



AGENDA

Council Meeting

Tuesday, 19 March 2019 at 6.30pm

Disclaimer

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

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

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

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

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

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

Deputations A formal process where members of the community request permission to address Council or Committee on an issue.	Presentations An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.
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Procedures for Deputations

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

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

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

A Deputation invited to attend a Council meeting:

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

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

Procedure for Presentations

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

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

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

Procedure for Public Question Time

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

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

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

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

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

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

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

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on Tuesday, 19 March 2019 in the Council Chamber, 135 Canning Highway East Fremantle commencing at 6.30pm and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

1. OFFICIAL OPENING

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Approved

Cr Collinson

4. DISCLOSURES OF INTEREST

4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

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

5.1.1 C Gepp, 8/16 Coolgardie Avenue

Community Engagement Plan

1. Was the Community Engagement Plan followed in relation to the Annual Electors Meeting held on 29 January 2019, and where else has it not been followed?

The following methods were used to advertise the Annual Electors' Meeting:

- *Advertised in Fremantle Herald on 22 December 2018 and 12 January 2019 and Fremantle Gazette on 15 January 2019.*
 - *Advertised on Council's website from 20 December 2018 and removed after the meeting was held.*
 - *Advertised on Council's noticeboard at the front of the building from 20 December 2018 and removed some time after the meeting was held.*
-

Unfortunately Council's December e-newsletter was sent out on 6 December (prior to the date of the electors' meeting being set) and as there was not a newsletter circulated during January, there was no email/e-newsletter advice.

There should have been a Facebook post advising of the meeting and regrettably this did not appear to have occurred. Apart from this omission, it is considered all reasonable methods were used to follow the Town's Community Engagement Plan in accordance with Level 2 Engagement.

2. If not, what steps will Councillors and staff take to ensure that the Plan is followed in future according to the Guidelines to Proposed Levels of Engagement?

To ensure a high level of compliance with these Guidelines, it is intended to hold a refresh training session for relevant staff as a reminder of their obligations in relation to this Plan.

Calico Bags

3. There are only 3,283 dwellings so why were 5000 ordered?

As per the Town's Purchasing Policy, three quotes were sought for the supply and colour printing of the calico bags. Quotes received ranged from \$2.20 per bag to \$2.80 per bag (supplied and printed in colour) and as you can appreciate, to achieve economies of scale, it was decided to order 5,000 bags @\$2.20 each – these bags are actually larger than those usually supplied at the similar cost and have proved popular with positive feedback received from members of the community.

4. How many surplus bags are still to be distributed?

Following the initial distribution to all households by the East Fremantle Junior Football club players and parents, the bags have been distributed to attendees at the Town's Pioneer Luncheon (2017 and 2018); the East Fremantle Oval Precinct Revitalisation Project workshop attendees; are available at the Town's administration office and provided to residents who request extras; and are available to be distributed at upcoming Town hosted events. The Town currently has approximately 700 calico bags to further distribute.

5. Did the funds for the bags come from the Sanitation budget or from some other Budget?

The budget for the calico bags came from the Marketing and Communication Budget and was allocated as part of the Town of East Fremantle re-branding project in early 2017.

6. What was the nature and value of the sponsorship given to the EFJFC to deliver the bags?

Rather than engage the services of a professional letter box drop company or Australia Post to distribute the bags to all households, in April 2018 following the decision to disallow the Town's proposed "Plastic Bag Ban Local Law" and subsequent announcement by the State Government to instigate the plastic bag ban Statewide, the Town decided to offer a fund raising opportunity to all local sporting clubs and community groups. Nine (9) responses were received and assessed. The \$3,000 sponsorship was subsequently allocated to the East Fremantle Junior Football Club. This option supported a local sports club and provided a financial saving on the delivery costs.

Staff Christmas Lunch

7. Was the staff Christmas Party funded by Council or did staff reimburse Council the cost of their meal?

The staff Christmas Party was, and has always been, funded by Council.

8. Was FBT paid on this?

As reported at the Council Meeting, there are no FBT implications on this payment.

5.2 Public Question Time

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

Nil.

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (19 February 2019)

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 19 February 2019 be confirmed as a true and correct record of proceedings.

8.2 Meeting of Council (26 February 2019)

8.1 OFFICER RECOMMENDATION

That the minutes of the Special meeting of Council held on Tuesday, 26 February 2019 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Audit Committee Meeting (26 February 2019)

File ref	C/MTAF1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Meeting Date:	19 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Audit Committee Minutes2. 2018 Compliance Audit Return3. Corporate Credit Card Use Policy (4.3.6)4. Supplier Payments Policy5. General Conditions of Contract for the Supply of Goods and Services under a Purchase Order

Purpose

To submit the minutes of the Audit Committee for receipt and adoption by Council.

Executive Summary

The Committee, at its meeting on 26 February 2019, provided recommendations on five officer reports. As the Committee has no delegation, these recommendations are submitted to the March Council Meeting for consideration.

Consultation

Audit Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The unconfirmed minutes and recommendations of the Audit Committee meeting are now presented to Council to be received and adopted.

<p>11.1 COMMITTEE RECOMMENDATION (1)</p>

<p>That the unconfirmed Minutes of the Audit Committee Meeting held on 26 February 2019 be received.</p>

11.1 COMMITTEE RECOMMENDATION (2)

That Council adopt the Compliance Audit Return for the period 1 January to 31 December 2018.

11.1 COMMITTEE RECOMMENDATION (3)

That Council:

- 1. receive the review of the Town's procurement processes undertaken by the WALGA Procurement Service.**
- 2. note the recommendations detailed in the WALGA Procurement Review will be implemented by the administration.**

11.1 COMMITTEE RECOMMENDATION (4)

That Council:

- 1. receive the WA Auditor General's Report on the Control over Corporate Credit Cards.**
- 2. revoke Policy F8.6 and endorse the attached Corporate Credit Card Policy (4.3.6).**

11.1 COMMITTEE RECOMMENDATION (5)

That Council endorse the following attachments:

- 1. Supplier Payments Policy**
- 2. General Conditions of Contract for the Supply of Goods and Services under a Purchase Order**

TOWN OF
EAST FREMANTLE



MINUTES

Audit Committee Meeting

Tuesday, 26 February 2019 at 6.30pm

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**MINUTES OF THE ORDINARY MEETING OF THE AUDIT COMMITTEE HELD IN THE COUNCIL CHAMBER,
135 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 26 FEBRUARY 2019.****1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENT OF VISITORS**

The Presiding Member opened the meeting at 7.08pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE**3.1 Attendance**

The following members were in attendance:

Cr M McPhail	Presiding Member
Mayor J O'Neill	
Cr A McPhail	
Cr T Natale	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr P Kocian	Executive Manager Corporate Services
Ms J May	Minute Secretary

There were no members of the gallery in attendance

3.2 Apologies

Nil.

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS**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 Audit Committee (7 November 2018)

8.1 OFFICER RECOMMENDATION

Moved Cr A McPhail, seconded Cr Natale

That the minutes of the Audit Committee meeting held on Wednesday, 7 November 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

MINUTES OF AUDIT COMMITTEE MEETING
TUESDAY, 26 FEBRUARY 2019



10. REPORTS

10.1 Compliance Audit Return 2018

Applicant	Town of East Fremantle
File ref	A/DLG1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	26 February 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Compliance Audit Return 2018

Purpose

To facilitate the adoption of the Compliance Audit Return 2018 for submission to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March 2019.

Executive Summary

The statutory Compliance Audit Return runs on a calendar year basis and is for the period 1 January to 31 December 2018.

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

Background

In 2018 the DLGC has included 95 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 2018.

Statutory Environment

Section 7.13 (1) (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.

Regulations 14 & 15 of the *Local Government (Audit) Regulations 1996* require local governments to carry out a compliance audit and provide a certified copy of the compliance audit return to the Departmental CEO.

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.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Theme	Risk Action Plan (Controls or Treatment proposed)
That the Audit Committee not endorse the Compliance Audit Return	Rare (1)	Insignificant (1)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Risk (risk is inconsequential as Council is to adopt the Compliance Audit Return)

Risk Matrix

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

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

Risk Rating	1
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

N/A

Comment

The statutory Compliance Audit Return has been completed and all compliance matters in 2018 were either marked as Yes or N/A and there were no matters of non-compliance reported for this period.

10.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION A010219**Moved Cr Natale, seconded Cr A McPhail****That the Audit Committee recommend that Council adopt the Compliance Audit Return for the period 1 January to 31 December 2018.**(CARRIED UNANIMOUSLY)

10.2 Recurrent Status Report – Risk Management, Internal Controls and Legislative Compliance

File ref	F/AUD1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	26 February 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Status Report

Purpose

It is recommended that the Audit Committee receive a status report on all outstanding matters raised in external audit reports, financial management reviews, performance audits, internal audit reports and any other review relevant to the Audit Committee's Terms of Reference.

Executive Summary

A status report has been prepared reporting against identified issues with respect to audit, risk management, internal controls, procurement matters and legislative compliance. The status report is not an exhaustive listing and will become a living document and updated as issues are identified. It is presented to the Audit Committee to assist in their role to report to Council and provide advice and recommendations on matters relevant to its terms of reference.

Background

The Department of Local Government has published an Operational Guideline on Audit in Local Government. Appendix 3 of this Guideline lists a number of matters that should be presented to an Audit Committee for review and monitoring:

Risk Management:

- Reviewing whether the local government has an effective risk management system;
- Reviewing whether the local government has a current and effective business continuity plan;
- Reviewing areas of potential non-compliance with legislation, regulations and standards and local governments policies;
- Reviewing the following; litigation and claims, misconduct, and significant business risks;
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;
- Reviewing the effectiveness of the local governments internal control system with management and the internal and external auditors;
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;
- Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied.

Internal Control Systems:

- Separation of roles and functions, processing and authorisation;
- Control of approval of documents, letters and financial records;

MINUTES OF AUDIT COMMITTEE MEETING
TUESDAY, 26 FEBRUARY 2019



- Limit of direct physical access to assets and records;
- Control of computer applications and information system standards;
- Regular maintenance and review of financial control accounts and trial balances;
- Comparison and analysis of financial results with budgeted amounts;
- Report, review and approval of financial payments and reconciliations;
- Comparison of the result of physical cash and inventory counts with accounting records.

Legislative Compliance:

- Monitoring compliance with legislation and regulations;
- Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
- Obtaining assurance that adverse trends are identified and review managements plans to deal with these;
- Reviewing management disclosures in financial reports of the effect of significant compliance issues;
- Considering the internal auditors role in assessing compliance and ethics risks in their plan;
- Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements.

Consultation

Chief Executive Officer

Statutory Environment

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a local governments systems and procedures in relation to risk management, internal control and legislative compliance separately or all at the one time, on the provision that each matter is reviewed at least once every three years. The CEO is also required to report the results of that review to Council.

Policy Implications

There are no Council Policies relevant to this item.

Financial Implications

There are no financial implications relevant to this item.

Strategic Implications

Strategic Priority 5 – Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

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 a status report not be prepared leading to a lack of oversight by the Audit Committee	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

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

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

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

Comment

The status sheet has been updated and is attached.

10.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION A020219

Moved Cr White, seconded Mayor O'Neill

That the Audit Committee recommend that Council receives the status report on items relevant to its Terms of Reference.

(CARRIED UNANIMOUSLY)

10.3 Procurement Process Review – Request for Quotations (RFQ) and Requests for Tender (RFT)

File ref	F/AUD1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	26 February 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Procurement Process Review (under Confidential Cover)

Purpose

It is recommended that the Audit Committee receive the confidential review undertaken by the WALGA Procurement Service of the Town's procurement processes, and endorse the recommendations from this report.

Executive Summary

The WALGA Procurement Service has undertaken a review of the Town's procurement processes, specifically all Requests for Tender invited in 2017/18. The review considered the overall process undertaken by the Town, including key items of legislation, regulations, and relevant policies and procedures. Recommendations from this review are presented to the Audit Committee for endorsement to Council.

Background

The Office of the Auditor General (OAG) has assumed responsibility for the financial audit of local government. In addition, the OAG is conducting performance audits of local governments, with audit topics determined on the following criteria:

- Materiality
- Impact
- Risk
- Context
- Coverage
- Auditability/efficiency

At its meeting of 7 November 2018, the Audit Committee endorsed an Internal Audit Charter and work plan for 2019. The topics on the work plan are likely review areas for the OAG, including local government procurement processes and controls.

Consultation

Chief Executive Officer

Statutory Environment

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance separately or all at the one time, on the provision that each matter is reviewed at least once every three years. The CEO is also required to report the results of that review to Council.

Policy Implications

There are no Council Policies relevant to this item.

Financial Implications

The cost of the review was \$5,054 (ex GST).

Strategic Implications

Strategic Priority 5 – Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

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 the Audit Committee do not endorse the recommendations stemming from the Procurement Review, which may impact the probity of tender processes	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	3
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**MINUTES OF AUDIT COMMITTEE MEETING
TUESDAY, 26 FEBRUARY 2019**



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

Comment

The scope of the procurement process review included:

- Review the Towns RFT and RFQ Register Summary
- Review the Towns Quotation and Tender Forms
- Review the Towns Tender Checklist
- Review the Towns Purchasing Policy
- Review the Towns Delegated Authority Register 2018
- Review the Towns RFQ and RFT templates
- Review RFT supporting documents
- Prepare an RFT advertising template

The full report is appended under confidential cover. The Executive Summary of the Report concludes that *'each tender process was consistent with a fair and equitable procurement process'*. However, there are a number of recommendations that are supported for implementation:

1. A Clarification Register Template be developed summarising all clarifications issued to tenderers
2. A Price Schedule be included in the Request for Quotation template
3. Qualitative criteria weighting be included in the Request for Quotation template
4. The relevant General Conditions of Contract should be included as part of the RFQ/RFT as a stand-alone heading (Goods and services, ICT, Minor Works, Grant Agreement)
5. A Respondents Offer Form be included in the Request for Quotation template
6. The Town utilise the WALGA e-tendering system for all tenders
7. A Requests for Clarifications heading be added within the Conditions of Tendering
8. The Tender Offer Form include the name and contact details of the Authorised Signatory
9. The Tender Advertisement template be adopted and used for all future tenders
10. Tender Briefings and/or Site Inspections be added within the Conditions of Tendering where applicable
11. Period of Contract Termination be included as a sub-heading within the General Conditions of Contract
12. Referee Checks are not to be included in the Qualitative Criteria
13. An Evaluation Report be prepared for all tenders, including those awarded by the CEO under delegated authority

10.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION A030219

Moved Cr Natale, seconded Cr White

That the Audit Committee recommend Council:

- (1) **receive the review of the Town's procurement processes undertaken by the WALGA Procurement Service.**
- (2) **note the recommendations detailed in the WALGA Procurement Review will be implemented by the administration.**

(CARRIED UNANIMOUSLY)

10.4 Corporate Credit Card Policy

File ref	F/AUD1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	26 February 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Corporate Credit Card Use Policy (F8.6) 2. Corporate Credit Card Use Policy (4.3.6) 3. Corporate Credit Card Procedure (PRO4.3.6) 4. WA Auditor General's Report – Control over Corporate Credit Cards

Purpose

It is recommended that the Audit Committee endorse the revised Corporate Credit Card Policy, as presented.

