



MINUTES

Council Meeting

Tuesday, 20 March 2018 at 6.30pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 20 MARCH 2018.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr D Nardi	
Cr A Natale	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr D Taylor	Executive Manager Corporate & Community Service
Mr A Malone	Executive Manager Regulatory Services
Mr S Gallagher	Operations Manager
Ms J May	Minute Secretary

There were 20 members of the public in attendance.

3.2 Apologies

Nil.

3.3 Approved Leave of Absence

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

Nil.

4.3 Impartiality

4.3.1 Mayor O'Neill – Item 12.1.1 No 12 Locke Crescent

As a consequence of the designer for this project being known to me, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

5. PUBLIC QUESTION TIME

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

Nil.

5.2 Public Question Time

5.2.1 D Flynn

Would the Council please consider the complaint I have made concerning Cr Cliff Collinson under the Town of East Fremantle's Code of Conduct Section 4 relating to derogatory comments, details of which have been forwarded to councillors by the CEO?

Mayor O'Neill advised that the question would be taken on notice.

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

Nil.

6.2 Deputations

6.2.1 A Malecky 7 Locke Crescent/4 Habgood Street

Mr Malecky addressed the meeting in opposition to the development application stating the excessive building height discretion would significantly impact on the views from his and surrounding properties. He further stated that the proposed development is considered to have an excessive bulk and scale.

6.2.2 D Rodriguez 18 Woodhouse Road

Mr Rodriguez addressed the meeting expressing concern with the bulk and scale of the proposed development and drawing attention to the Performance Criteria in section 3.7.17.4.1.3 (p 1).

6.2.3 M Leach 16 Woodhouse Road

Mr Leach addressed the meeting advising that the height was excessive in relation to Council's Policy documents and that the Residential Design Guidelines should be reviewed.

6.2.4 D Sargent 12 Locke Crescent

Mr Sargent addressed the meeting in support of his development proposal for 12 Locke Crescent.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Ordinary Meeting of Council (20 February 2018)

8.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Cr Nardi

That the minutes of the Ordinary meeting of Council held on Tuesday, 20 February 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Town Hall Renovations

Mayor O'Neill expressed thanks to the CEO for his efforts in the Town Hall refurbishment project. He also thanked staff and elected members for their patience during the refurbishment/relocation process.

9.2 Cr M McPhail

Mayor O'Neill thanked the Deputy Mayor Cr Michael McPhail for his efforts as Acting Mayor while he was away.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (6 March 2018)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	20 March 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 6 March 2018, exercised its delegation in two statutory matters.

The Committee resolved to hold over consideration of the development application for 12 Locke Crescent to the March Council Meeting to allow the adjoining neighbours time to assess the Officer's Report.

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

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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



11.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 010318

Moved Cr Collinson, seconded Cr Nardi

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 6 March 2018 be received.

(CARRIED UNANIMOUSLY)



12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Locke Crescent No. 12 (Lot 4993) – Additions and Alterations to an Existing Dwelling

Applicant/Owner	D Sargant
File ref	P/LOC12; P104/17
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive officer
Voting requirements	Simple Majority
Meeting date	6 March 2018
Documents tabled	Nil
Attachments	Previously provided.

Purpose

This report considers a planning application for additions and alterations to an existing dwelling at No. 12 (Lot 4993) Locke Crescent, East Fremantle.

Executive Summary

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

- Building height: height exceeds the 'Acceptable Development' provisions of the Residential Design Guidelines (maximum height 36.379 AHD);
- Impact to views; and
- Lot boundary setbacks: reduced setbacks to the south eastern boundary

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

Background

Council originally received a development application on 27 September 2017 for a proposed development (additions and alterations) comprising an upper floor for the full width of the existing dwelling. The proposal is for a bedroom, ensuite, balcony (upper floor) and internal modifications throughout the building. These plans were considered by the Community Design Advisory Committee. The proposed design (Mansard roof) was not supported and objections were received from adjoining neighbours.

The applicant subsequently submitted revised plans modifying the design of the upper floor and reducing the overall bulk and scale of the design. The amendment proposes a flat roof over the garage and reduced upper floor footprint. The upper floor additions have been set further back from the western boundary.

The applicant submitted a revised version of the plans to primarily address bulk and scale concerns raised during the initial advertising period and consideration by CDAC. The revision to the proposed design has resulted in an upper floor of a reduced bulk and scale and increased set back to the western boundary. The proposed upper storey section of the dwelling is still over height under the Town's Residential Design Guidelines. The proposed development does impact view corridors for adjoining neighbours. The impact from the proposed development will be discussed in detail below.

Consultation

Advertising

The application was advertised by letters to surrounding land owners on two separate occasions. The first period of advertising was between 3 October and 20 October 2017. Revised plans were submitted to Council. A second round of advertising was undertaken between 2 January and 19 January 2018. Eighteen (18) submissions were received during the submission period, of which twelve (12) were in support of the development and six (6) were opposed to the development. A further two (2) submissions were received after the closing of advertising opposing the development. All submissions were considered in the assessment of this application.

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC on two separate occasions.

The CDAC comments are as follows:

23 October 2017

Alterations and additions to existing dwelling

- (a) *The overall built form merits;*
 - The Committee is not supportive of design elements in respect to the streetscape.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
 - There is no roof-scape – it is not a Mansard roof.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - Not a good design outcome or suitable for residential streetscape.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - The Committee do not support the over height component of the design or the scale and bulk of the building in respect to the residential streetscape.
- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
 - No further comment required.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;*
 - No further comment required.

5 February 2018

Amended plans for alterations and additions to existing residence.

