Director General, with a review undertaken after five years.

**11. SWAN RIVER TRUST ENDORSEMENT**

Endorsed by



Hamish Beck  
CHAIRMAN

Date: 27 June 2016

**12. DIRECTOR GENERAL APPROVAL**

Approved by



Jim Sharp  
DIRECTOR GENERAL

Effective date: 27 June 2016





## CLIMATE EMERGENCY STRATEGY

### STRATEGIC OBJECTIVES

Below are the strategic objectives that were agreed upon by the CARG members; these objectives make clear how Council will manage and adapt to the impacts of the climate emergency. Each Strategic objective is divided up into three parts: Council, Community and Advocacy. 'Council' refers to how the Town will combat and manage the effects of climate change; 'Community' is how Council will assist the community to adapt and mitigate the effects of climate change, and 'Advocacy' explains how the Town will advocate to multidisciplinary organisations on behalf of the community to ensure climate change has a pivotal focus in the Town's future.

<b>Strategic Objective 1: Energy</b>	
<b>Council</b>	Council will commit to net zero greenhouse gas emissions and transition to renewable energy (100% by 2030).
<b>Community</b>	Council will encourage the community to transition to zero emissions by 2030.
<b>Advocacy</b>	Council will advocate for zero emission energy for both Council and community
<b>Strategic Objective 2: Green Spaces</b>	
<b>Council</b>	Council will commit to increasing the Town's canopy cover to 30% by 2030.
<b>Community</b>	Council will support the community in the uptake of greening initiatives on both public and private land.
<b>Advocacy</b>	Collaborate with multi-disciplinary organisations on an ongoing basis to increase and protect green spaces.
<b>Strategic Objective 3: Water</b>	
<b>Council</b>	Council will reduce Council consumption of scheme and groundwater by 3% per year until 2030.
<b>Community</b>	Council will support the community with incentives and education to reduce individual and corporate water consumption.
<b>Advocacy</b>	Council will collaborate with stakeholders and external organisations on an ongoing basis to protect and preserve water across the State.

<b>Strategic Objective 4: Transport</b>	
<b>Council</b>	Council commits to reducing greenhouse emissions associated with Council owned fleet by 100% by 2030.
<b>Community</b>	Council will support the community in making informed decisions through education and information programs.
<b>Advocacy</b>	Council will collaborate with multi-disciplinary organisations on an ongoing basis to limit/reduce greenhouse gas from transport.
<b>Strategic Objective 5: Infrastructure</b>	
<b>Council</b>	Council commits to ensure climate change adaptation and mitigation measures for all new and current Council infrastructure.
<b>Community</b>	Council will encourage the use of “Environmental Sustainable Design (ESD)” through policy and incentives to promote green commercial and residential premises.
<b>Advocacy</b>	Council will advocate and work with other government agencies to reduce the impacts of climate change on Council and community assets by 2030.
<b>Strategic Objective 6: Procurement</b>	
<b>Council</b>	Council will commit to considering impacts of climate change and circular (end of life cycle) economy in their procurement process by 2024
<b>Community</b>	Council will support the community in making informed purchasing decisions through education and information programs.
<b>Advocacy</b>	Council will advocate for renewable energy in coordination with WALGA or appropriate partners.
<b>Strategic Objective 7: Waste</b>	
<b>Council</b>	Council aims to achieve zero waste to landfill by 2030 and zero emissions from waste to energy plants.
<b>Community</b>	Council will commit to supporting community groups, residents, and commercial operations to achieve zero waste to landfill by 2030.
<b>Advocacy</b>	Council will advocate for solutions to assist community groups, residents, and commercial operations to achieve zero waste to landfill by 2030.