Executive Summary

Pursuant to the *Local Government (Financial Management) Regulations 1996*, the CEO is responsible for the financial management of the local government, and to ensure that efficient financial management systems and procedures are established. The revised Policy (4.3.6) provides for the authorisation for the incurring of liabilities and the making of payments via corporate credit card.

Background

The Office of the Auditor General (OAG) has assumed responsibility for the financial audit of local government. In addition, the OAG is conducting performance audits of local governments, with audit topics determined on the following criteria:

- Materiality
- Impact
- Risk
- Context
- Coverage
- Auditability/efficiency.

In light of the recent decision to issue three credit cards (\$5,000 limit each) to the senior managers (EMCS, EMRS & OM) it was appropriate to review and update the existing credit card policy.

At its meeting of 7 November 2018, the Audit Committee endorsed an Internal Audit Charter and work plan for 2019. The topics on the work plan are likely review areas for the OAG, with the OAG already completing an audit of eight local governments, assessing controls around the use of corporate credit cards. This Audit Report is attached for the Committee's information. The key recommendations in this Report are:

1. Local Government's should:
 - a. Ensure policies specify requirements for all key credit card processes
 - b. Keep adequate records of all card transactions, including information that describes the nature/purpose of the expenditure and evidence of review and approval
 - c. Cancel redundant cards in a timely manner to avoid loss and/or misuse of cards
 - d. Regularly monitor outstanding transactions to identify and follow up on long outstanding un-acquitted transactions

- e. Ensure senior management periodically reviews credit card use, to confirm compliance with policies and to identify any abnormal trends. The results of these reviews should be documented and retained.

Consultation

Internal

Statutory Environment

The *Local Government (Financial Management) Regulations 1996* outline the CEO's responsibilities with regards to the proper financial management of the local government.

Policy Implications

A new Policy is proposed – Corporate Credit Card Policy (this is to replace the existing Corporate Credit Card Policy F8.6).

The following existing Policies are also relevant:

1. 4.2.4 Purchasing Policy
2. 4.3.5 Internal Audit Charter Policy
3. Supplier Payments Policy

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

Strategic Priority 5 – Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

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 the Audit Committee not endorse the new Credit Card Policy giving rise to inadequate internal controls	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

Risk Matrix

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

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

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

Comment

A number of internal processes and controls have been reviewed and documented. This has resulted in the conversion of the existing Corporate Credit Card Use Procedure into a Corporate Credit Card Policy.

The Corporate Credit Card Policy captures existing policy relating to the use of corporate credit cards. However, two new requirements have been incorporated into this Policy:

1. All card holders are to sign a Corporate Credit Card Acknowledgement and Conditions of Use form
2. The card allocated to the Executive Manager Corporate Services has been made available for whole of organisation use. A requisition form is required to be completed and approved by the Executive Manager prior to the card being released.

10.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION A040219

Moved Cr Natale, seconded Cr White

That the Audit Committee recommend that Council:

1. receive the WA Auditor General's Report on the Control over Corporate Credit Cards.
2. revoke Policy F8.6 and endorse the attached Corporate Credit Card Policy (4.3.6).

(CARRIED UNANIMOUSLY)

10.5 Supplier Payments Policy and General Conditions of Contract for the Supply of Goods and Services under a Purchase Order

File ref	F/AUD1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	26 February 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Supplier Payments Policy 2. General Conditions of Contract for the Supply of Goods and Services under a Purchase Order 3. WA Auditor General's Report – Timely Payment of Suppliers

Purpose

It is recommended that the Audit Committee endorse the Supplier Payments Policy and General Conditions of Contract for the Supply of Goods and Services under a Purchase Order, as presented.

Executive Summary

Pursuant to the *Local Government (Financial Management) Regulations 1996*, the CEO is responsible for the financial management of the local government, and to ensure that efficient financial management systems and procedures are established. The attached documents provide for the proper authorisation for the incurring of liabilities and the making of payments.

Background

The Office of the Auditor General (OAG) has assumed responsibility for the financial audit of local government. In addition, the OAG is conducting performance audits of local governments, with audit topics determined on the following criteria:

- Materiality
- Impact
- Risk
- Context
- Coverage
- Auditability/efficiency

At its meeting of 7 November 2018, the Audit Committee endorsed an Internal Audit Charter and work plan for 2019. The topics on the work plan are likely review areas for the OAG, with the OAG already completing an audit of ten local governments, assessing whether suppliers are being paid on a timely basis. This Audit Report is attached for the Committee's information. The key recommendations in this Report are:

1. Local Governments should have policies or procedures that clearly require payment of invoices within specified periods after receiving the invoice or after the receipt of goods and services (whichever is later);
2. Local Governments should ensure they improve administrative processes so that all payments are made in accordance with their policies and procedures;
3. Local Governments should improve recordkeeping to ensure that for all payments there are records of the date that the invoice and goods or services were received. Ideally, this information should be recorded in the financial information management system and used as a key date for determining when payments should be made.

Consultation

Internal

Statutory Environment

The *Local Government (Financial Management) Regulations 1996* outline the CEO's responsibilities with regards to the proper financial management of the local government.

Policy Implications

A new Policy is proposed – Supplier Payments.

The following existing Policies are also relevant:

1. 4.2.4 Purchasing Policy
2. 4.3.5 Internal Audit Charter Policy

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

Strategic Priority 5 – Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

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)
Not having a Supplier Payments Policy and Purchase Order Terms and Conditions, may lead to unfavourable terms of trade or in-turn untimely supplier payments.	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Non-compliance results in termination of services or imposed penalties	Accept Officer Recommendation

Risk Matrix

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

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

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

Comment

A number of internal processes and controls have been reviewed and documented. This has resulted in the development of the attached Supplier Payments Policy and General Conditions of Contract for the Supply of Goods and Services under a Purchase Order.

The Supplier Payments Policy captures existing procedures relating to the processing of accounts for payment. However, two new requirements have been incorporated into this Policy:

1. Measuring and monitoring the performance of supplier payments (this is in line with the recommendations of the OAG)
2. Multiple authentication of creditor/supplier details including change to bank account details

The General Conditions of Contract for the Supply of Goods and Services under a Purchase Order is based on model conditions developed by the WA Local Government Association, and is closely aligned to the Australian Standards for the General Conditions of Contract. A copy of these conditions will be provided to all suppliers, and these conditions will be referenced on the Town's Purchase Orders and published on the website. The conditions effectively create the contractual basis between the Town (as Principal) and the Supplier (as Contractor) under which goods and services are to be provided under a Purchase Order arrangement.

10.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION A050219

Moved Cr White, seconded Cr Natale

That the Audit Committee recommend that Council endorse the following attachments:

1. Supplier Payments Policy
2. General Conditions of Contract for the Supply of Goods and Services under a Purchase Order
(CARRIED UNANIMOUSLY)

MINUTES OF AUDIT COMMITTEE MEETING
TUESDAY, 26 FEBRUARY 2019



11. MATTERS BEHIND CLOSED DOORS

Nil.

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7.43pm.

*I hereby certify that the Minutes of the ordinary meeting of the **Audit Committee** of the Town of East Fremantle, held on **26 February 2019**, Minute Book reference **1 to 12** were confirmed at the meeting of the Committee on*

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Presiding Member



Department of
**Local Government, Sport
and Cultural Industries**

East Fremantle - Compliance Audit Return 2018

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2018.	N/A		Peter Kocian
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2018.	N/A		Peter Kocian
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2018.	N/A		Peter Kocian
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2018.	N/A		Peter Kocian
5	s3.59(5)	Did the Council, during 2018, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Peter Kocian



Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Janine May
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Janine May
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Janine May
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Janine May
5	s5.18	Has Council reviewed delegations to its committees in the 2017/2018 financial year.	Yes		Janine May
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Janine May
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Janine May
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Janine May
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Janine May
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Janine May
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Janine May
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2017/2018 financial year.	Yes		Janine May
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Janine May

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Janine May
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		Janine May



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No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Janine May
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Janine May
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Janine May
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2018.	Yes		Janine May
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2018.	Yes		Janine May
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Janine May
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Janine May
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Janine May
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Janine May
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Janine May
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Janine May
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Janine May



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No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Janine May
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Janine May

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Peter Kocian
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Peter Kocian

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Peter Kocian
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Peter Kocian
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	N/A	OAG now responsible for financial audit, commencing 18/19 FY	Peter Kocian
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A		Peter Kocian
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government within 30 days of completion of the audit.	Yes		Peter Kocian
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government by 31 December 2018.	Yes	Dated 2 November 2018	Peter Kocian
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	unqualified audit report	Peter Kocian



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No	Reference	Question	Response	Comments	Respondent
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Peter Kocian
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Peter Kocian
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	Agreement expired on completion of 17/18 annual audit	Peter Kocian
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Peter Kocian
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Peter Kocian
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Peter Kocian
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Peter Kocian
15	Audit Reg 17	Has the CEO reviewed the appropriateness and effectiveness of the local government's systems and procedures in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.	Yes	Presented to Council in March 2017	Peter Kocian
16	Audit Reg 17	If the CEO has not undertaken a review in accordance with regulation 17 of the Local Government (Audit) Regulations 1996, is a review proposed and when.	N/A		Peter Kocian



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Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Corporate Business Plan 2015-2019 adopted 20 July 2015. New Corporate Business Plan will be adopted early 2019	Peter Kocian
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	No		Peter Kocian
3	s5.56 Admin Reg 19C (7)	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Strategic Community Plan 2017-2027 adopted 19 September 2017.	Peter Kocian
4	s5.56 Admin Reg 19C (7)	Has the local government adopted a modification to the most recent Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	No		Peter Kocian
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	No	Asset Management Plans have been prepared but not formally adopted by Council	Peter Kocian
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	No	An Integrated Asset Management Plan and Long Term Financial Plan (titled Strategic Resource Plan) will be presented to Council for adoption in first half of 2019	Peter Kocian
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	No	A Workforce Plan has been prepared but not formally adopted by Council	Peter Kocian



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Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A		Peter Kocian
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A		Peter Kocian
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Peter Kocian
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Peter Kocian
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Peter Kocian



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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Janine May
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Janine May
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Janine May
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Janine May
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Janine May
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		Janine May

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes	Independent review of all tenders completed by the WALGA Procurement Service November 2018	Peter Kocian
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	N/A		Peter Kocian
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		Peter Kocian
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Peter Kocian



Department of
**Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Peter Kocian
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes		Peter Kocian
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Peter Kocian
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Peter Kocian
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Peter Kocian
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Peter Kocian
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Peter Kocian
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Peter Kocian
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Peter Kocian
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Peter Kocian
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A		Peter Kocian
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		Peter Kocian



Department of
**Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		Peter Kocian
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A		Peter Kocian
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A		Peter Kocian
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Peter Kocian
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A		Peter Kocian
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		Peter Kocian
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Peter Kocian
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A		Peter Kocian
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes		Peter Kocian

REPORT 11.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return

ATTACHMENT 2



Department of
**Local Government, Sport
and Cultural Industries**

I certify this Compliance Audit return has been adopted by Council at its meeting on

Signed Mayor / President, East Fremantle

Signed CEO, East Fremantle

CORPORATE CREDIT CARD POLICY

Policy Number:	4.3.6
Type:	Governance – Financial Management
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996 Local Government (Functions and General) Regulations 1996
Delegation:	DA
Other Related Document:	Purchasing Policy 4.2.4 Supplier Payments Policy Corporate Credit Card Procedures (PRO4.3.6) Request to use Town Credit Card Credit Card Acquittal

Policy Statement

This Policy, which is **mandatory**, allows the CEO to pay for expenditure, incurred in carrying out the ordinary course of business for the Town of East Fremantle, via the use of a Corporate Credit Card.

Policy Scope

This Corporate Credit Card Policy outlines the manner in which the corporate credit card can be used and provides clear guidance and responsibilities of the card users and ensures protection of the Town of East Fremantle's funds. This policy should be read in conjunction with section 6.5 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, specifically:

- regulation 5, which specifies the CEO's duties as to financial management
- regulation 11, which specifies that procedures are to be made for the correct authorisation and payment of accounts, and
- regulation 13, which specifies that a list of payments made is required to be presented at ordinary council meetings.

Local Government (Functions and General) Regulations 1996 are also complied with in relation to adhering to the Town of East Fremantle's Purchasing Policy (*Regulation 11A*).

A purchase order is not required when a corporate credit card is used. However, in order to adhere to the *Local Government Act and Regulations*, a *Request to Use Town Credit Card* form must be completed by staff members who are not cardholders. This form ensures that the expenditure is duly authorised, that a valid tax invoice is obtained, is within budget and the nominated general ledger account to be charged is correct. A reason must also be given as to why a purchase order has not been raised.

As the cardholders are part of the Executive Management Team of the Town of East Fremantle, and individual credit card limits are below their delegated purchasing authority limits, expenditure incurred via credit card is therefore in accordance with appropriate delegated authority.

Each month the cardholder is required to prepare a *Credit Card Acquittal* form. The acquittal ensures that the expenditure is duly authorised, valid tax invoices/receipts are attached, is within budget and the nominated general ledger account to be charged is correct.

Each month a listing of payments made via Corporate Credit Cards is required to be presented to Council for approval.

Policy

Eligibility

The provision of a Corporate Credit Card is a facility offered by Council to Management occupying certain positions which must be authorised by the CEO.

If a staff member is not an authorised cardholder and requires the use of a Corporate Credit Card for purchasing purposes, the staff member on approval from their Manager is required to complete a *Request to Use Town Credit Card* form, (held with the Finance Officer or Customer Service Officer) which includes showing the applicable general ledger account and IE code of the purchase. Once completed, the staff member must obtain the signature of the credit cardholder. Once authorised, the staff member can complete the purchase.

Guidelines for credit card usage

- The card must be used for Council business expenditure only. The monthly limit assigned to each card holder is \$5,000 and the card holder must ensure there are sufficient funds in the budget prior to usage;
- The card must not be used for personal use;
- The card must not be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility;
- The card must not be used by officers' other than the cardholder, unless the cardholder has given prior approval on the Credit Card Request form, held by the Finance Officer;
- The card must not be used for fuel purchases in instances where the cardholder has a Fuel Card facility available;
- The cardholder must obtain all tax invoices and/or receipts from the Creditor and maintain any other records of their transactions to facilitate the reconciliation and costing of transactions for that card. These invoices/receipts must be handed to the Finance Officer as soon as they are received from the Creditor;
- The cardholder must practice due diligence and strict care to maintain the security of their card, ensuring that it is kept in their possession at all times;
- The card must be returned to the Manager Finance and Administration, prior to leave periods in excess of four weeks. The card must also be returned if the cardholder is reassigned to a new position where the use is not required or where their employment is terminated;
- Cards must not be used to obtain personal rewards such as frequent flyer points or any other rewards, including flight point awards;
- The card shall not be used for payment of fines, for example a parking or a speeding offence which was incurred whilst on Council business;
- No direct debits are to be utilised;
- The card should only be used in limited circumstances when a Creditor will not accept payment via EFT or cheque, otherwise a purchase order must be raised and the Creditor paid in accordance with the Towns Supplier Payments Policy.
- The card is permitted to be used when payment is expected COD.