- (a) *The overall built form merits;*
 - The modified design of the front façade is considered to have less impact than the previous proposal.
 - The design is considered to be in keeping with the other building designs within the area.
 - Reasonable proposition for the area.
 - The applicant is considered to have addressed the previous concerns of the Committee in respect to design and streetscape.

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

In light of the above comments and design modifications, the applicant is considered to have addressed the Committee’s initial concerns. The matters raised have been given careful consideration in the assessment of the application and are also discussed in depth in the Statutory Assessment section of this report.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

- 3.3.2 *Optimal management of assets within resource capabilities.*
3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

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

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

Site Inspection

November 2017 / February 2018

Comment

LPS 3 Zoning: Residential R17.5

Site area: 706m²

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	7.5m	A
Lot Boundary Setback	2.2m Level 3 (east)	1.7m	D
Open Space	50%	72%	A
Car Parking	2	2	A
Site Works	Less than 500mm	As existing	A
Retaining Walls	Greater than 500mm and closer than 1m from lot boundary	As existing	A
Overshadowing	25%	9.1%	A
Drainage	On-site	On-site	A

Local Planning Policy Assessment

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

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

Note: For the purposes of assessment the proposal does not comply with the Acceptable Development provisions of Clause 3.7.2 of the Residential Design Guidelines as detailed in the above table, however it is noted that this section, corresponding illustrations and design requirements are primarily intended for 'contributory' buildings to ensure additions and alterations are appropriate in areas where heritage architecture/ character forms a distinctive feature for that Precinct, retaining the 'traditional' forms of that Precinct.

The term 'Contributory Building' is defined in the RDG:

A building that appears on the Town of East Fremantle's Municipal Heritage Inventory.

The term 'traditional' is also defined in the RDG:

Traditional means the predominant historical development type in areas where there is precinctual heritage value.

The proposed development has been assessed against the 'Performance Criteria' of Clause 3.7.2 and is considered to comply, as the locality as a whole has limited precinctual heritage value. There are no Planning Scheme heritage listed or Municipal Heritage Inventory listed dwellings in the surrounding streets to the subject lot.

Guiding Legislation

The Residential Design Codes (R-Codes) state:

All residential development is to comply with the requirements of the R-Codes. Approval under and in accordance with the R-Codes is required if the proposed residential development:

- (a) does not satisfy the deemed-to-comply provisions of Parts 5 and/or 6 of the R-Codes as appropriate; or*
- (b) proposes to address a design principle of Parts 5 and/or 6 of the R-Codes which therefore requires the exercise of judgement by the decision-maker.*

The R-Codes continues:

Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes.

The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).

In assessing this application, the Council should also have regard to the Residential Design Guidelines (RDG), which states:

This Local Planning Policy builds on the development requirements (Acceptable Development and Performance Criteria) of State Planning Policy 3.1 'Residential Design Codes', in order to ensure consistency between State and Local Planning Policy approaches in conserving the character and amenity of the Policy Area. Relevant provisions of State Planning Policy 3.5 'Historic Heritage Conservation' have also been included in this Policy where appropriate.

.....the provisions of this Local Planning Policy augment the Codes by providing additional Performance Criteria and Acceptable Development provisions for aspects related to heritage, streetscapes, building design/appearance, boundary walls, site works, building heights and external fixtures.

In relation to the definitions as outlined in the Residential Design Guidelines, various roof forms are defined including pitched, hipped, gambrel and gable roof forms. For the purposes of clarity, the Planning Department contacted the Department of Planning, Heritage and Lands to seek clarity on definitions. The Department has stated:

In our opinion, a skillion roof should be assessed as a 'concealed roof', and therefore should be assessed against Category B, row 2, unless otherwise stated in the Scheme, LPP LSP or LDP.

As you have outlined, a skillion roof does not have a pitch, and therefore, it cannot be considered a 'pitched roof'.

The RDG states the following for a pitched roof:

The commonest roof usually one with two slopes at more than 20° to the horizontal, meeting at a central ridge. It may have gables or hips.

In this instance the flat section of the proposed roof (5 degree pitch) has a return pitch and therefore cannot be assessed as a flat or skillion roof, as the front section of the pitch is 75 degrees. It is considered this section of roof cannot be assessed as a wall. It is noted, however that the roof form has an unorthodox pitch and form of 75 and 5 degrees and gable ended walls to the east and west that does not conform with the RDG definitions.

Building height

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

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

- 8.1 metres to the top of a pitched roof;
- 6.5 metres to the top of an external wall (concealed roof); and
- 5.6 metres to the top of an external wall and where the following apply.

- (i) the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;

- (ii) *the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;*
- (iii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and |Element 8 – Privacy being met.*

The proposed roof does not conform to the various roof definitions of the Residential Design Guidelines. However it is noted the proposed roof form as detailed above, does appear to be consistent with the statement as detailed above from the Department of Planning Heritage and Lands. The applicant and the objectors have indicated differing views on the required assessment of the roof. However, it is not necessary to define the roof form as the development is to be assessed under 'the Performance Criteria' only, as it does not comply with the 'Acceptable Development' provisions.

Notwithstanding any prescribed roof heights as detailed above, the proposed roof form does not comply with any of the 'Acceptable Development' height requirements as required under the RDG and therefore is required to be assessed against the 'Performance Criteria'. The proposal is located in an area where established roof forms are varied. Within the area there are flat roofs, pitched, skillion roof, curved roofs and at least one Mansard roof. In this circumstance non-compliance with the 'Acceptable Development' provisions with the height limit must be assessed in respect to the 'Performance Criteria' of the Residential Design Guidelines.