- No “tips” shall be paid using a Corporate Credit Card.

Where an inappropriate expense occurs

Where an inappropriate expenditure occurs, the value of the expenditure shall be recovered from the cardholder. Should there be an accidental contravention, the Manager of Finance and Administration is to be notified and the Council reimbursed immediately.

Formal acknowledgement of procedure conditions

Managers issued with Corporate Credit Cards are in a position of trust with regard to the use of public funds. Improper use of that trust may render the cardholder liable to disciplinary action, legal action or criminal prosecution.

All Corporate Credit Card holders are to acknowledge receipt of their corporate credit card by signing a *Corporate Credit Card Acknowledgment and Conditions of Use* form (attachment A).

All Corporate Credit Cards issued will be recorded on the Credit Card holders Personnel file. (Human Resources)

Cardholder responsibilities

Cardholders are required to abide by the Town’s internal procedures as follows:

- The Corporate Credit Card must be signed with the card holder’s signature immediately upon receipt;
- Card holders are to ensure that the proposed transactions will not cause the credit limit to be exceeded;
- A compliant Tax Invoice/receipt must be obtained for all purchases and lodged with the Finance Officer;
- Should a cardholder fail to obtain a Tax Invoice, they must make all reasonable attempts to obtain a copy. If they cannot obtain a copy, the cardholder will be required to immediately lodge a written explanation advising as to the reason;
- Tax invoices must be authorised with a Council stamp showing the general ledger account number, IE code, description of the purchase and the card holder’s signature; and
- The banks Credit Card Monthly Statements will be issued to the cardholders for review and signatory (must be returned within one business day) and for approval by the CEO.

Each month the cardholder is required to prepare a *Credit Card Acquittal* form. The acquittal ensures that the expenditure is duly authorised, valid tax invoices/receipts are attached, is within budget and the nominated general ledger account to be charged is correct.

Repeat failure to acquit monthly statements in a timely manner may result in the Corporate Credit Card being cancelled.

Where cardholders fail to fulfil the above requirements, the CEO may cancel the card and revoke purchasing delegations.

Procedure for lost, stolen or damaged cards

Cardholders are personally responsible and accountable for the safe custody of the issued card. Cardholders must:

- keep the Corporate Credit Card with them at all times. This will ensure the card is secure at all times to safeguard against theft or loss;

- report the loss or theft of a card to the supplying bank immediately in accordance with the bank's terms and conditions, and notify the Manager Finance and Administration;
- not disclose or carry with the card any PIN that has been issued with the card.

Procedures for cessation of employment

Upon cessation of employment with the Town, the card holder must ensure that:

- all outstanding transactions are cleared and properly accounted for;
- the card is returned to the Manager Finance and Administration for cancellation and destruction; and
- sign off the return of the Credit Card from Human Resources.

Duties of the Finance Officer

The Finance Officer is responsible for the data entry of corporate credit card transactions into the finance system and checks the validity of all tax invoices attached to ensure that they are in accordance with ATO requirements.

Payment of Credit Card Balance

On a monthly basis the Commonwealth Bank draws on the Town's General Municipal Account to pay for the balance outstanding on the Corporate Credit Card.

Monthly Council Meetings - submission of payments made via credit card

Each month the Finance Officer prepares a listing of payments made by the Town of East Fremantle via credit card. The listing is reviewed by the Manager Finance & Administration and Executive Manager Corporate and Community Service and presented to Council for approval.

Record Keeping

On completion of monthly processing the Finance Officer attaches the invoices to the Credit Card Acquittal form and Credit Card Statement and files the batches sequentially in folders stored securely.

Consequences of Breaching this Policy

The policy constitutes a lawful instruction to staff members involved in administering corporate credit card transactions. Any breaches of the policy may lead to disciplinary action.

Variation to this Policy

This policy may be varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Directorate:	Finance and Administration
Reviewing Officer:	Executive Manager Corporate and Community Service
Decision making Authority:	Council
Policy Adopted:	xx/03/18
Policy Amended:	
Next Review Date:	March 2020



CORPORATE CREDIT CARD USE PROCEDURE (PRO4.3.6)

1.0 OBJECTIVE

This procedure aims to create a sound framework for the use of Corporate Credit Cards and provides clear guidance and responsibilities of the card users and ensures protection of the Town's funds.

2.0 RELATED POLICIES

- Purchasing Policy (No 4.2.4)
- Corporate Credit Card Policy (No 4.3.6)

3.0 ELIGIBILITY

The provision of a Corporate Credit Card is a facility offered by Council to Management occupying certain positions which must be authorised by the CEO.

If you are not an authorised cardholder and require the use of a Corporate Credit Card for purchasing purposes, please advise your Manager and complete a Credit Card Request form, (held with the Finance Officer) which includes showing the applicable general ledger account and IE code of the purchase. Once completed, you must obtain the signature of the credit card holder of which you are using. Once authorised, you can complete the purchase.

4.0 GUIDELINES FOR CREDIT CARD USAGE

- The card must be used for Council business expenditure only. The monthly limit assigned to each card holder is \$5,000 and the card holder must ensure there are sufficient funds in the budget prior to usage;
- The card must not be used for personal use;
- The card must not be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility;
- The card must not be used by officers' other than the cardholder, unless the cardholder has given prior approval on the Credit Card Request form, held by the Finance Officer;
- The card must not be used for fuel purchases in instances where the cardholder has a Fuel Card facility available;
- The cardholder must obtain all tax invoices and/or receipts from the Creditor and maintain any other records of their transactions to facilitate the reconciliation and costing of transactions for that card. These invoices/receipts must be handed to the Finance Officer as soon as they are received from the Creditor;
- The cardholder must practice due diligence and strict care to maintain the security of their card, ensuring that is kept in their possession at all times;
- The card must be returned to the Manager Administration and Finance, prior to leave periods in excess of four weeks. The card must also be returned if the cardholder is reassigned to a new position where the use is not required or where their employment is terminated;
- Cards must not be used to obtain personal rewards such as frequent flyer points or any other rewards, including flight point awards;
- The card shall not be used for payment of fines, for example a parking or a speeding offence

which was incurred whilst on Council business;

- No direct debits are to be utilised;
- The card should only be used when the Creditor will not accept payment via EFT or cheque. It is to be used when payment is expected COD.
- No “tips” shall be paid using a Corporate Credit Card.

4.1 WHERE AN INAPPROPRIATE EXPENSE OCCURS

Where an inappropriate expenditure occurs, the value of the expenditure shall be recovered from the card holder. Should there be an accidental contravention, the Manager of Administration and Finance is to be notified and the Council reimbursed immediately.

5.0 FORMAL ACKNOWLEDGEMENT OF PROCEDURE CONDITIONS

Managers' issued with Corporate Credit Cards are in a position of trust with regard to the use of public funds. Improper use of that trust may render the cardholder liable to disciplinary action, legal action or criminal prosecution. All Corporate Credit Card holders are to acknowledge receipt of the Corporate Credit Card and instructions for use. The acknowledgement will include a signed agreement to abide by all Town of East Fremantle card supplier guidelines including conditions of use (attachment A).

All Corporate Credit Cards issued will be recorded on the Credit Card holders Personnel file. (Human Resources)

6.0 CARD HOLDER RESPONSIBILITIES

Card holders are required to abide by the Town's internal procedures as follows:

- The Corporate Credit Card must be signed with the card holder's signature immediately upon receipt;
- Card holders are to ensure that the proposed transactions will not cause the credit limit to be exceeded;
- A compliant Tax Invoice/receipt must be obtained for all purchases and lodged with the Finance Officer;
- Should a card holder fail to obtain a Tax Invoice, they must make all reasonable attempts to obtain a copy. If they cannot obtain a copy, the cardholder will be required to immediately lodge a written explanation advising as to the reason;
- Tax invoices must be authorised with a Council stamp showing the general ledger account number, IE code, description of the purchase and the card holder's signature; and
- The banks Credit Card Monthly Statements will be issued to the card holders for review and signatory (must be returned within one business day) and also approval by the CEO.

As part of the acquittal process (as per above), the card holder is to certify that all charges shown are correct. Repeat failure to acquit monthly statements in a timely manner may result in the Corporate Credit Card being cancelled.

Where card holders fail to fulfil the above requirements, the CEO may cancel the card and revoke purchasing delegations

7.0 PROCEDURE FOR LOST, STOLEN OR DAMAGED CARDS

Card holders are personally responsible and accountable for the safe custody of the issued card. Card holders must:

- keep the Corporate Credit Card with them at all times. This will ensure the card is secure at all times to safeguard against theft or loss;

- report the loss or theft of a card to the supplying bank immediately in accordance with the bank's terms and conditions, and notify the Manager Administration and Finance;
- not disclose or carry with the card any PIN that has been issued with the card.

8.0 PROCEDURES FOR CESSATION OF EMPLOYMENT

Upon cessation of employment with the Town, the card holder must ensure that:

- all outstanding transactions are cleared and properly accounted for;
- the card is returned to the Manager Administration and Finance for cancellation and destruction; and
- sign off the return of the Credit Card from Human Resources.

**ATTACHMENT A****Corporate Credit Card Acknowledgment and Conditions of Use**

To the CEO

I.....(position).....

acknowledge receipt of a Town of East Fremantle Corporate Credit Card and acknowledge that:

1. I am aware of my responsibilities and duties as a Corporate Credit Card holder;
2. I will only use the Corporate Credit Card within the approved financial limits and for approved purposes;
3. I am aware that transactions made with the card are subject to authorisation and audit procedures;
4. I will reimburse the Town of East Fremantle for the cost of purchases that are deemed not for the use of the Town, or Town related business;
5. I will keep the card safe from unauthorised use at all times;
6. I will return the card to the Manager of Administration and Finance:
 - (i) on request of the CEO;
 - (ii) if required by the CEO, prior to my assuming duties in another position within the Town of East Fremantle; or
 - (iii) on termination of employment with the Town of East Fremantle;
 - (iv) once it has been deemed by the CEO that I no longer require a Corporate Credit Card.
7. I will advise the Manager Administration and Finance and the Commonwealth Bank immediately if the Corporate Credit Card has been lost, mislaid, stolen or misused;
8. I am aware that when no documentation is available to support a particular transaction, I will provide a written explanation detailing the reason and detail the nature of the expense. I will also acknowledge that the expense is business related and also show the general ledger account and IE code for the purchase;
9. I will not use the Corporate Credit Card for any personal or private use;
10. I will not use the Corporate Credit Card to obtain cash;
11. I will not use the Corporate Credit Card for the purchase of fuel when I have been provided with a fuel card;
12. The card should only be used when a Creditor will not accept payment via EFT or cheque. It is to be used when payment is expected COD;
13. No direct debits are to be utilised.

Corporate Card holder's Signature.....

Date.....

CEO Signature.....

Date.....

SUPPLIER PAYMENTS POLICY

Policy Number:	4.2.12
Type:	Governance – Financial Management
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996 Local Government (Functions and General) Regulations 1996
Delegation:	DA
Other Related Document:	Purchasing Policy 4.2.4 Corporate Purchasing Card Policy 4.3.6

Policy Statement

This Policy, which is **mandatory**, allows the CEO to make payments to creditors in order to carry out the ordinary course of business with respect to the payment of accounts for the Town of East Fremantle.

Policy Scope

This Supplier Payments Policy outlines the manner in which creditor payments are to be made to a supplier. This policy should be read in conjunction with section 6.5 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, specifically:

- regulation 5, which specifies the CEO's duties as to financial management
- regulation 11, which specifies that procedures are to be made for the correct authorisation and payment of accounts, and
- regulation 13, which specifies that a list of payments made is required to be presented at ordinary council meetings.

Local Government (Functions and General) Regulations 1996 are also complied with in relation to adhering to the Town of East Fremantle's purchasing policy (*Regulation 11A*).

This policy will also specify the manner in which creditors are to be established and to ensure that the payment of creditor invoices are made in a timely manner and in accordance with the Town of East Fremantle's terms of trade.

The policy will also specify how the timely payment of invoices will be measured and monitored.

This policy does not cover payments made via the use of a Corporate Purchasing Card. Please refer to Policy 4.3.6 for compliance with the Corporate Purchasing Card Policy.

Policy

Creation of a new creditor or the updating of an existing creditor

Before a creditor is paid, all staff members liaising with creditors must provide the creditor with a "New / Update Creditor Details" form. This form is completed by the creditor and returned to the Finance Officer so that the creditor master file can be established in the finance system. The Finance Officer will allocate the creditor with a new Creditor Code, which is a sequential

number that follows the creditor number file list. This form is also used when a change is required to a creditor's master file details.

This form details the creditor/supplier details, including their bank account details. Once entered by the Finance Officer into the finance system the form is reviewed by the Manager Finance and Administration, and authorised by the Executive Manager Corporate and Community Service.

The correct completion of the "New / Update Creditor Details" form will ensure that there is no delay in the payment of a creditor's invoice.

All creditors will also receive a *General Conditions of Contract for the Supply of Goods and Services Under a Purchase Order* document. This document details the terms and conditions that the Town of East Fremantle (the Principal) and the supplier (the Contractor) must adhere to in the provision of goods and services.

Receipt of invoices for payment

All invoices received for payment by the Town of East Fremantle are to be submitted to the Finance Officer. On receipt of an invoice the Finance Officer date stamps the invoice. The Finance Officer will then begin the process to ensure that an invoice is correctly certified and authorised, data entered correctly into the finance system, and paid within its credit terms or in accordance with any contractual agreement.

Responsibilities of the Certifying Officer and Authorising Officer

Once an invoice has been received, the Finance Officer stamps the invoice with the Certifying Stamp and delivers the invoice to the certifying officer for signing.

The invoice is then certified by the staff member incurring the expenditure on behalf of the Town of East Fremantle to ensure the following:

- that the receipt of the goods and services is in accordance with the conditions of the Town's purchase order/contract, and
- that any variations to works or price has been minor in nature.

The Finance Officer also stamps the invoice with the "Authorisation for Payment" stamp. The staff member responsible for authorising the payment signs the invoice to ensure the following:

- that the quantity and price per item match the quotation
- that the nominated account to be charged is valid, appropriate and that there are sufficient funds available to cover the allocation of costs associated with the invoice, and
- that the staff member is duly authorised to approve the expenditure.

Duties of the Finance Officer prior to making payment

The Finance Officer then checks the validity of the invoice to ensure that it is in accordance with ATO requirements, details of which are as follows:

- the invoice is addressed to The Town of East Fremantle
- the creditor's identity – their name and business address
- the creditor's Australian Business Number
- the date the invoice was issued
- a description of the goods and services, including the quantity (if applicable) and the price, and
- The GST amount (if any) payable.

Should the invoice received not be a valid tax invoice the Finance Officer is required to withhold 46.5% withholding tax from the payment of the creditor. An exception to this is where an ATO *Statement by a Supplier* form is completed and provided with the invoice.

Payment of Accounts Payable Invoices

Once the invoice has been duly certified and authorised, the Finance Officer enters the invoice into the finance system and matches the invoice to the authorised purchase order recorded against the creditor that has been established in accordance with the Town of East Fremantle's *Purchasing Policy No. 4.2.4*.

For invoices that do not have a purchase order, a *Creditor Processing Form* is required to be completed. This form ensures that invoice is duly certified and authorised, is a valid tax invoice, is within budget and the nominated general ledger account to be charged is correct.

The payment of utilities do not require a purchase order or a *Creditor Processing Form*, however, the payment of these expenditures is monitored against budget.

The Finance Officer ensures that Council purchase orders or "Creditor Processing Form" are signed only by Officers authorised by Council, namely the:

- Chief Executive Officer; (as per Budget)
- Executive Manager Corporate Services; Limit \$50,000
- Executive Manager Regulatory Services; Limit \$50,000
- Principal Environmental Health Officer; Limit \$1,500
- Operations Supervisor; Limit \$15,000
- Operations Manager; Limit \$50,000
- Manager Administration and Finance, Limit \$15,000
- Projects Coordinator; Limit \$5,000
- HR Coordinator; Limit \$5,000
- Economic and Community Development Officer; Limit \$1,500
- Executive Assistant to CEO; Limit \$1,000
- Coordinator Planning and Building; Limit \$500
- HACC Coordinator (HACC related purchases only); Limit \$1,500
- Operations Administrative Support Officer; Limit \$500

or those Officers acting in the positions from time to time.

The Town will comply with any agreed payment terms and endeavours to take advantage of discounts offered for prompt payment.

If no payment terms are specified on the invoice, the invoice will pay within 30 days of receipt.

EFT and cheque payments are processed fortnightly on Wednesdays, unless a prompt payment is required.

The Finance Officer prepares a batch of invoices for payment from the finance system together with the *Creditors to be Paid* listing, and an *Authorisation Form* that must be authorised by any two (2) of the following:

- (1) Chief Executive Officer
- (2) Executive Manager Corporate Service
- (3) Manager Finance

Once the batch is reviewed and authorised the payment of the invoices can be prepared. Payments are generally made via EFT or when required by cheque.

Two signatories are required to authorise an EFT and to sign a cheque.

Cheques are pre-printed on Council stationery, pre-numbered and issued in numerical sequence.

Unused cheques are stored securely.

Monthly Council Meetings - submission of accounts paid

Each month the Finance Officer prepares a listing of payments made by the Town of East Fremantle. The listing is reviewed by the Manager Finance & Administration and Executive Manager Corporate Services and presented to Council for approval.

Record Keeping

On completion of a payment run the Finance Officer attaches the invoices to the EFT remittance or plain paper copy of the cheque (as appropriate) and files the batches sequentially in folders stored securely.

Measuring and monitoring the performance of supplier payments

The Finance Officer maintains a *Creditors Non Compliance and Improvements Register*. This register monitors issues of non-compliance between the approval of purchase orders and the approval of invoices for payment. The following supplier payment issues are monitored:

- invoices that vary greater than 10% above the purchase order amount
- purchase orders that are dated after the invoice date
- purchase orders that do not follow the correct quote procedure in accordance with the Purchasing Policy
- the justification for a sole supplier arrangement
- purchase orders have a request for tender or a request for quote number state when applicable
- purchase orders have a WALGA or Common Use Arrangement contract number stated when applicable

On completion of a payment run the Finance Officer enters the details of any invoice which has been paid after 30 days or after its terms of trade (if less than 30 days) into the *Late Creditor Payments Register*.

The maintenance of these registers detail any non-compliance, measures the number of invoices that are non-compliant and allows the Finance team to improve the performance of the Town of East Fremantle in paying its invoices.

The use of these registers will also assist in identifying any breaches of this policy.

Consequences of Breaching this Policy

The policy constitutes a lawful instruction to staff members involved in administering accounts payable transactions. Any breaches of the policy may lead to disciplinary action.

Variation to this Policy

This policy may be varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Directorate:	Finance and Administration
Reviewing Officer:	Executive Manager Corporate and Community Service
Decision making Authority:	Council
Policy Adopted:	xx/03/18
Policy Amended:	
Next Review Date:	March 2020



GENERAL CONDITIONS OF CONTRACT FOR THE SUPPLY OF GOODS AND SERVICES UNDER A PURCHASE ORDER

1 SUPPLY OF GOODS AND SERVICES

- 1.1 The Contractor must supply the Goods or Services to the Principal in accordance with the Contract.
- 1.2 Unless expressly agreed to in writing by the Principal and referenced in the Contract, to the extent permitted by Law, no other terms or conditions, including the Contractor's own terms and conditions even where they have been provided to the Principal or signed by a representative of the Principal, will apply or have any legal effect in connection with the supply of the Goods, the performance of the Services or the Contract.
- 1.3 Where the Contract relates to Goods or Services the subject of a separate contract between the Contractor and the Principal, the terms of the separate contract also apply to the extent of any inconsistency with the Contract unless the Principal has clearly stated otherwise on the Purchase Order.

2 CONTRACTOR'S OBLIGATIONS

- 2.1 The Contractor must ensure that it and the Contractor's Personnel, in performing the Contractor's Obligations under the Contract:
 - (a) comply with all applicable Laws, any standards and procedures made available by the Principal to the Contractor, and any reasonable instructions given by the Principal;
 - (b) do not interfere with the Principal's activities or the activities of any other person at the Delivery Point or any place the Contractor provides the Services;
 - (c) carry out and perform the Contractor's Obligations in a safe manner in a way which does not prejudice safe working practices, safety and care of property or continuity of work;
 - (d) unless otherwise set out in the Contract, supply all plant, resources and equipment necessary to perform the Services; and
 - (e) provide all such information and assistance as the Principal reasonably requires.

3 RECEIPT, INSPECTION AND ACCEPTANCE OF GOODS AND SERVICES

- 3.1 The Contractor must deliver the Goods in full to the Delivery Point and perform the Services at the times stated in the Contract. In this respect, time will be of the essence of the Contract.
- 3.2 Acceptance of the Goods or Services by the Principal does not constitute approval of the Goods or Services or prejudice any claim the Principal may have in connection with the Goods or Services.

- 3.3 Acceptance of the Goods or Services occurs on the earlier of:
- (a) a representative of the Principal notifying the Contractor in writing that the Goods or Services have been accepted; or
 - (b) the lapse of 14 days after delivery of the Goods to the Delivery Point without the Principal notifying the Contractor in writing that the Goods have been rejected.
- 3.4 The Contractor must allow the Principal or a representative of the Principal, upon 2 Business Days' written notice from the Principal and during standard business hours, to inspect, examine, review and witness tests of the Goods or Services, or the performance of the Goods or Services and to carry out site inspections at the Contractor's premises.

4 TITLE AND RISK

- 4.1 Title in the Goods will pass from the Contractor to the Principal upon payment of the Contract Price. The Contractor warrants that title in the Goods will be transferred to the Principal without any encumbrances or liens.
- 4.2 Risk in the Goods will pass to the Principal on acceptance of the Goods in accordance with clause 3.3.

5 VARIATIONS

The Contractor must not change the Goods or Services, including an addition, reduction or omission to any part of the Goods or Services except in accordance with a written direction of the Principal in which case the Contractor must comply with that direction and the Contract Price will be adjusted by an amount agreed in writing by the parties.

6 INVOICING AND PAYMENT

- 6.1 The Principal must pay the Contract Price to the Contractor for the Goods and the Services.
- 6.2 The Contract Price is inclusive of all costs and expenses including packaging, freight, delivery, insurance, the cost of any miscellaneous services, compliance with the Contract and Taxes and, subject to clause [5](#), no additional amounts will be payable by the Principal.
- 6.3 Subject to clause [6.4](#), on or promptly after the later of the Date of Delivery of the Goods or the Date of Completion of the Services (as applicable), the Contractor must submit an Invoice to the Principal for the amount due to the Contractor.
- 6.4 If agreed in writing by the Principal, the Contractor may submit an Invoice to the Principal at the end of each month for any Services performed during that or previous months provided those Services have not already been included in a previous Invoice issued to the Principal.
- 6.5 An Invoice must include:
- (a) the Purchase Order number;
 - (b) a description of the Goods delivered, including the quantity of Goods and the Date of Delivery; or
 - (c) a description of the Services performed;
 - (d) the amount being claimed for the Goods and the Services;

- (e) the amount of any applicable GST;
 - (f) if applicable, Include the Walga Preferred Supplier discount associated with the purchase and
 - (g) any further information reasonably requested by the Principal.
- 6.6 If an Invoice does not contain the information required in clause 6.5, the Principal may, at its option, complete the missing details or return the incomplete Invoice to the Contractor, in which case the Contractor must submit a replacement Invoice compliant with clause 6.5.
- 6.7 Subject to the Contractor submitting an Invoice in accordance with clause 6.5 or a compliant Invoice in accordance with clause 6.6, the Principal must pay the amount payable within 30 days or as otherwise agreed by the parties.
- 6.8 Payment under this clause 6 will not be taken as proof or admission that all, or any part of, the Goods or the Services have been delivered or performed (as the case may be) to the satisfaction of the Principal, but will be taken to be payment on account only.
- 6.9 The Contractor agrees that the Principal may:
- (a) deduct from moneys due to the Contractor any money due or which may become due from the Contractor to the Principal under, or in connection with, the Contract; and
 - (b) withhold payment of any amounts payable under the Contract pending resolution of any dispute.

7 GOODS AND SERVICES TAX

- 7.1 If GST is imposed on any supply made by the Contractor in connection with the Contract, the Contractor may recover from the Principal, in addition to the Contract Price, an amount equal to the GST payable in respect of that supply.
- 7.2 The Contractor must first provide the Principal with an Invoice before the Principal will pay the GST amount to the Contractor.

8 QUALITY OF GOODS AND SERVICES

- 8.1 The Contractor must ensure that:
- (a) all Goods or Services conform to the description of the Goods or Services set out in the Contract;
 - (b) all Goods and Services are fit for their intended purpose and to the extent Services performed are design Services, the works being designed will be fit for their intended purpose;
 - (c) if the Contractor provided the Principal with a demonstration of the Services or represented that a result could be achieved by the Services before the Principles issues the Purchase Order, the Services correspond in nature and quality with the services demonstrated or the services that achieved that result (as the case may be); and
 - (d) any Goods are new and of merchantable quality.

- 8.2 The Contractor warrants that the Contractor's Personnel engaged to perform the Services have all the necessary skills, training and qualifications to carry out the Services in accordance with the Contract.
- 8.3 The Contractor must ensure that the Principal has the full benefit of any manufacturer's warranties that may be applicable to the Goods (and the Contractor must, at its cost, pursue any manufacturer's warranties on the Principal's behalf).

9 DEFECTS

- 9.1 At any time prior to the expiry of the Defects Liability Period, the Contractor must, at its cost and at the Principal's direction, promptly rectify all Defects other than a Defect caused by the negligence of the Principal.
- 9.2 Nothing in this clause [9](#) prejudices any other right that the Principal may have against the Contractor arising out of the failure of the Contractor to supply the Goods or perform the Services in accordance with the Contract.
- 9.3 If the Principal directs the Contractor to rectify a Defect and the Contractor fails to rectify that Defect within a reasonable time specified by the Principal:
- (a) the Principal may, without prejudice to any other rights the Principal may have against the Contractor, rectify the Defect itself; and
 - (b) the rectification costs incurred by the Principal will be a debt due and payable on demand from the Contractor to the Principal.
- 9.4 Where any Defect has been rectified under the Contract, the rectification work will be the subject of an additional Defects Liability Period commencing on the date the relevant rectification works are completed.

10 CONFIDENTIAL INFORMATION

The Contractor must not use any Confidential Information or disclose any Confidential Information other than to any of the Contractor's Personnel who need the information to perform the Services or deliver the Goods, to the Contractor's legal advisers or where required by Law.

11 INTELLECTUAL PROPERTY

- 11.1 Subject to clause 11.3, the Contractor IP remains vested in the Contractor and the Principal IP remains vested in the Principal.
- 11.2 The Principal will own all Intellectual Property that the Contractor creates in the performance of the Services and the supply of the Goods.
- 11.3 The Contractor grants to the Principal a non-exclusive, perpetual, royalty-free, irrevocable, transferable, sub- licenseable licence (with the right to grant sub-licenses on the same terms) to use the Contractor IP to the extent necessary to use the Goods and the Services.

12 INSURANCE

- 12.1 Where the Contract is for Goods, the Contractor must effect and maintain with a reputable insurer *goods insurance* covering insurance of the Goods against all risks to the point of delivery at the Delivery Point and, if the Goods are rejected by the Principal, from the time the Contractor collects the Goods from the Principal, for an amount not less than the full replacement costs of the Goods.

12.2 Where the Contract is for Services, the Contractor must effect and maintain with a reputable insurer the following insurance policies for the entirety of the term of the Contract:

- (a) *public and products liability insurance* covering liability for damage to property and the death of or injury to any person (other than as covered under a workers compensation policy) in an amount of not less than \$10 million in respect of each and every claim, unlimited as to the number of occurrences for public liability;
- (b) workers compensation insurance as required by Law, including cover for common law liability for an amount of not less than \$50 million for any one occurrence;
- (c) *motor vehicle insurance* covering all vehicles, plant and equipment (whether owned, hired or leased) used in connection with the Contract for loss or damage of not less than the market value and third party liability of not less than \$20 million in respect of each and every claim;
- (d) insurance covering the Contractor's own property, goods, materials owned, hired, leased or used by the Contractor, for an amount not less than the market value of those insured items; and
- (e) any additional insurance required by an applicable Law or reasonably requested by the Principal; and
- (f) where the Contractor is providing professional services, *professional indemnity insurance* of not less than \$2 million for each claim and in the aggregate for all claims arising in the same insurance period, covering the liability of the Contractor for any professional services provided by the Contractor and the Contractor's Personnel under the Contract. Where this insurance is effected on a 'claims made' basis, the policy must be maintained for a period of at least 7 years after the Completion Date or the earlier termination of the Contract.

12.3 The Contractor must provide to the Principal, within 3 business days of a written request, certificates of currency for each of the insurance policies required under clauses 12.1 or 12.2 (or both, as applicable).

12.4 Subject to clause 17.4, if the Contractor subcontracts any part of the Contractor's Obligations, then the Contractor must ensure that every subcontractor effects and maintains all of the insurances required under clause 12.1 or 12.2 (or both, as applicable), as appropriate for the work being performed by that subcontractor, before the subcontractor commences any of the Contractor's Obligations.

13 INDEMNITY AND LIMITS OF LIABILITY

13.1 The Contractor indemnifies the Principal and the Principal's officers, employees, agents and contractors for and against any claims (including third party claims) and losses suffered or incurred by any of them arising out of, or in connection with, any wrongful act or omission of the Contractor or any of the Contractor's Personnel. This indemnity will be reduced to the extent that the claim or loss is caused by the negligence of the Principal or the Principal's personnel.

13.2 Neither party is liable to the other for Consequential Loss.

14 TERMINATION

14.1 The Principal may terminate the Contract by notice to the Contractor:

- (a) at any time and in its absolute discretion by giving 7 days' notice to the Contractor;
- (b) if the Contractor commits a breach of the Contract and fails to remedy that default within 14 days of the Principal giving notice of the breach; or
- (c) immediately if an Insolvency Event occurs.