Performance Criteria

The proposed development does not comply with the provisions of the 'Acceptable Development' Provisions Clause 3.7.17.4.1.3. If the roof form does not conform to any of the defined roof types and exceeds the 'Acceptable Development' height limit requirements, then Council is required to assess the development under the 'Performance Criteria' provisions of the RDG.

The Performance Criteria Clause 3.7.17.4.1.3 P1 states:

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

In the Richmond Hill Precinct, there are no significant predominant precinctual heritage values, as only a very small number of heritage dwellings are listed in the Precinct and no heritage dwellings are located in the vicinity of the subject lot. Within the immediate vicinity (Woodhouse Road, Locke Crescent, Habgood Street, Chauncy Street and Munro Street) there are no heritage listed or municipal heritage inventory listed dwellings. Therefore the term 'traditional' in the context of the immediate vicinity is not relevant as there is no identified heritage value in this area. There are a total of 39 heritage (heritage listed or municipal inventory listed) properties in the whole locality of the Richmond Hill Precinct, a low number of dwellings as compared to the total number of dwellings in the Richmond Hill Precinct. Other areas, such as the Richmond, Woodside and Plympton Precinct have a significant number of heritage dwellings. Those areas have established heritage development types and established character and heritage value, therefore establishing a traditional character for the area, which can be referred to when assessing development applications under Clause 3.7.2 of the RDG.

In this instance, the development proposal should be assessed against the prevailing built form of the area, which mainly consists of contemporary new dwellings. Much of the housing stock has been redeveloped with larger additions and alterations or new dwellings. There is no consistent architectural style or era for these streets. There is a mix of single, two storey and two storey and

undercroft dwellings which have been modified to conform to design trends popular at the time of redevelopment.

The development type of dwellings in the immediate locality around the subject property vary widely in architectural design and style. A significant number of these properties, specifically where views are available have been modified to include substantial additions and alterations or redeveloped with new large dwellings to take advantage of view corridors. The majority of recent development types in the area are contemporary in design and therefore in the Richmond Hill Precinct it is considered there is no prevailing development type. Richmond Hill is characterised by sloping sites, large dwellings, and varied architectural styles/ design. The proposed additions and alterations are comparable to the existing development form of the locality, notwithstanding the immediate neighbouring developments.

Building height, bulk and scale

As the subject site slopes away from the front (Locke Crescent) of the lot toward the rear (Preston Point Road), the building height is at its highest point towards the front of the lot, some 11 metres into the site.

The proposed height to the top of ridge is 36.379 AHD, a height variation to the Acceptable Development provisions of the RDG of:

- *0.642 metres (maximum height) from the 8.1 metres to the top of a pitched roof;*
- *2.2 metres (maximum height) from the 6.5 metres to the top of an external wall (concealed roof); and*
- *3.14 metres (maximum height) from the 5.6 metres to the top of an external wall and where the following apply.*

Council is not required to determine the style of roof proposed or to categorise the proposed roof as one of the types mentioned above. It is required, however, to assess the development under the 'Performance Criteria' provisions in the first instance and having determined it does not comply then proceed to consider the proposal regardless of roof form under the Performance Criteria.

When the dwelling height is calculated from the street boundary AHD, there is a perceived height of 7.8 metres from a 28.5 AHD (ground level) adjoining the front boundary. The slope steps down from this point to the rear of the lot and therefore the maximum total height increases as the gradient of the lot decreases. The site has been partially excavated and filled. The highest points of the dwelling are located 11 metres into the lot. The lot has a total fall of 2.88 metres from the front boundary to the rear of the lot.

There will be an impact and loss of views for the south eastern property, specifically No. 7 Locke Crescent, an approved predominantly two storey dwelling with additional partial undercroft garage. Both the applicant and the owner of No.7 Locke Crescent have provided streetscape and view corridor analysis. Both sets of analysis indicate an impact to No. 7 Locke Crescent, however the assessment of this application is not assessed based on a loss of water views, but is also assessed against the form, bulk and scale of the development compared to the locality.

The proposal presents as a design that is consistent with the varied architectural style of the area. The development is of a design, bulk and scale that responds to recent developments constructed or approved in the surrounding locality, and that of some of the older dwelling stock in the locality. The immediate properties in the locality have a mix of flat and pitched roofs, therefore due to the

architectural style of dwellings the form of the streetscapes will vary in bulk, scale and height. A pitched roof and flat roofed development establish different massing on a streetscape, therefore to limit an assessment to only the immediate neighbours will not provide a locality context. The bulk, scale and height of dwellings in surrounding streets vary depending on the design and slope of a site. The upper floor addition is consistent with other such additions in the locality, where the higher level of the dwelling does not span the full width of the lot. Indeed, some of the older housing stock in the area (developed prior to the introduction of recent development standards) is developed to heights that exceed current building height requirements. The introduction of current standards was in response to the development or redevelopment of some of the older building stock in the area of the Richmond Hill Precinct.

The proposed height of the additions to top of ridge is 36.379 AHD (8.43 metres east elevation and 8.74 metres west elevation above natural ground level due to the sloping nature of the lot). The proposed design whilst exceeding the 'Acceptable Development' provisions of the RDG, will present to the street as two storey with undercroft garage (the front of the lot towards the pedestrian entrance has been filled). However from a streetscape perspective the dwelling is consistent with the other two storey with undercroft dwellings in the area. It is therefore considered the proposed additions are comparable with the prevailing built form, bulk and scale of the locality.