14.2 On termination of the Contract, the Contractor must promptly return to the Principal any of the Principal's Confidential Information, property and documents which the Principal owns or in which the Principal has an interest.

14.3 If the Contract is terminated under clause 14.1(a):

- (a) the Principal must pay the Contractor that part of the Contract Price for any Contractor's Obligations performed prior to termination that have not already been paid by the Principal; and
- (b) the Contractor is not entitled to, and the Principal is not liable for, any additional amounts whatsoever.

14.4 Subject to clause 14.3, termination of the Contract, however it may occur, does not prejudice any claim that either party may have against the other under the Contract on termination.

15 NOTICES

Any notice or other communication relating to the Contract must be in writing, signed by the sender or its agent, and either hand delivered, sent by pre-paid post, faxed or emailed to the other party at the address, fax number or email address set out in the Purchase Order.

16 DISPUTES

16.1 Neither party may commence any action, bring any proceedings or seek any relief or remedy in a court, except interlocutory or equitable relief, from a court in respect of a dispute until they have complied with the dispute resolution process in accordance with this clause [16](#).

16.2 If any dispute arises between the parties in relation to the Contract, either party must give notice of the dispute to the other party.

16.3 A senior representative of each of the parties must promptly meet and attempt to resolve the dispute. If the parties are unable to resolve a dispute within 21 days of the notice referred to in clause [16.2](#), then either party may issue court proceedings.

17 GENERAL

17.1 The Contract states all the express terms of the agreement between the parties in respect of its subject matter. It supersedes all prior representations, discussions, negotiations, understanding and agreements in respect of its subject matter.

17.2 The Contract is governed by the law in force in Western Australia and each party irrevocably submits to the non-exclusive jurisdiction of courts exercising jurisdiction in Western Australia.

- 17.3 The Contractor must not assign or novate the Contract or assign any other right, benefit or interest under the Contract to any person or entity without the prior written consent of the Principal.
- 17.4 The Contractor must not, without the prior written consent of the Principal, which consent must not be unreasonably withheld, subcontract any of the Contractor's Obligations.
- 17.5 No term or provision of the Contract will be construed against a party on the basis that the Contract or the term or provision in question was put forward or drafted by that party.
- 17.6 The Contract is a non-exclusive contract for the supply of Goods or Services and it does not prevent the Principal from entering into other contracts for the supply or performance of the same or similar goods or services with other contractors.
- 17.7 Any provision of the Contract which is illegal, void or unenforceable will be ineffective to the extent only of that illegality, voidness or unenforceability without invalidating the remaining provisions. If the Principal is restructured by Law, then the rights and obligations of the Principal under the Contract are novated to and assumed by the appropriate legal entity as determined by the Principal or the successors of the Principal under the restructure.
- 17.8 Clauses 4, 6.8, 6.9, 10, 11, 12.2(f), 13, 14.4 and 17 survive the termination or expiry of the Contract.

18 DEFINITIONS

Completion Date means the date on which performance of the Services is completed.

Conditions of Contract means these general conditions of contract for the supply of goods and services under a purchase order.

Confidential Information means the Contract and information (regardless of its form) which is disclosed directly or indirectly by the Principal to the Contractor or Contractor's Personnel which is treated or designated as confidential, or which the Contractor or the Contractor's Personnel ought to know is confidential, but does not include information which is or becomes public knowledge (other than by the Contractor's disclosure or breach of the Contract).

Consequential Loss means any loss of production, loss or revenue, loss of profit, loss of business reputation, business interruptions, loss of opportunities, loss of anticipated savings or wasted overheads.

Contract means the Conditions of Contract and the relevant Purchase Order.

Contract Price means the price for the Goods or Services (exclusive of GST) set out in the Purchase Order.

Contractor means the contractor specified in the Purchase Order.

Contractor IP means any Intellectual Property of the Contractor (or Intellectual Property licensed to the Contractor by a third party) which:

- (a) is in existence before the date of the Contract or comes into existence after the date of the Contract other than in connection with the Contract, the Goods or the Services; and

- (b) which the Contractor makes available, contributes, brings to or uses in connection with the Contract.

Contractor's Obligations means all of the Contractor's obligations under the Contract.

Contractor's Personnel means the Contractor's officers, employees, agents and subcontractors and their respective employees and agents.

Date of Delivery means the date on which the Goods are delivered to the Delivery Point.

Day means a business day that is not a Saturday, Sunday, a public holiday in Western Australia or 27, 28, 29, 30 or 31 December.

Defect means any defect, error, damage, deficiency, fault or inadequacy in the design, performance, workmanship, quality or makeup of the Goods or Services.

Defects Liability Period means a period of 12 months commencing:

- (a) in respect of the Goods, on the Date of Delivery; and
- (b) in respect of the Services, on the Completion Date,

and, where relevant, any additional period of time specified in accordance with clause 9.4.

Delivery Point means the place set out in the Purchase Order for delivery of the Goods or otherwise notified by the Principal in writing.

Goods means any goods, materials, supplies, equipment or other items set out in the Purchase Order.

GST means goods and services tax or similar value added tax levied or imposed in Australia pursuant to *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Insolvency Event means in respect of the Contractor, the following events: appointment of an administrator, appointment of a liquidator, appointment of a provisional liquidator, appointment of a controller (including any receiver or receiver and manager), insolvency, bankruptcy, winding up or any event analogous to these events.

Intellectual Property means all intellectual and industrial property rights, including trade marks, copyright (including future copyright), inventions, patents, designs, circuits and other eligible layouts, database rights, including any application or right to apply for registration of any of these rights.

Invoice means any document or record treated by the Commissioner of Taxation as an invoice or as a document entitling a recipient to an input tax credit.

Law means any law in force in Australia, whether common law, equity or any law under any statute, subordinate legislation, ordinance or code.

Principal means the party ordering or receiving the Goods or Services in accordance with the Contract, being that party specified in the Purchase Order.

Principal IP means any Intellectual Property of the Principal (or licensed to the Principal by a third party) which the Principal makes available, contributes, brings to or uses in connection with the Contract.

Purchase Order means the Principal's purchase order form for the Goods or Services.

Services means any services set out in the Purchase Order, including the delivery of any goods and performance of services ancillary to the Services.

Tax means any income, land, indirect and other taxes, levies, imposts, deductions, charges, duties, compulsory loans and withholdings, including financial institutions duty, debits tax or other taxes whether incurred by, payable by return or passed on to another person and includes any interest, penalties, charges, fees, fines or other amounts imposed in respect of any of the above, but does not include GST.

19 INTERPRETATION

In the Contract:

- (a) a reference to “Goods or Services” is to be read as “Goods or Services, or both of them, as applicable”;
- (b) the singular includes the plural and the plural includes the singular;
- (c) a reference to a clause or party of the Contract is a reference to a clause of, and a party to, the Contract;
- (d) a reference to legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them;
- (e) the words ‘include’, ‘includes’ and ‘including’ must be construed without limitation as to what else might be included; and
- (f) Part 1F of the Civil *Liability Act 2002* (WA) does not apply to the Contract

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Policy Adopted:	
Policy Amended:	
Next Review Date:	

11.2 Town Planning Committee Meeting (5 March 2019)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	19 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 5 March 2019, exercised its delegation in five statutory matters where at least four members voted in favour of the Reporting Officer's recommendations.

The development application for a carport at 70 Richmond Circus has been referred to the Council Meeting (see Agenda Item 12.1.1) as the Committee did not support the recommendation prepared by the planning officer.

As the Committee has no delegation to deal with strategic matters, the report regarding the WALGA Preferred Model - Third Party Appeal Rights in Planning has also been referred to the March Council Meeting (see Agenda Item 12.1.2).

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.

11.2 COMMITTEE RECOMMENDATION

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 5 March 2019 be received.

TOWN OF
EAST FREMANTLE



MINUTES

Town Planning Committee

Tuesday, 5 March 2019 at 6.30pm

Disclaimer

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

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

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

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

Copyright

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**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019**



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MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019



MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 5 MARCH 2019.

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."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Cr C Collinson	<i>Presiding Member</i>
Mayor O'Neill	
Cr J Harrington	
Cr M McPhail	
Cr D Nardi	

The following staff were in attendance:

Mr A Malone	Executive Manager Regulatory Services
Ms J May	Minute Secretary

There were 11 members of the public in attendance.

3.2 Apologies

Cr A Natale
Cr A White

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

5.3.1 Cr J Harrington – Refer Item 11.6 Allen Street #18 (Lot 48)

6. PUBLIC QUESTION TIME

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

Nil.

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019**



- 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 (5 February 2019)**

8.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

Moved Cr Nardi, seconded Cr M McPhail

That the minutes of the Town Planning Committee meeting held on Tuesday 5 February 2019 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

- 9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**
Nil.

- 10. REPORTS OF COMMITTEES**
Nil.

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019**



PROCEDURAL MOTION

Moved Cr Harrington, second Mayor O'Neill

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

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.2 King Street No. 67 (Lot 328), East Fremantle – Home Occupation (child and adult art, massage and meditation services)

Applicant	K Neville
Owner	K Neville and M Collins
File reference	P/KIN67
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This report deals with an application for a home occupation for child and adult art, meditation and massage services at No. 67 King Street, East Fremantle.

Executive Summary

An application for a home occupation for child and adult art, massage and meditation services is proposed for the above site. Some of the services are already in operation on the site and others will be introduced if the application is approved by Council.

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

- impact on residential amenity (level and frequency of business activity);
- number of people attending the site at any one time and traffic implications;
- adequacy of available car parking; and
- length of planning approval.

The application was advertised to surrounding land owners. Four submissions objecting and four in support of the application have been received.

This type of application is not strictly in keeping with the definition of a home occupation. It will occupy an area greater than 20m² and the parking demand is likely to be for a greater number of bays than would normally be required for a single dwelling. It is difficult to assess the impact on amenity because it cannot be determined how many clients will walk to the site or require parking. Similarly, the degree of activity on the site is also difficult to assess in relation to its appropriateness for a residential area. If the application is approved it is likely that the activity levels will increase beyond what would normally be the case for a residential lot.

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019**



It is therefore recommended that Council exercise caution in approving a home occupation that does not strictly comply with the Planning Scheme requirements and is reliant on clients accessing services as individuals and groups, as opposed to a sole operator with no clients attending the site. It is therefore recommended that a conditional temporary approval for six (6) months be considered. If there are no issues arising from the use of the property, under the conditions imposed which restrict the number of clients and hours and days of operation then the applicant will have the opportunity, at the end of the six (6) month period, to make another application for continuation of the home occupation. At which time further advertising will occur and feedback from the nearby residential properties can be obtained.

Background

Zoning: Residential R20

Site area: 508m²

The applicant has provided information in support of the application date stamped received 14 and 25 January 2019 which is noted below:

"This cover letter is to accompany an occupancy application for First Breath Art and Wellbeing to deliver services from the residence of 67 King Street, East Fremantle.

First Breath Art and Wellbeing was founded by Karen Neville. Karen is a myotherapist, coach, healer, artist and child and adult mindfulness and meditation teacher. Karen has experience in the industry for over 30 years delivering community based Early Childhood programs for Fremantle Hospital, Fremantle and Cockburn Councils as well as delivering wellbeing services in the private medical sector.

Karen's passion is community focused and she develops programs that bring women and their families together to learn skills to better manage our very fast daily lives.

First Breath Art and Wellbeing is a successful owner operated business that creates a space that helps members of the community to deeply relax and de-stress. Whether that is with massage, healing, balancing, coaching, visualisation, relaxation and meditation, or playful and mindful art dives.

First Breath currently provides the following services within the local community:

- *Pregnancy and Baby Massage*
- *Remedial and Relaxation Massage (Mon to Fri 8am-5pm; Sat 8-12am; 1 client per visit)*
- *Wellbeing Groups and Classes*
 - *Adult Meditation Classes at East Fremantle Primary School*
 - *Children's Mindfulness and Art Program's for East Fremantle Primary School children (Mon and Wed 3-5pm; Groups of up to 10 children):*
 - *Little Buddha's (girls years 1-6)*
 - *Dreaming Dragon's (boys years 1- 6)*
- *First Breath Community Fairy Garden Verge Program (over 30 gardens now in Plympton Ward).*
- *One off art and meditation (9.30am – 4.30pm; groups of 5). Please take into consideration that the art and meditation services are all within the local community so there is little to no road traffic.*

The majority of First Breath services are run during business hours with some individual services flowing into Saturday morning up until lunch time. All massage services are provided to local women and their families, in a one to one treatment environment and children's mindfulness

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classes start with Karen collecting the children from EFPS and walking them to her residence for an afternoon of art, meditation, conversation, fun and games. Parents can often be seen walking to Karen's to collect their children at the end of each class.

The residence, 67 King Street, has capacity to accommodate up to four cars - two off street car parks in the residential driveway and two further vehicles could park at the front of the house."

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

Nil in respect to this application

Consultation

Advertising

The proposed application was advertised to surrounding land owners from 25 January to 11 February 2019. Four submissions objecting to the proposal have been received. The objections are summarised below:

- Parking and traffic demand - insufficient parking and the business will generate additional traffic. The applicant has not factored their own parking requirements into consideration;
- The applicant relies on street parking – this is not available for clients as there is limited parking in the street;
- Business scale and intensity - not in keeping with the definition of a home occupation under LPS 3 (parking requirements and operating area of greater than 20m²). A business is currently operating at the site utilising the garden and the recently approved studio. The business currently operates elsewhere; not in a Residential zone;
- Current parking and traffic issues - already evident within the Plympton Precinct and King Street. George Street businesses utilise King Street for parking; and
- The proposal will set a precedent for other similar businesses – which are not suited to a Residential zone.

Four submissions in support of the application have been received. These are not from land owners whom were invited to comment on the proposal but from existing clients who have commented on the individual and community benefits of the services offered. Amongst other comments these submissions express the opinion that parking and traffic are not currently issues in the immediate area and are unlikely to eventuate.

Applicant response

Parking

Parking: In relation to vehicles and parking, the proposed business/ home occupation, does not result in (i) the requirement for a greater number of parking facilities than normally required for a single dwelling, or (ii) an increase in traffic volume in the neighbourhood.

This statement is based on the fact that the proposed remedial massage and wellbeing side of the business purely caters for individual clients at any one time, with appointment spacing allowing for clients to leave the premises prior to the next client arriving, therefore negating any adverse effects from vehicle movement and noise.

The children's mindfulness through art and play runs two afternoons per week, for one hour each afternoon, only during the school term. As I walk with the children from East Fremantle Primary

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School, there is no increase in traffic volume that would immediately and adversely impact neighbours. When the children are being collected at finish time, there are only two parents that regularly use their vehicles. The other families walk to and from our residence.

The Children's programs meet the day to day needs of local families within Plympton's community and improves the vibrancy of the residential environment and Town as a whole.

There are 4 parking bays - 2 off street and 2 on street. Our vehicle is normally parked in front of our residence, as per the majority of residents in King Street.

The statement that no car has been parked in our driveway for several years is incorrect. The statement that our driveway exists behind a closed gate is correct. The statement that our driveway contains a number of items, including a fridge is correct. However, to clarify, our driveway/residence is not a retail outlet for dog food. There is a collection point for organic dog food at our home, as a convenience residents in the local community. Up until two years ago, the previous collection point was 70 King Street.