The height, bulk and scale of dwellings in the locality as discussed does vary, however most dwellings, in an attempt to maximise views and view corridors are large, utilising existing levels to maximise development potential. In this regard the proposed design is considered consistent with the design, height, bulk and form of dwellings in the locality.

Loss of Views

The predominant objection to this development is related to the loss of views in respect to the overall building height of the additions.

Clause 3.7.17.4.1.3 states that *where views are an important part of the amenity of the area and neighbours' existing views are to be affected, amongst other things, the following matters are to be considered:*

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

Points (ii) to (iii) in this instance are considered satisfied.

The merit of the proposal is to be assessed against whether the development responds to adjacent development and established character of the area in respect to form, bulk and scale.

Assessed in detail, the immediate neighbouring properties are reviewed as follows:

No 10 Locke Crescent: The original approval and the amended height approval is a consequence of the steeply sloping lot (3.0 metre fall). The original approval required a variation to the 'Acceptable Development' provisions height limits of the RDG at the rear of the building (from 6.5m to 8.5m). The proposed amendment required a further discretion as the maximum height proposed was 9.15 metres (2.65 metres discretion to a concealed roof) at the rear of the lot and 6.7 metres at the front

(streetscape of the lot). The proposed building modifications required a 0.2 metre height variation to the front elevation (streetscape elevation). The proposed height variation at the time was considered not to have a significant negative impact to the streetscape or adjoining neighbour. An amended application for this proposal was refused by Council, mediated at the State Administrative Tribunal (SAT) and approved by Council under a Direction 31 by the SAT.

No 14 Locke Crescent: The application was approved in 1999 prior to the introduction of the Residential Design Guidelines. The lot was excavated approximately 0.7 metres at the garage on the south eastern (front of the lot) and 0.1 metres to the south west. The overall dwelling height is approximately 0.4 metres below the maximum height permitted above natural ground level.

No. 12 Locke Crescent: The existing dwelling has a maximum height of 7.3 metres to top of roof ridge at the rear of the dwelling, 0.8 metres below the maximum 'Acceptable Development' height requirements for a pitched roof. The height reduces to the front of the dwelling where at the garage, the existing height is 6.9 metres above the natural ground level, approximately 1.2 metres below the 'Acceptable Development' height requirements.

Attachment VC1 to VC8 (streetscape and view corridor montage) of the applicant's attachments demonstrates the addition whilst partially out of scale with the immediate neighbouring structures cannot be viewed in isolation as No. 14 is excavated at the front of the lot by 0.7 metres and therefore is located below the maximum height provision of the 'Acceptable Development' provisions of the RDG and No. 10 is a flat roof (discretion approved), a distinct roof form assessed under the flat roof provisions of the RDG (6.5 metres). The proposal is not out of scale with other recent dwellings in the locality and larger scale developments in surrounding streets.

Assessed on a wider scale, the proposed additions are considered consistent with other dwellings/ additions in the surrounding streets, including the recent new development approvals on the street, notwithstanding other recent development in the surrounding locality. The proposed design of the upper storey addition is consistent with the prevailing front, rear and side setbacks of the area (notwithstanding the zoning permits a reduced front street setback with the recent change in zoning from R12.5 to R17.5). The development provides in excess of 70% open space. Notwithstanding, height, bulk and scale is assessed as per setbacks, open space and other amenity provisions such as solar access, overshadowing and ventilation. In this instance, the proposed development is consistent with the prevailing setbacks and open space requirements of the locality and therefore is not considered to be excessive in form, bulk and scale.

The proposed additions and alterations are considered to be in keeping with the overall built character and scale of dwellings in the locality considering the varying natural ground level and roof forms in the area. Notwithstanding the proposed roof form and overall height, the development assessed against the immediate adjoining lots which consist of two flat roofs, a single storey dwelling and a pitched roof dwelling (excavated into the lot) is considered consistent with the immediate built form.

As noted above the dwelling is designed within the setback requirements for the front, rear and side (western) building setback as required by the R-Codes (eastern boundary discussed below) and the Residential Design Guidelines from the Locke Crescent perspective. Solar access and privacy are not considered issues either.

The greatest impact on views will be for the property at No. 7 Locke Crescent. The balcony at No. 7 Locke Crescent is at 34.748 RL at AHD level. The ridge height of the proposed roof is 36.379. A

person standing on the balcony will have views down to the river blocked, however views to the city and across to surrounding suburbs will be maintained. The applicant believes some views will be gained through the removal of the pitched roof for No. 9 Locke Crescent, however this will not assist the view corridor for No. 7 Locke Crescent. No. 5 Locke Crescent will be impacted also, however to a lesser degree.

Whilst the Residential Design Guidelines 'Acceptable Development' provisions take views into account in the overall assessment of the application, the protection of every aspect of a private view cannot be guaranteed. The development provisions in place at a particular time apply to all land owners at the time an application is assessed. Each case needs to be assessed on its merits and the technical assessment of the application in respect to the current residential development policies. The provision in the Residential Design Guidelines which addresses the issue of views specifically states that where views are to be affected then the issue of building height is one of the considerations. The Guidelines, however, do not specify that the height of the building is to be controlled or determined on the basis of protecting existing views of surrounding land owners.

There are no provisions which state the building must be designed so as not to block or limit existing views of current residents. As already noted the Guidelines and the R-Codes would allow for a dwelling to be developed on this lot with a larger building footprint, setback 6 metres from the front boundary (currently in excess of 7.5 metres), which would further increase the bulk and scale of the dwelling and therefore impact views. The existing dwelling has a height of 7.3 metres to the top of the roof at the rear roof level, 0.8 metres below the current maximum 'Acceptable Development' height requirements.

Lot boundary setbacks

The lot boundary setback to the south eastern section of the upper floor does not comply in respect to the side boundary setback requirements. Due to design changes the required setback for the south eastern boundary is 2.2 metres. The proposed setback is 1.7 metres to the upper floor (upper deck), therefore there is a 0.5 metre variation to the 'Deemed to Comply' provisions of the R-Codes.

The proposed front and rear setback is proposed as existing and is considered sufficient to provide a 'Deemed to Comply' compliant setback, whilst providing private open space, drying space and landscaped areas to the rear. The south western set back is also compliant with the 'Deemed to Comply' provisions of the R-Codes.

The side lot boundary setback is non-compliant as noted in the R-Codes summary assessment table above. The additional wall height has increased the required south eastern set back requirements. The upper floor is proposed on the existing external wall, therefore existing side views will be maintained. The reduced setback to the upper floor is considered to have minimal impact on the amenity of the adjoining lots and maintains existing side views. The reduced roof height to the south western boundary reduces any perceived bulk and scale issues. Whilst the 'Deemed to Comply' setback provisions are not achieved the 'Design Principles' of the R-Codes are considered satisfied as the building does not unnecessarily contribute to excessive building bulk on the adjoining lot at No. 10 Locke Crescent. The proposed dwelling provides for adequate sun (overshadowing is compliant with the 'Deemed to Comply' provisions) and ventilation to open spaces to the adjoining property compliant to the acceptable limits for the R-Code. The 'Design Principles' of 5.1.3 P3.1 of the R-Codes are considered satisfied.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 *Matters to be considered by Local Government* outlines the considerations a Local Government is to have due regard to when assessing an application for development approval. Clause (m), (n) and (x) of the Regulations, are of particular relevance to this application and states as follows:

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

In assessing the proposed development, all submissions have been considered and are included as an attachment to this report for consideration by the Elected Members. The objections relate to building height, bulk, scale and loss of views.

As discussed within this report the proposed development, whilst over height with regard to the 'Acceptable Development' provisions of the Residential Design Guidelines, when assessed against the 'Performance Criteria', the proposal is considered to satisfy the 'Performance Criteria' in that it is considered to be comparable with other such development in the locality as a whole.

There are amenity impacts, specifically relating to the approved development at No. 7 Locke Crescent regarding loss of river views, however views to the river will be available, although restricted to the side corridors of the development. The Guidelines, do not specify that the height of the building is to be determined on the basis of protecting existing views of importance to surrounding land owners.

The property at No. 7 Locke Crescent will still maintain city views and extensive views to surrounding suburbs. River views will be impacted on individual properties, however other views of significance/ importance will be significantly maintained for surrounding properties. The impact on amenity is primarily related to views, however the impact is difficult to assess particularly as it is a matter of degree of impact. The RDG do not specifically state all views have to be maintained or remain unobstructed. As indicated the property at No. 7 Locke Crescent does have river views through the side of the proposed development, city views, river views through other properties and views to surrounding suburbs. The residential amenity and liveability of particular properties relating to solar access, overshadowing and ventilation within the locality will not be significantly impacted, therefore the amenity impact on the locality is considered minor.

The proposed development when assessed under Clause (m) is considered to be comparable with the locality as a whole. The built form of the area is primarily two storey or two storey with undercroft. The proposed development is two storey with undercroft and therefore the design is consistent with the architectural form of the locality.

Conclusion

Given the above comments the application is recommended for approval subject to conditions. The development is considered to be of a form, bulk and scale that is consistent with both older and newer housing stock in the area, that of a two storey dwelling with undercroft. The proposed development is considered to comply with the 'Design Principles' for setbacks. There are no open

space, solar access, overshadowing and ventilation issues. Therefore the development as a whole is not considered of a form, bulk or scale that would have a detrimental impact to immediate adjoining properties and to the locality as a whole.

The development will have an impact to the view corridor of No. 7 Locke Crescent, however assessed as per the 'Performance Criteria' of the RDG and the 'Design Principles' of the R-Codes the intent of the design is comparable to other developments in the locality and therefore the proposal is recommended for approval subject to conditions.

Copies of all submissions received regarding this development application had been provided to elected members within the March Town Planning Meeting agenda papers, attached to a memo dated 6 March 2018 and a subsequent memo circulated on 13 March 2018.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 020318

Moved Cr Collinson, seconded Cr Harrington

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

- (i) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback of 1.7 metres (upper floor) – required setback 2.2 metres;**
- (ii) Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines 2016 to allow a building height of 8.742 metres above natural ground level (AHD 36.379) as set out in Clause A1.4**

for additions and alterations to an existing dwelling with undercroft garage at No. 12 (Lot 4993) Locke Crescent, East Fremantle, in accordance with the plans date stamped received on 13 February 2018, subject to the following conditions:

- 1. Maximum height of the dwelling at any point on the lot is not to exceed AHD 36.379.**
- 2. The permanent installation of a visually non-permeable screen on the eastern elevation of the upper deck to be in compliance with clause 5.4.1 C1.1 (ii) of the Residential Design Codes of WA.**
- 3. No modification to the crossover is approved. Any new crossovers which are constructed under this approval are to be a maximum width of 5.0 metres and the crossover to be constructed in compliance with Council's Residential Design Guidelines 2016.**
- 4. 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.**
- 5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 6. The proposed works are not to be commenced until Council has received an application for a Demolition Permit (where required) and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 7. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 8. All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in**

consultation with the Building Surveyor prior to the issue of a Building Permit.