Our neighbours are correct in stating the clients are local and walk to our premises. First Breath provides services appropriate to the needs of the local community. All the children in the Little Buddha's and Unicorn classes are enrolled at East Fremantle Primary/Prep School in order to attend the classes. As stated previously, there are only two parents that regularly use their vehicles to collect their children. All of the other families walk to and from our residence. First Breath advertising is word of mouth within the community.

We disagree with the statements above, in relation to 'high street parking pressure and flow on effects from George Street businesses' and that 'pressure' is predicted to increase with the growth of further businesses'. King Street, in between George and Marmion Streets has approximately 52 residences, of which 3 do not have off street parking. All other residences have at least one off street car parking bay, with 30 residences have 2 or more off street car parking bays.

If granted, this business will favourably affect the amenity of the neighbourhood by meeting day to day family needs. The business will also contribute to the improvement of street security for King Street Residents without resulting in the requirement for a greater number of parking facilities or an increase in traffic volume and noise in the neighbourhood as the business is limited in scale.

It is our understanding, that there are numerous home occupancy agreements in the Plympton residential area that meet East Fremantle Council strategic objectives for being small business friendly and for making our community more 'sustainable, "locally" focused and easy to do business with'. First Breath is aligned with council objectives and has a strong local community focus.

Scale of Activities

In reference to the occupation of space, the massage and meditation side of the business is in line with the home occupancy requirements. However, the children's 'Little Buddha's' program, combines inside and outside activities, depending on the children's needs on the day.

The first half of the one hour 'Little Buddha' class is held as per the requirements Schedule 1 clause 1.7.2 page 46 (c).

The second half of the program, the children may participate in an activity which is held within the confines of the pergola area or back garden.

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Apart from Little Buddha classes, all other First Breath services would be delivered from within the room alongside of our driveway as indicated in the application and in keeping with the requirements of home occupancy. Given I am dealing with clients on a one to one basis, there is no need to occupy an area greater than 20 square metres.

The first part of the above statement is incorrect. Other than Little Buddha in term children's classes, there are no First Breath children's workshops or First Breath adult painting events held at our residence.

We do not understand the relevance of the last sentence in the above statement that we are constructing a new art studio."

As previously stated, the majority of First Breath business is with individual clients (on a one to one basis), with appointment spacing allowing for clients to leave the premises prior to the next client arriving, negating any significant adverse effects from vehicle movement, noise and car parking.

Community Design Advisory Committee

The application was not referred to the Advisory Committee as the proposed home occupation is considered to have no impact on the streetscape or the heritage elements of the site.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3

LPS No. 3 - Heritage List

Policy Implications

Municipal Heritage Inventory – Category B – Federation Bungalow

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.

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3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the development application	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		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.

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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

February 2019. However, an inspection will be undertaken by the Town's Environmental Health Officer if an approval is granted and prior to the home occupation use commencing.

Comment

Statutory Assessment

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

The applicant is seeking approval for a home occupation for child and adult art, meditation and massage services. The home occupation involves massage appointments available from 8am - 5pm Monday to Friday and 8am to 12pm Saturday mornings. Well-being classes and groups of 10 children two afternoons per week and one-off groups of 5 adults from 9.30am - 4.30pm time slots (number of groups and days of the week not stated). It is intended that the business will be operated on a sole trader basis and that no other staff from outside the residence will be employed. The massage will take place in a dedicated room within the house and the garden and patio will be used for the other activities listed above. Some of the activities mentioned are already in operation on the site and the others will commence if approval is granted.

A Home Occupation is classified as a "P" use in the Residential zone, which means that:

"the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme." (LPS No. 3, sub-clause 4.3.2)

The following table provides compliance details in relation to Home Occupation use as defined under Local Planning Scheme No.3.

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier's household	Employees are all within the household.
Will not cause injury to or adversely affect the amenity of the neighbourhood	Potential to impact on neighbourhood. However, conditions relating to days/hours of operation of the business and number of clients at any one time are recommended to be imposed.
Does not occupy an area greater than 20 square metres	Occupies area of the site that is greater than 20m ² . Use of room within the dwelling, patio and garden.
Does not display a sign exceeding 0.2 square metres	Condition applied.
Does not involve the retail sale, display or hire of goods of any nature	Condition applied.
In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2	It is anticipated there will be vehicle movements that are greater than that anticipated for the recognised daily number of vehicle movements for a residential site within a Residential zone.

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tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;	<p>Driveway parking does not meet Australian Standards for width of car bays and vehicle access.</p> <p>Street parking directly in front of the house for one car is available.</p> <p>R-Code requirement for parking = 1 bay (within 250m of a high frequency transport route).</p>
Does not involve the use of an essential service of greater capacity than normally required in the zone;	Complies.

The proposed home occupation which incorporates a number of services and clients attending the site, as outlined above, is considered to have the potential to result in additional traffic and parking pressures in the street. It is also possible that noise and disturbance for neighbours might increase as a result of the activities proposed and an increase in the number of people visiting the site. The matters of concern are discussed below.

Parking

In accordance with Australian Standards for on-street parking bays parallel to the kerb, the lot has space for one vehicle to be parked on the street directly in front of the property. Plans submitted for a recently issued Building Permit (studio) indicate the driveway is ~2.8 metres wide. This is not wide enough to park vehicles and open vehicle doors because there are obstructions either side of the driveway. Also, the driveway does not meet current minimum recognised standards for driveway widths. The owners can use the driveway and the on-street bay directly in front of the property, however the driveway cannot be included in the parking bay assessment for the home occupation use because it does not meet standard parking bay dimensions as required under LPS No. 3. For practical purposes the occupants of the house may be able to use the driveway as their vehicle size allows and they only require access from one side of a vehicle. This cannot be assumed to be the case for clients driving to the site. It is very unlikely visitors to the site will use the driveway given its narrowness and if the gates are mostly kept closed. The driveway can be considered to provide parking for the residents only. It is therefore, likely that visitors/clients will look for parking in the street. As noted only one bay in front of the site can reasonably be argued to be available for clients/visitors to the site as other residents and resident's visitors should also have access to street bays. The number of clients proposed at various times clearly exceeds the number of bays that can be provided.

Traffic and vehicle movements

Furthermore and related to parking demand is traffic generation from the site. Traffic engineering industry guidelines estimate that residential properties experience 10 vehicle movements a day. If the home occupation was to operate with massage and meditation clients each week day and on a Saturday between the hours stipulated, in conjunction with the other activities proposed and the normal residential activities of the household, 10 vehicle movements per day would be exceeded. The applicant has argued that most clients will walk, however whilst this may be the case now there is no guarantee this will continue and that all new clients will walk to the site. The Town cannot monitor or control travel to the site. The total number of traffic movements of the residence and the home occupation would also increase the pressure on traffic in the area in general and on parking demand.

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If the applicants use the driveway for parking then it is important that clients do not occupy the bays that may be required by other residential visitors to the street. In light of the existing parking pressures in the precinct, the limited number of bays available on and off-street and the comments from neighbours it is recommended that the number of clients for massage and meditation services be limited to four (4) per day with only one (1) client on the premises at any one time. A maximum of four (4) clients per day in conjunction with the other activities planned on some days (groups of 5 or 10 persons) can be trialled in the six (6) month approval period. This is only considered reasonable because some of the activities have already been operating on site, without any complaints to the Town and the applicants claim that most clients and children walk to the site. However, the introduction of additional services by appointment could result in a detrimental impact on resident amenity if clients drive rather than walk to the property. The Saturday appointments will also add to the number of people and cars in the area. Clients on this day should also be trialled with a maximum of two (2) clients only for a half-day session. The applicant should also be advised that failure to comply with the above conditions of this approval, or if the activity causes a nuisance or annoyance to owners or occupiers of land in the neighbourhood, Council may revoke its approval of the home occupation.

Trial period

During the six (6) month trial period the impact of the number of clients per day, group sessions along with vehicle parking, noise, vehicle movements and days and hours of operation can be monitored. A review of the home occupation after six (6) months will assess impact on neighbours and street parking through the advertising process and submissions received. This will determine whether the number of clients per day, hours and days of operation for the massage and meditation, in addition to the currently operating children's group and proposed adult group classes are acceptable and whether renewal of the home occupation is appropriate in the first instance, or requires even further restrictions.

It is therefore recommended a restriction be placed on the hours and days that individual clients can be treated for massage and meditation. It is recommended that the days be restricted to Monday to Friday between 9.30am and 4.00pm and on Saturdays between 9.00am and 1.00pm with no services available on Sundays or Public Holidays. This is so traffic movements do not coincide with peak hour work and school movements and so that there are no commercial activities on Sundays and Public Holidays when pressures from the George Street commercial strip are also likely to be greater. The group activities for children should also be confined to that stated in the applicant's additional information; Monday and Wednesday from 3.00pm to 5.00pm and of no more than 10 children per group session. Similarly, the adult group sessions should be for no more than 5 persons per session and are to operate within the days and hours stipulated for individual client massage and meditation services. Only one adult group session per day is permitted.

Conclusion

Home occupations are uses that are generally only permitted in Residential zones when they are considered to be very low scale activities that will not bring about any noticeable change to resident amenity or parking demand. If it is considered possible that there may be impacts that are unreasonable for existing residents then it is considered necessary to proceed with caution in regard to granting approval. Conditions of approval which restrict the scale and intensity of the commercial activity are usually applied. A trial period with ability to revoke the approval is considered warranted in this circumstance. This will allow Council to receive feedback on the operation of the home occupation under the conditions imposed by Council rather than on the basis of the business operating without formal Council approval. A number of conditions in respect to the number of individual clients and group sessions per day, hours/days of operation, parking, signage and other standard planning and environmental health conditions are also recommended to be imposed.

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It is considered a six (6) month approval period is warranted so that the home occupation can be closely monitored for any negative impacts, particularly given the concerns expressed by neighbours. As this proposal is within a Residential zone which is already subject to parking and traffic pressures and has dwellings located in close proximity it is considered important that caution be applied to home occupation approvals of this nature and that renewals be required rather than being granted on a permanent basis. If the home occupation does not operate as the applicant has specified and in strict accordance with the conditions imposed by Council then the approval may be revoked by Council.

- Tim Chambers (adjoining neighbour) queried parking requirements for the proposal and expressed a concern that there would be insufficient control over client parking.
- Genevieve Gething (neighbour) and Alicia Robinson (adjoining neighbour) spoke in support of the proposed activities.
- Mike Collins & Karen Neville (applicants) addressed the meeting in support of their proposal and acknowledging the concerns raised by their southern neighbour.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP010319

Moved Cr Nardi, seconded Cr M McPhail

That Council exercises its discretion in regard to granting approval for a home occupation (child and adult art, meditation and massage services) at No. 67 (Lot 328) King Street, East Fremantle in accordance with the plans date stamped 14 January 2019 subject to the following conditions:

- (1) Approval is for a temporary period of six (6) months only from the date of this development approval.**
- (2) Continuation of the home occupation use after the six (6) month approval period has expired will require the submission of a new development approval application for Council's consideration.**
- (3) The applicant is to comply with the Medicines and Poisons Act 2014.**
- (4) A copy of the massage qualification is to be forwarded to Council within 14 days of the date of the Council development approval being issued.**
- (5) The premises are to be inspected by the Town's Environmental Health Officer prior to the business operating and annually thereafter should a further planning approval be granted following the six (6) month initial approval period.**
- (6) Only four (4) individual clients for massage and meditation per day are permitted from Monday to Friday between the hours of 9.30am to 4.00pm and on Saturdays between the hours of 9.00am to 1.00pm.**
- (7) Only one (1) client vehicle may be parked at the premises at any one time.**
- (8) Only one (1) client for individual massage and meditation appointments may be on the premises at any one time.**
- (9) The hours and days of operation for the adult group sessions are as per the individual client hours as specified in condition 6 above and the groups are not to exceed five (5) adults per session with no more than one (1) group session per day.**
- (10) The hours and days of operation of the children's group classes are Monday and Wednesday only from 3.00pm to 5.00pm with the groups not exceeding 10 children per session and only one (1) group session per day.**
- (11) The home occupation is not to operate on Sundays or Public Holidays.**
- (12) The applicant will be the sole provider of the services.**

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- (13) The home occupation is not to occupy any other area of the dwelling other than the room indicated on the plan, the rear garden and patio date stamped received 14 January 2019.
- (14) No signage shall be displayed exceeding 0.2 square metres.
- (15) The home occupation shall not employ any person who is not a member of the occupier's household.
- (16) The home occupation approval is valid for a period of six (6) months only from the date of the "Approval to Commence Development" and the applicant is required to seek a renewal thereafter to enable the continuance of the home occupation. During the review of the renewal process, assessment of number of clients per day, group session numbers, car parking, noise, vehicle movements, safety, resident amenity and compliance with Home Occupation requirements and Scheme requirements will be undertaken.

Footnote

The following is not a condition but a note of advice to the applicant/owner:

- (i) *The applicant be advised that failure to comply with the above conditions of this approval or if the home occupation causes a nuisance or annoyance to owners or occupiers of the land in the neighbourhood, Council may revoke its approval of the home occupation.*
- (ii) *A fresh development (planning) approval application is to be made for Council's consideration at the expiry of the six (6) month temporary approval period should the applicant wish to continue the use;*
- (iii) *The applicant be advised that following receipt of planning approval the Town's Principal Environmental Health Officer is to be contacted to arrange for an inspection of the premises (telephone 9339 9315).*
- (iv) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (v) *a copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans (14 January 2019) unless otherwise approved by Council; and*
- (vi) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

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

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11.3 Locke Crescent, No. 36 (Lot 4981) – Demolition and Construction of Three Level Dwelling

Owner	R Petanceski
Applicant	Indian Ocean Homes
File ref	P/LOC36; P/083/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Meeting date	5 March 2018
Documents tabled	Nil
Attachments	Nil

Purpose

This report considers a development application for the demolition of the existing dwelling and construction of a three level dwelling incorporating a double garage and pool at No. 36 (Lot 4981) Locke Crescent, East Fremantle.

Executive Summary

A development application is being considered for the demolition of the existing dwelling and construction of a three level dwelling with double garage and pool. The site is on the north east corner of Wauhop Road and Locke Crescent.

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

- Lot boundary setback: partial reduced setback to eastern boundary;
- Site works: fill behind a street setback line and non-compliance with building height and setback.
- Retaining walls: greater than 500mm in height and within 1 metre of the lot boundary;
- Building height: height exceeds 5.6 metres to the top of an external wall (all elevations) and 8.1 metres to the top of the roof ridge (northern elevation);
- Garage width: exceeds 30% of lot frontage width; and
- Crossover width: exceeds 5 metres.

It is considered the above variations can be supported subject to conditions of planning approval being imposed to ensure visual privacy, openness of the streetscape is maintained, pool equipment location is satisfactory and resident amenity is maintained.

Background

The existing house is to be demolished and a new two storey dwelling over three levels is planned for the site. The dwelling will address Wauhop Road, with the main entry to the dwelling from this street. A double garage will be accessed from Locke Crescent. The undercroft level will include a games room, alfresco area, kitchenette, bathroom and storeroom. The first level (ground floor) contains the bedrooms, laundry, bathrooms and store. The upper level comprises the main living area with kitchen, study and scullery. The upper level has a large balcony facing north. The swimming pool is located on the northern side of the lot. The dwelling is positioned more toward Locke Crescent to take advantage of the upwards slope of the land and the river views.