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

Footnote:

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

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

(CARRIED 5:4)

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 28 February 2018

File ref	F/FNS2
Prepared by	Terry Paparone, Acting Executive Manager Corp & Comm Services
Supervised by	Gary Tuffin Chief Executive Officer
Meeting Date:	20 March 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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

It is recommended Council receives the Financial Activity Statement for the period ending 28 February 2018.

Background

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

The monthly Financial Activity Statement for the period ending 28 February is appended and includes the following:

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

Policy Implications

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

Financial Implications

The February 2018 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

Site Inspection

Not applicable

Comment

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

Revised Budget Forecast

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

Operating YTD Actuals (compared to the YTD Budget)

The February 2018 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 100%; is \$5,000 more than the YTD budget. (Favourable)

Operating Expenditure 84%; is \$1,288,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$1,457,000 more than the YTD budget (Favourable).

Operating Revenue is on budget.

The significant areas of favourable variations for operating revenue include:

- *General Purpose Funding*
There are favourable year to date budget timing variances for; Interim Rates \$56,000, and Rates Instalment Interest Charges \$20,000 which will be monitored.
- *Education & Welfare*
The Home and Community Care Program has a favourable year to date budget timing variance amounting to \$21,000, which is mainly attributable to a HACC Grant supplement which was received. The account should be offset during the year.

- *Recreation & Culture*

The East Fremantle Festival has a favourable year to date budget timing variance amounting to \$22,000 which is attributable to the Lotterywest Grant having been received earlier than anticipated. The account should be offset during the year.

- *Transport*

Fines and Penalties have a favourable year to date budget timing variance amounting to \$28,000 which will be monitored.

- *Other Property & Services*

The Department of Community – Local Projects - Local Jobs Funding (Alexandra Road Project) has a favourable year to date budget timing variance amounting to \$30,000. A budget amendment to include the above funding will be submitted to Council at the half year budget review.

The significant areas of unfavourable variations for operating revenue include:

- *Recreation & Culture*

The Riverside Road Mooring Pens has an unfavourable year to date budget timing variance amounting to \$33,000 which is attributable to nine mooring pens being vacant as at the date of this report. Ongoing advertising regarding the availability of mooring pens will continue. The account will be monitored.

The Swan Yacht Club Self Supporting Loan Repayments has an unfavourable year to date budget timing variance amounting to \$33,000 which is attributable to the loan not being utilised.

- *Economic Services*

There are unfavourable year to date budget timing variances for; the Building and Construction Industry Training Fund Receipts \$26,000 and Building Permits \$20,000 which will be monitored.

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

The significant areas of favourable variations for operating expenditure include:

- *Health*

Swimming Pool Inspection fees has a favourable year to date budget timing variance amounting to \$23,000. This budget item will be re-assessed at the half year budget review.

- *Education & Welfare:*

There are favourable year to date budget timing variances for; HACC Salaries \$62,000 and HACC Service Unit Assessment \$30,000 which will be monitored.

- *Housing:*

Building Maintenance for the Allen Street Units has a favourable year to date budget timing variance amounting to \$21,000 which should be offset during the year.

- *Community Amenities:*

There are favourable year to date budget timing variances for; Domestic and Commercial Recycling \$38,000, Domestic Refuse Collection \$62,000, SMRC Waste Composting Facility

\$68,000 and SMRC Materials Recovery \$27,000 which is mainly due to invoices received/paid in the following month.

Consultants has a favourable year to date budget timing variance amounting to \$23,000 which will be monitored.

- *Recreation & Culture*

East Fremantle Oval has a favourable year to date budget timing variance amounting to \$57,000 which will be monitored.

The Swan Yacht Club has a favourable year to date budget timing variance amounting to \$565,000 which is attributable to the loan not being utilised.

The John Tonkin Contribution – DPAW - has a favourable year to date budget timing variance amounting to \$90,000 which should be offset during the year.

The East Fremantle Oval Masterplan has a favourable year to date budget timing variance amounting to \$50,000 which should be offset during the year.

The East Fremantle Festival has a favourable year to date budget timing variance amounting to \$20,000 which should be offset during the year.

- *Transport*

There are favourable year to date budget timing variances for; Road and Street Maintenance \$42,000, Tree Replacements \$33,000 and Kerbing Maintenance \$23,000 which should be offset during the year.

Employee Costs has a favourable year to date budget timing variance amounting to \$21,000 which will be monitored.

The Parking and Traffic Feasibility Study has a favourable year to date budget timing variance amounting to \$21,000 as the project is in its early stages.

- *Economic Services*

The Building and Construction Industry Training Fund has a favourable year to date budget timing variance amounting to \$27,000 which will be monitored.

The significant areas of unfavourable variations for operating expenditure include:

- *Recreation & Culture*

Preston Pt. Reserve – East Fremantle Lacrosse ground has an unfavourable year to date budget timing variance amounting to \$22,000 which is mainly attributable to verti-mowing, top dressing and fertilising the ground which should be offset during the year.

- *Transport*

There are unfavourable year to date budget timing variances for; Verge Maintenance \$37,000, Street Cleaning \$49,000 and Street Tree Pruning \$33,000, which is mainly due to greater emphasis having been placed on these operations as at this time of the year.

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

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

Capital Programs YTD Progress Summaries

Annual Timeline 67% of year elapsed

Land & Buildings 86% expended

Infrastructure Assets 40% expended

Plant & Equipment 95% expended

Furniture & Equipment 27% expended

Capital expenditure is \$1,589,000 less than the YTD budget (Favourable) which represents 36% of the capital programs to be completed.