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Consultation

Advertising

Surrounding land owners considered to be impacted by the proposal were contacted by mail and comments invited for a two week period from 2 to 19 October 2018. A sign was also placed on the site for the same two week period. Four (4) submissions were received which expressed objection to the proposal on various grounds. The planning issues raised were discussed with the applicant and amended plans have been submitted and re-advertised. All land owners contacted in the previous round of advertising were invited to comment from 21 January to 6 February 2019. Two (2) submissions have been received. The submissions are provided below and the applicant response follows:

Submission 1

"I am against the proposal. I believe the build is bulk scale for this area with very few three storey homes in the area. The build is set back from Locke Crescent and has been altered thus not meeting correct setbacks to code, more so not aligning to the existing homes alongside. I still question the overall height of the proposed plan.

In closing I am happy to approve the development as long as the proposed plan meets all building codes in East Fremantle."

Submission 2

"Although the proposal appears to have addressed maximum height provisions by changing to a pitched roof, positioning changes to overall positioning of the building have seen it moved forward so that it no longer complies with front setback provisions. A setback of 3 metres as opposed to 6 metres as per the R-Codes. Alterations to building positioning have done nothing to address bulk and scale concerns as per comments in previous submission.

Three (3) level dwellings are out of character for the immediate vicinity, however if the design can be delivered to meet the design code provisions then personally we have no concerns. I see no reason why this cannot be achieved by shifting the position of building as it is in the current proposal back to that of the original proposal thus meeting setback provisions. We understand owners are endeavouring to maximise view potential but should do so within prescribed design rules as has been done by other recent builds in the vicinity."

Applicant Response

"As per our previous responses, there are currently numerous examples of three storey residences that utilise the slope of the site to form a two storey facade facing Locke Crescent with an undercroft below. Examples of this can be found at 27, 30, 40, 42, 44 and 46 Locke Crescent. Three storey residences facing the street can also be found over the road from the subject site at 15 and 17 Habgood Street and 17 Chauncy Street. We believe the bulk and scale of the proposed residence is compatible with the area due to these existing examples with the exception being the site is a corner lot. The existing residence has a floor level of 24.04 whilst the new residence has a proposed level of 24.00. The proposed design has the same heights and levels as the existing residence does and would be if it was to be renovated with a second storey addition. The proposed entry is in the same location and height of the existing residence.

After consultation with the Town of East Fremantle and referencing the Residential Design Codes, the setback to Locke Crescent has been reduced to 3 metres. The existing residence's primary setback and front door currently face Wauhop Road and as such we wish to maintain this frontage. The R-Codes allow a 3 metre setback to secondary streets and this can be even further reduced to 1.5 metres. By maintaining

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the existing 6 metre setback to Wauhop Road and reducing the setback to Locke Crescent, we have been able to further reduce the bulk and scale of the proposed development by sinking it further into the site reducing the impact upon the surrounding residences. We have increased the proposed setbacks above the minimum requirements to the rear and side to reduce any perceived impact on the adjoining properties and reduce any potential overshadowing. The fact that we have also set back the residence behind the adjoining residence means we have not restricted their access to river views to the west or to natural light.

To further reduce the bulk and scale of the residence we are now currently proposing a pitched roof design. By doing so we have reduced the incursion above the allowable height limits whereby this is primarily limited to the open style balcony roof and eave. All wall heights are now below the 6.5 metre wall height limit as viewed from Locke Crescent and well below the allowable 8.1 metre roof height limit. By changing the design to a pitched roof this has further reduced any perceivable effects the design would have on river view corridors. The roof now allows unobstructed views to the eastern and western side of the roof structure.

Whilst we appreciate the comments submitted, the proposed design meets the 'performance criteria' of the Town of East Fremantle policies as well as the design principles of the R-Codes. There are numerous examples of similar developments in the area and the slope of the site must be considered when assessing the application. We have consulted with the Town of East Fremantle from the outset and have worked with the Council to create a development that is compatible and sympathetic to the area. The owners have amended the design numerous times to address the issues raised, and we believe that any more additional amendments would be unreasonable when looking at the existing homes in the locality.

Given the state of the existing residence and the previous issues of squatters, criminal activity and anti-social behaviour, the proposed residence is a vast improvement on the streetscape and community. We also believe we meet the desired outcomes of the Town of East Fremantle's design guidelines as proven by the overwhelming support of the Community Design Advisory Committee."

Community Design Advisory Committee (CDAC)

The application was referred to the CDAC meeting on 1 October 2018 and the following comments were noted.

- (a) *The overall built form merits;*
 - The Committee considers the proposal to be positive in terms of built form merits, stating that the design is in keeping with the area and that the materials and general design allows for contrast, interest and articulation.
- (b) *The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development;*
 - The Committee consider the design is acceptable.
- (c) *The relationship with and impact on the broader public realm and streetscape;*
 - The Committee consider the development is consistent with the surrounding area.
- (d) *The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*
 - As above.

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- (e) *The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*
- The Committee consider the dwelling has been designed with good environmental practices; most notably passive solar light generation, landscaping, ventilation and the north facing angle of the development.
- (f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places.*
- The Committee consider the passive surveillance to be of an acceptable standard.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town’s character.

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

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

3.3.1 Continue to improve asset management practices.

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.

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- 4.2.1 Reduce waste through sustainable waste management practices.
4.3 Acknowledge the change in our climate and understand the impact of those changes.
4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

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

Site Inspection

October 2018

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Comment

LPS 3 Zoning: Residential R17.5

Site area: 718m²

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 (Wauhop - existing)	6.0m	6.073m	A
Secondary Street Setback (Locke - existing)	1.5m	3.0m	A
Lot Boundary Setback (east)	GF: 1.7m	1.5 – 2.6m	D
Open Space	50%	60.8%	A
Outdoor Living	No minimum	280m ²	A
Car Parking	2	2	A
Site Works	Less than 500mm	Fill 500mm – 2.0m	D
Retaining Walls	Greater than 500mm and closer than 1m from lot boundary	500mm – 1.4m	D
Overshadowing	25%	≤25%	A
Drainage	On-site	On-site	A

Local Planning Policy Assessment

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

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Building Height Requirement (Residential Design G/Lines)	Required	Proposed	Status
Maximum external wall height (to top of wall from NGL)	5.6m	<u>Midpoints</u> North: 7.6m South: 6.4m East: 6.4m West: 6.6m	D D D D
Maximum roof height (to top of pitched roof from NGL)	8.1m	<u>Midpoints</u> North: 8.8m South: 7.1m East: 7.6m West: 7.8m	D A A A

The variations to the R-Codes and the Residential Design Guidelines are discussed below.

Primary and secondary street setbacks

The nominated primary and secondary street frontages proposed by the applicant are as per the orientation and frontage of the existing dwelling. This is considered acceptable. The adjacent dwelling on Wauhop Road also faces this street as does the dwelling on the opposite side of the road so it is considered reasonable to allow this pattern of development where dwellings face Wauhop Road to continue. The resultant setbacks will subsequently be as per the above streets. The design of the dwelling is considered acceptable to the streetscape.

Lot boundary setback

The eastern lot boundary setback for the ground floor is the only non-complying boundary setback (required: 1.7m; provided: 1.5 – 2.6m). With exception of the protrusion of a laundry wall 2.2m in length which is considered minor and the garage wall (approximately 6m in length) the remainder of the setback complies.

For the most part the dwelling is set back from the lot boundaries a greater distance than that required by the R-Codes for all levels of the dwelling. There are no parapet walls proposed and the upper level is set back a considerable distance from the southern lot boundary to maintain view corridors and lessen the visual impact of the dwelling on Locke Crescent.

Building height

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.17.4.3.1 states that:

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

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

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- (iii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

As the site slopes away from Locke Crescent the external wall and roof ridge height increases from natural ground level. For the most part the dwelling is compliant being under the 8.1 metre maximum height limit specified in the Residential Design Guidelines. However, the maximum external wall height of 5.6 metres is exceeded by between 800mm and 2.0 metres. This is a result of the undercroft adding to the total wall height calculations for a portion of the dwelling. It should be noted, however that the proposed dwelling has the same finished floor level as that of the existing dwelling (i.e. ~RL 24.0).

The undercroft adds height to the northern end of the dwelling from natural ground level (proposed 8.8 metres). The building height from all other perspectives is compliant or below the height limit for the top of a roof ridge. Notwithstanding the non-compliance, the additional height is not considered to significantly impact surrounding properties in respect to views because the undercroft level is positioned on lower ground with the remainder of the dwelling positioned on a higher portion and this portion of the dwelling is compliant with building height limits. Regardless, views will inevitably be impacted with the development of a two storey residence on this lot. The ground level on the other side of Locke Crescent is not sufficiently high enough to afford uninterrupted views from the ground level and if a two storey building is constructed this will restrict views from upper floors.

In this circumstance non-compliance with the height limit must be assessed in respect to the 'Performance Criteria' of the Residential Design Guidelines. Technically the building does not strictly comply. For the most part the building is within the maximum height limit (i.e. 8.1 metres or lower) and the proposal demonstrates a design, bulk and scale that responds to adjacent development (as viewed from Locke Crescent) and is not considered out of character for this locality with many other homes of similar design and scale already constructed. Also, more than 50% of the site is landscaped (open space). Therefore the 'Performance Criteria' are considered satisfied.

Visual privacy

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

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

The proposed development does comply with the 'Deemed to Comply' provisions of the R-Codes in respect to the balcony on the northern elevation. However, this is because a screen has been indicated on the plans which runs along the eastern elevation of the balcony. To ensure this is permanently installed in accordance with R-Code requirements a condition of planning approval is recommended. All other major openings (as defined by the R-Codes) facing the eastern boundary are setback the required distance as per the R-Codes.

Garage width and crossover

The crossover indicated on the plans is greater than 5 metres in width (i.e. 5.2 metres) so a condition is recommended which will ensure compliance with Council's crossover provisions as outlined in the Residential Design Guidelines. The provision requires crossovers not exceed more than 5 metres in width where the lot is 12 metres or more in width.

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It is commonplace for new dwellings in this Precinct to be designed with very large garages and driveways adding to the hard paved areas in the front setback and on the verge which in turn detracts from the open landscaped feel of the suburb. Minimising hardstand, is therefore considered important, particularly in the Richmond Hill Precinct where a high level of amenity in respect to open streetscapes and verges is expected. A condition is therefore recommended to ensure the crossover does not exceed 5 metres in width.

The double garage and driveway are positioned reasonably close to the Locke Crescent frontage and the garage (due to the truncation of the lot) exceeds the width permitted under the Guidelines (i.e. proposed 37.8% of width: permitted 30%). If the truncation was included in the calculation the garage would comply as it would account for 27.8% of the lot width. The variation in regard to garage width is considered acceptable because the proposal is considered to meet the 'Performance Criteria' of the Residential Design Guidelines for new dwellings which states:

"Garages and carports are designed to be incorporated into and compatible with, the design of the dwelling."

The garage is setback 3.0 metres from the secondary street boundary (required setback under the R-Codes from Locke Crescent is 1.5 metres) and it is positioned slightly below street level. The minor excavation of the garage also assists in reducing its visual impact on the streetscape and this is considered to be a better design outcome. Further, the upper storey is not constructed over the garage but is setback a further ~6.6 - 9.0 metres from the Locke Crescent lot boundary. This is considered to further assist in reducing its visual impact on the streetscape and combined with requiring the crossover not exceed 5 metres in width, will reduce the impact of car parking and vehicle access points on the streetscape by maximising the amount of open space, garden area and verge space that can be landscaped.

Site works and retaining walls

The proposed fill is in excess of the 'Deemed to Comply' provisions of the R-Codes. On some sections of the lot the fill is greater than 0.5 metres and closer than 1 metre from the boundary and therefore requires assessment under the 'Design Principles' of the R-Codes which state as follows.

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

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

The subject lot has a fall of almost ~4.5 metres from Locke Crescent toward the river. The development proposal indicates fill of up to 2.0 metres to raise the level of the ground floor to a level closer to the Locke Crescent ground level. This assists in maximising views but also provides an easy grade for pedestrians and vehicles to access the dwelling. At this level it is possible to gain views from the upper level and not exceed the height limit from the Locke Crescent and Habgood Street perspective. The height limit of the dwelling is exceeded for the northern-most portion of the dwelling because the ground level is 2 metres lower.

Despite the fill exceeding 500mm as permitted under the 'Deemed to Comply' provisions of the R-Codes, the levels proposed are considered acceptable. The floor level of the adjoining property (garage of 34 Locke Crescent) is indicated at RL 23.68 and the proposed floor level of dwelling is RL 24.00. The dwelling will be compliant with the height limit for the sections of the site where the fill is proposed with the exception of the northern end of the dwelling where the dwelling height is 8.8 metres, 700mm greater

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than that allowed. The height of the dwelling for the remaining elevations ranges from 7.1 – 7.8 metres. The proposed dwelling as viewed from Locke Crescent and Habgood Street has a roof ridge height below 8.1 metres. The 'Performance Criteria' of the R-Codes is considered met in that the building as viewed from Locke Crescent sits below the height limits.

The fill proposed is considered acceptable because the building setbacks on the whole meet the R-Code requirements as discussed above and the majority of the dwelling does not exceed the roof ridge height of 8.1 metres. The non-compliance with wall height does not impact on the maximum building height for the most part, and in that regard is considered to not substantially impact views. The views for surrounding properties will most likely be impacted to some degree as a result of two storey rather than single storey construction on the site.

Minor excavation of up to ~500mm at the Locke Crescent end of the site is required so the garage is at the same level as the ground floor of the dwelling. There is no objection to this change in ground level.

Conclusion

In light of the above comments the application is recommended for approval subject to conditions. The redevelopment of lots with two storey dwellings and undercroft parking or other amenities is not uncommon in this locality and is a permitted use of the land under the R17.5 code. It is considered the proposal will not significantly impact existing dwellings or the amenity of the surrounding area and is generally in keeping with the streetscape pattern. Conditions relating to visual privacy, front fencing, location of pool equipment and crossover width are recommended to ensure visual privacy, openness of the streetscape is maintained, pool equipment location is satisfactory and resident amenity is maintained.