12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030318

Moved Cr M McPhail, seconded Cr Nardi

That Council receives the Financial Activity Statement for the period ending 28 February 2018.

(CARRIED UNANIMOUSLY)

12.2.2 Accounts for Payment – February 2018

File ref	F/FNS2
Prepared by	Terry Paparone, Acting Executive Manager Corp & Comm Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 March 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – February 2018

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of February 2018.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 February to 28 February 2018, as per the summary table.

Background

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

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

Consultation

Nil.

Statutory Environment

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

Policy Implications

Policy F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

Site Inspection

Not applicable.



Comment

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

12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040318

Moved Cr Nardi, seconded Cr Natale

That the list of accounts paid for the period 1 February to 27 February 2018 be received, as per the following summary table:

FEBRUARY 2018		
Voucher No	Account	Amount
5136 – 5139	Municipal (Cheques)	6,833.07
EFT25340 – EFT25482	Electronic Transfer Funds	\$393,553.60
Payroll	Electronic Transfer Funds	\$236,978.80
Superannuation	Electronic Transfer Funds	\$37,423.64
Credit Card	Corporate Credit Card	\$1,776.51
	Total Payments	\$676,565.62

(CARRIED UNANIMOUSLY)

12.2.3 East Fremantle Oval Ground Maintenance

Applicant	N/A
File ref	R/RSC7
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 March 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. East Fremantle Oval Maintenance Agreement

Purpose

To present Council with an oval maintenance agreement between the Town of East Fremantle and the East Fremantle Football Club (EFFC).

Executive Summary

The Town was approached by the East Fremantle Football Club (EFFC) in December with an expression of interest to take over the full ground maintenance of the East Fremantle Oval, in return for an annual contribution of \$25,000 to undertake the works, and the removal of the 30% game day gate fee.

Background

A Discussion Paper regarding this matter was submitted to the Concept Forum on 16 January 2018 outlining the proposal. Under the proposal EFFC will be responsible the following works;

- Oval mowing - 2 times per week
- Surrounds mowing – once per fortnight
- Turf Renovation
 - Verti-Drain – twice per year
 - Verti-Cut – 2 directions – 1 application
 - Rolla Mow – 1 application
 - Re-Sweep Application
- Fertilising – 9 applications per year
- Irrigation –Maintenance and Operation (does not include bore maintenance or electrical system)
- Line Marking – 22 per year
- Turf Replacement – 350m² per year
- Weed Control – for broadleaf and crab grass – 3 time per year

The company that is preferred by the EFFC to undertake these works is Turfmaster, who stated they have an excellent reputation in turf maintenance of Western Australian Football League (WAFL) grounds standards. Turfmaster currently have contracts with Leederville oval, Claremont oval and NIB Stadium.

Elected members stressed that public access to the grounds is not to be affected in any way by the new arrangement, and that any such agreement should be undertaken on a trial basis for 12 months, and with a termination provision that provides either party may terminate the agreement by giving 2 months written notice.

The proposed agreement has addressed these concerns.

Consultation

Elected members
Chief Executive Officer
East Fremantle Football Club – CEO
Manager Operations

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Under the proposed agreement the Town will be required to make a cash contribution of \$25,000, and no longer charge the 30% game day gate fee.

The EFFC is still responsible for the payment of property rates.

A review has been undertaken in regards to the financial implications, and it has been estimated that the proposed arrangement will save the Town approximately \$6,300pa, and the Town will also have the additional benefit of being able to reallocate the associated plant & labour (fixed costs) that were attached to the oval maintenance to another activity within operations.

If Council were to agree to hand over full maintenance of the oval to the EFFC, it appears there will be financial benefits for both the Town as well as allowing the East Fremantle Football Club to save costs (Keep all game day gate fees).

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

It is recommended that Council formalise a 12 month trial with the East Fremantle Football Club via a written maintenance agreement.

A draft Maintenance Agreement has been prepared by Town staff for Council's consideration.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 050318

Moved Cr A McPhail, seconded Cr Nardi

That Council:

1. accept the proposal from the East Fremantle Football Club to take over the maintenance of the East Fremantle oval grounds for a 12 month trial period as per the *East Fremantle Oval Maintenance Agreement*; and
2. authorise the Mayor and the Chief Executive Officer to sign and affix the Town's Common Seal to the *East Fremantle Oval Maintenance Agreement*.

(CARRIED UNANIMOUSLY)

12.2.4 2017/18 Budget Review

File ref	F/ABT1
Prepared by	David Taylor, Executive Manager Corporate & Community Services (EMCCS)
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 March 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Budget Review 2017/18

Purpose

Council is requested to consider the review of the 2017/18 Annual Budget and amending it in accordance with the Operating and Capital schedules (Budget Review 2017/18 – Attachment 1) provided in the report.

Executive Summary

In accordance with *Local Government (Financial Management) Regulation 1996* Council is required to conduct a review of its annual budget each year between 1 January and 31 March. A budget review has been undertaken using the actuals as at 28 February 2018 by the EMCCS & CEO for Council's consideration and endorsement.

Background

The 2017/18 Budget was adopted by Council at a Special meeting held on the 18 July 2017.

Consultation

Executive Manager Corporate & Community Services
Executive Manager Regulatory Services
Operations Manager
Chief Executive Officer

Statutory Environment

Section 6.8 of the Local Government Act states;

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*; or*
 - (c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

The *Local Government (Financial Management) Regulations* state;

33A. Review of budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department”.*

Policy Implications

There are no policy implications in considering this item.

Financial Implications

Various - refer to budget review schedule.

The proposed budget amendments still provide for a balanced budget.

Strategic Implications

There are no policy implications in considering this item.

Site Inspection

Not applicable

Comment

A budget review was undertaken during March based on the February financial statements in accordance with the requirements of *Local Government (Financial Management) Regulation 33A*.

Council was previously advised that the audited carried forward position for 2016/17 resulted in an increased surplus of \$22,230, bringing the final carried forward surplus to \$1,386,955.

All operating accounts have been reviewed and any surpluses have been rebalanced with the following major variations; any further surplus has been applied to the capital works program.

Income

Interim Rates	Increase	\$60,000	Item under budgeted
Rates Penalty	Increase	\$14,500	Item under budgeted
Grants Commission	Reduction	\$16,000	Per Grants Commission
Mooring Pen Fees	Reduction	\$22,000	Higher Vacancies
Allen St Unit Rental	Reduction	\$18,800	Higher Vacancies
Swan Yacht Club SSL	Reduction	\$65,000	SSL not required
Parking Fees	Reduction	\$39,000	Broken/Vandalised machines
DoC Grant	Increase	\$30,000	Corresponding expenditure

Expenditure

Communications, advocacy	Reduction	\$31,250	Tasks completed in-house
Training programs	Reduction	\$10,600	Lower rates were achieved
Swimming Pool Inspections	Reduction	\$23,000	Completed prior year
Strategic Planning	Reduction	\$50,000	More tasks completed in-house
Consultants	Reduction	\$25,000	Item over budgeted
EF Oval Maintenance	Reduction	\$28,000	Maintenance agreement
EF Rowing Club Contribution	Increase	\$41,000	Council Resolution (190917)
Doc Grant Expenditure	Increase	\$30,000	Corresponding grant

All other variations are minor and/or reallocation of employee and plant hours.

With a combination of operational and capital project savings, the review resulted in the opportunity to fund other capital items previously not budgeted at the beginning of the year. These totalled \$291,000 and are listed below.

Other new major capital items brought forward include;

- Depot Building Upgrade \$30,000
- Glasson Park Bore Replacement \$21,500
- Footpath – May Street \$13,000
- Operations Manager Vehicle Replacement \$30,000
- EFFC Unisex Toilets Upgrade Contribution \$20,000
- Richmond Raceway Security Bars \$15,000
- EFFC – Roof Repairs \$15,000
- Release of Roadworks Security Funds \$30,000
- EF Tennis Club Structural Repairs \$35,000
- Sumpton Green Fence Replacement \$25,000
- View Terrace Bus Stop Repairs \$10,000
- EMCCS Vehicle Replacement \$30,000
- Street Sign Replacement \$16,500

This review has been prepared to balance as a zero budget.

12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060318

Moved Cr White, seconded Cr Nardi

That:

- 1. in accordance with section 6.8 of the Local Government Act all new expenditure items previously not budgeted for which are now contained within the Budget Review 2017/18 (column “Amended Budget”) document be authorised by Council.**
- 2. the 2017/2018 Annual Budget be amended as detailed in attachment (1) - “Budget Review 2017/18”**
- 3. in accordance with section 33A of the *Local Government (Financial Management) Regulations* a copy of the review be forwarded to the Department of Local Government.**

(CARRIED BY AN ABSOLUTE MAJORITY 9:0)

12.3 GOVERNANCE REPORTS

12.3.1 Compliance Audit Return 2017

Applicant	Town of East Fremantle
File ref	A/DLG1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	20 March 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Compliance Audit Return 2017

Purpose

To facilitate the adoption of the Compliance Audit Return 2017 for submission to the Department of Local Government and Communities by 31 March 2018.

Executive Summary

The statutory Compliance Audit Return runs on a calendar year basis and is for the period 1 January to 31 December 2017.

The statutory Compliance Audit Return has been completed by self-assessment by the Chief Executive Officer.

Background

In 2017 the Department of Local Government and Communities (DLGC) has included 94 compliance audit questions, which require Yes or No answers, however where an item has not occurred during the calendar year a response of not applicable (N/A) will be provided.

The Compliance Audit Return is to be:

1. reviewed by the Audit Committee
2. presented to an Ordinary Meeting of Council,
3. adopted by Council; and
4. recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return (CAR) has been presented to Council, a certified copy of the return signed by the Mayor and Chief Executive Officer, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGC by 31 March 2017.

Statutory Environment

Section 7.13(i) of the Local Government Act 1995 requires that each local government carry out a compliance audit for the period 1 January to 31 December each year.
Sections 14 & 15 of the Local Government (Audit) Regulations 1996

Policy Implications

There are no policy implications.

Financial Implications

There are no financial implications.

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisational accountability and transparency.

Site Inspection

N/A

Comment

The statutory Compliance Audit Return has been completed and all compliance matters in 2017 were either marked as Yes or N/A and there were no matters of non-compliance reported for this period.

12.3.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 070318

Moved Cr A McPhail, seconded Cr Natale

That Council adopt the Compliance Audit Return for the period 1 January to 31 December 2017.

(CARRIED UNANIMOUSLY)



13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Cr Natale – FOGO Program

13.1 COUNCIL RESOLUTION 080318

Moved Cr Natale, seconded Cr Collinson

That a report be prepared after the trial information has been released outlining the proposed communication and consultation plan, and other related matters in relation to the proposed FOGO program.

(CARRIED UNANIMOUSLY)

14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

Nil.

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

16. NEW BUSINESS OF AN URGENT NATURE

Nil.

17. MATTERS BEHIND CLOSED DOORS

Nil.

18. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.55pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 March 2018**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

17 APRIL 2018

Presiding Member