- Mr Brook Leber (Designer) addressed the meeting in support of the officer's recommendation.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION 020319

Moved Mayor O'Neill, seconded Cr Nardi

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

- (i) **Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit an eastern lot boundary setback of less than 1.7 metres for the ground level;**
- (ii) **Clause 5.3.7 – Site Works of the Residential Design Codes of WA to permit fill behind a street setback line greater than 0.5 metres from natural ground level and within 1 metre of the lot boundaries;**
- (iii) **Clause 5.3.8 – Retaining Walls of the Residential Design Codes of WA to permit a retaining wall greater than 0.5 metres in height less than 1.0 metre from the lot boundaries;**
- (iv) **Clause 3.7.17.3 – Garages, Carports and Outbuildings of the Residential Design Guidelines 2016 to allow the width of the carport to exceed 30% of the lot frontage; and**
- (v) **Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines 2016 to permit an external wall height of greater than 5.6 metres for all elevations and the top of the roof ridge to exceed 8.1 metres for the northern elevation,**

for a three level dwelling at No. 36 (Lot 4981) Locke Crescent, East Fremantle, in accordance with the plans date stamped received on 6 December 2018, subject to the following conditions:

- (1) **Installation of a permanent visual privacy screen in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes of WA. The privacy screen to extend the full length of the eastern elevation of the balcony, so screening extends to the northern corner of the balcony.**

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- (2) The kitchen window on the eastern elevation to not exceed an area of greater than 1m² and be permanently installed with obscure glazing as indicated on the plans date stamped received 6 December 2018.
- (3) Front fencing on the Wauhop Road and Locke Crescent frontages to be in full compliance with the Council's Residential Design Guidelines, including all gates, height of the solid section and the visual permeability of all infill panels.
- (4) Any new crossovers which are constructed under this approval are to be a maximum width of 5.0 metres (including splays) and the crossover to be constructed in compliance with Council's Residential Design Guidelines 2016.
- (5) In cases where there is an existing crossover or footpath from the lot boundary to the road reserve these are to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council. Any landscaping treatments on the verge (road reserve) are subject to further Council approval.
- (6) No external fixtures, fittings, masts, satellite dishes, telecommunication devices, solar collectors, solar hot water systems or appliances or the like to be installed on the roof of the dwelling or garage without further Council approval.
- (7) Pool filter and pump equipment to be located a minimum distance of 1.0 metre away from all lot boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
- (8) The proposed works are not to be commenced until approval from the Water Corporation has been obtained and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (9) 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.
- (10) The development approval is for a single residential dwelling only and the dwelling is not to be used for the purposes of a home occupation, ancillary dwelling, short term or bed and breakfast accommodation.
- (11) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (12) The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (13) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (14) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (15) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (16) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be

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

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

Footnote:

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

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

(CARRIED UNANIMOUSLY)

Note:

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

**MINUTES OF TOWN PLANNING MEETING
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11.5 Richmond Circus No 70 (Lot 226) - Carport

Owner	Mark Hochstadt and Rachel Bodel
Applicant	Softwoods Timberyard Pty Ltd
File ref	P098/18; P/RIC70
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

For Council to consider a planning application for a carport at No. 70 Richmond Circus, East Fremantle.

Executive Summary

A carport is proposed to be constructed within the front setback area of the subject property. The applicant is seeking Council approval for the following variation:

- (i) Carport- primary street front setback- 1.5m from the front boundary.

It is considered that the above variation should be refused.

Background

Zoning: Residential R20

Site area: 585m²

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

28 August 1998: Building Permit 2721 issued for a two storey residence.

22 November 2006: Development Approval for a Verandah/Pergola addition.

The Officer's original recommendation was not supported at a full Council meeting on 19 February 2019 and the administration was directed to prepare an alternative recommendation that is included at the conclusion of this report.

Consultation

Advertising

The application was not formally advertised to surrounding properties by the Town, however, the applicant approached the neighbouring property at No 8 Raceway Road and the owner had no objections to the proposed development.

Officer response

The comments provided by the neighbouring property are noted.

Community Design Advisory Committee (CDAC)

This application was considered at the CDAC meeting of 19 November 2018 and the Committee made the following comments. The applicant's response is provided in italics below the Committee's comments.

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(a) *The overall built form merits;*

- The Committee do not support the proposed garage. The Committee commented that the development could set an undesirable design precedence for the area.

The proposed structure is a carport not a garage.

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

- No comment.

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

- The Committee commented on the unacceptable front setback and that the development has an imposing presence on the streetscape.

The proposed development adds to the streetscape and is sympathetic to the design of the existing home and is neither imposing nor undesirable.

(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.

Officer's response

The CDAC comments and applicant's response are noted.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

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- 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

11 December 2018

Comment

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot boundary setbacks			
South	Zero lot setback for 1/3 of boundary length	Zero lot setback for less than 1/3 of boundary length	A
Open Space	50%	56%	A
Car Parking	2	2	A
Site Works			N/A
Visual privacy setback			N/A
Overshadowing	≤25%	10.3%	A

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Drainage	On-site	To be conditioned	A
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Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	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	D
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	N/A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.17.3.3 Garages and Carports	D
3.7.20 Precinct Requirements	D

Carport Setback

The applicant proposes a carport in the front setback area which fails to comply with the acceptable development requirements of the Residential Design Guidelines Clause 3.7.20.3.3 A2. Although it is possible to locate a carport forward of the building line it must not dominate the streetscape or buildings. In this case the carport would set a precedent where large number of carport structures could be located forward of the building line, thereby creating a streetscape that was potentially dominated by carports and garages constructed in the front setback area. It has been accepted practice in the Richmond Raceway precinct that new carports and garages would comply with the acceptable development provisions of the Residential Design Guidelines and would abide by the desired development outcomes Clause 3.7.20.3.1 that include:

- *Garages and carports shall be incorporated into and be compatible with the design of the dwelling*
- *Garages and carports shall not visually dominate the dwelling as viewed from the street.*

The applicant has made the comment that there are 4 dwellings that are within 80m of the proposed development that have had approvals within the front setback area. However, it must be noted that these 4 properties are located in Woodside precinct, whereas the property that is subject to this development application is situated in Richmond Raceway precinct. There are different design guidelines that are applicable for the 2 areas; in this case the guidelines relevant to Richmond Raceway precinct must be applied, as the outcome would have an undesirable impact on the established character and amenity of the area.

Conclusion

The development application was previously recommended for refusal. The Officer's original recommendation was not supported at a full Council meeting on 19 February 2019 and the administration was directed to prepare an alternative recommendation that is included below.

- Mr Thomas McLaughlin (Builder) addressed the meeting in support of the proposal.

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11.5 OFFICER RECOMMENDATION

Moved Mayor O'Neill, seconded Cr Harrington

That development approval be granted and discretion exercised in regard to the following:

- (i) Clause 3.7.20.3.2 of the Residential Design Guidelines - garages and carports shall be incorporated into and be compatible with the design of the dwelling and garages and carports shall not visually dominate the dwelling as viewed from the street;
- (ii) Clause 3.7.20.3.3 A2 of the Residential Design Guidelines - garages and carports are to be setback a minimum distance of 1.2m behind the building line;

for a single carport in the front setback area at No 70 (Lot 226) Richmond Circus, East Fremantle, in accordance with the plans date stamped received on 19 October 2018 subject to the following conditions:

- (1) The carport is to remain open on all sides and not to be fully enclosed.
- (2) Installation of a garage door is not permitted.
- (3) Any proposal to fully enclose the carport and/or install a garage door is required to have a development application submitted for Council's consideration.
- (4) The construction materials and colours are to be to the satisfaction of the Chief Executive Officer and are to be submitted with the Building Permit application plans.
- (5) The crossover to the carport is not to exceed 3.2 metres in width (including splays).
- (6) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (7) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (8) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (9) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (10) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (11) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (12) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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- (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.*

LOST 2:3

Note:

The Committee's delegation was not exercised as the officer's recommendation was not carried.

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Cr Harrington made the following impartiality declaration in the matter of No. 18 Allen Street. "As a consequence of the applicants, Mr & Mrs Norcross, being known to me as they live in the same street and our children attended school together, there may be a perception that my impartiality on the matter may be affected. I declare that I have considered this matter entirely on its merits and with complete impartiality and objectivity".

11.6 Allen Street No 18 (Lot 48), East Fremantle – Change of Use – Ancillary Dwelling to Short Term Accommodation

Applicant/Owner	CM & AJ Norcross
File reference	P/ALL18; P005/19
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This report considers an application for a change of use from an ancillary dwelling to short term accommodation at No. 18 Allen Street, East Fremantle.

Executive Summary

An application seeking approval for a change of use from an ancillary dwelling to short term accommodation (1 bedroom) at the property is proposed. A games room was converted to an ancillary dwelling 2018.

The following issues are relevant to the consideration of this use:

- impact on residential amenity;
- number of people accommodated and number of bedrooms for accommodation purposes;
- adequacy of available car parking;
- management of the property;
- BCA requirements and compliance; and
- length of temporary planning approval.

Following advertising no submissions were received. After consideration of the proposal the application is recommended for the standard conditional temporary approval for 12 months. If there are no issues arising from the use of the property, to the satisfaction of the Chief Executive Officer, in the 12 month approval period then the applicant will be requested to make another application for a 12 month temporary approval. This is so commercial uses of this nature can continue to be monitored in residential areas.

Background

Zoning: Residential R12.5

Site area: 1,087m²

The applicant has provided a letter in support of the application date stamped received 29 January 2019 which is repeated in part below:

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We obtained planning approval from Council in 2018 to modify our detached dwelling, known colloquially as the Games Room. By addition of a bathroom we have effectively converted the games room into an additional bedroom (now known as the Garden Studio), initially for use by family members and visiting friends and relatives.

My work circumstances changed in 2018 such that we are now both retired. After careful thought we believe we could provide this additional bedroom as 'Short Term Accommodation' to selected members of the travelling public - and provide us with an 'activity' in our retirement.

We understand that Council does not have a 'gazetted' formal policy or By-law that actively promotes/prevents use of private property as 'Short Term Accommodation' but relies on common sense 'community integration' as a guideline referencing the WAPC Holiday Home Guidelines 2009. Clearly there are numerous properties operating some form of short term accommodation in our community with, or without, formal local government endorsement.

Having referenced Town of East Fremantle documents through Google search we have noted that Council seeks 'management information' as a precursor to planning approval. The Information below may not be exhaustive but should address initial enquiries.

- 1. Facility: we propose a bedroom, with attached 'ensuite' bathroom having toilet/shower/basin etc.*
- 2. Target Market: Singles/Couples, with possible inclusion of infant(s). Max 2 adults. Not otherwise suitable for children.*
- 3. Location: as per attached site plan previously submitted as part of Development Application P013/18 and Building Permit Approval 2018033.*
- 4. Car Parking: we propose that guests be able to use our carport, or driveway, or verge/street parking, at their convenience. This is unlikely to ever amount to more than one vehicle. Note that our property used to accommodate 5 vehicles when our adult sons lived at home. Now several nearby neighbours are in that same situation with multiple vehicles on site, or on the street/verge. This is accepted practice and has been since 'time immemorial'.*
- 5. Local Amenity & Advertising: We have not as yet signed onto any website although I expect we shall. We note that there is provision on selected sites to screen guest enquiries and assert guidelines. No pets, no parties, no children, no noise etc. We, or other family members, would expect to be in overnight residence when guests may be present.*
- 6. Fire Risk: We have a garden hose available at the back door, off the ensuite bathroom. There is a kitchen fire blanket and domestic approved fire extinguisher. There is a working mains powered smoke alarm. I am advised that 3 x Residual Current Devices are installed. There are no gas appliances and no cooking facilities other than a microwave. We haven't as yet included an external BBQ although we likely will.*
- 7. We note that we will need to amend our 'Home & Contents' insurance to incorporate a Short Term Accommodation clause. This has already been explored and factored into our early planning.*
- 8. Our immediate neighbours are aware of our low key intentions.*

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While this application is being considered we request that Council forward Town of East Fremantle guidelines/policies related to variations on this 'short term accommodation' theme viz: policy on lodgers such as students/professionals seeking accommodation for say 6 months.

Consultation

Advertising

The development application was advertised to surrounding land owners from 12 to 26 February 2019 as required under LPS No. 3. No submissions were received.

Community Design Advisory Committee

The application was not referred to the Advisory Committee as the proposed short term accommodation is considered to have no impact on the streetscape or the heritage elements of the site. The building is already constructed.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3

LPS No. 3 - Heritage List

Policy Implications

Municipal Heritage Inventory – Category B – Federation Bungalow c1912

Note:

No local planning policy applies, however, the Western Australian Planning Commission (WAPC) has published 'Holiday Homes Guidelines – Short Stay Use of Residential Dwellings' (September 2009) which can be used as a guide in the assessment of short term accommodation applications.

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

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Theme	Risk	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the development application	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact		Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		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.

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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

February 2019

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the WAPC *Holiday Homes Guidelines*.

Use for short term accommodation

The applicant seeks approval for a change of use from an ancillary dwelling to short term accommodation. No further changes to the approved ancillary dwelling are proposed. Short term accommodation is a 'use not specifically mentioned' in the Zoning Table of LPS No. 3 as such the application must be advertised in accordance with Scheme requirements and then Council must determine that the use is consistent with, and not contrary to, the aims and objectives of the Residential zone.

The accommodation will be provided in the existing ancillary dwelling which comprises one bedroom, ensuite bathroom, sitting area and kitchenette. In recent years the ancillary dwelling has undergone renovation and extension. The operators will live on the site and parking is available in the driveway.

As noted in previous Officer reports on short term accommodation, the Council does not have any specific policies or local laws that regulate short term accommodation. The WAPC, however, formulated Guidelines in 2009 for the short term use of residential dwellings. This document identifies the issues or matters to be considered on submission of a development (planning) application. It also makes recommendations in respect to how a local government authority may deal with such applications. The Guidelines provide advice in regard to the following planning considerations:

- requirement to lodge an application;
- advertising and invitation to comment;
- location – potential for conflict between land uses;
- amenity;
- building standards;
- form of approval;
- type of dwelling;
- management of property;
- fire and emergency response plans;
- approval period;
- holiday homes register;
- non-compliance and cancellation of approval; and
- voluntary accreditation.

The application has been assessed with regard to the relevant sections of the Guidelines for this application, LPS No. 3 provisions, residential amenity and the impact the use could have on surrounding neighbours and conditions imposed accordingly.

It is, however considered prudent for Council to remain cautious when considering applications for the commercial use of properties in Residential zoned areas. For this reason it is considered necessary to

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grant approval for a 12 month period only, in which time the change of use can be monitored in respect to the manner in which it operates and is managed to determine if any negative impacts for residents are eventuating. This is not considered unreasonable given this property is within a Residential zone and it is a realistic expectation of residents that the protection of residential amenity should be a priority. At the expiry of the 12 months, if the applicant wishes to continue the use it will be necessary for a fresh application for development approval to be submitted for the Council's consideration. At that time the application will be readvertised inviting comment from surrounding residents.

Car parking

Car parking is an important consideration and should be monitored during the continuing approval period to determine there is no adverse impact on resident parking, on-street parking or residential amenity. In this case the owner can provide at the very most three parking bays on-site. This is in a tandem arrangement, which is not ideal, however, it is available on the site. Street parking is also available. This is considered acceptable in respect to parking provision for a 1 bedroom accommodation proposal so close to Canning Highway and in light of the fact that parking was not required to be provided for the ancillary dwelling (site is within 250 metres of a high frequency transport route). The number of people permitted to be accommodated will be addressed through a condition of planning approval. This will also limit parking demand. This is discussed below in regard to the number of bedrooms and guests able to stay at the property.

Accommodation

To safeguard residential amenity it is considered necessary to impose the same condition of approval which limits the number of people that can be accommodated to 2 adults or 1 adult and 1 child with the maximum number of bedrooms not exceeding 1 (i.e. only the ancillary dwelling is to be used for short term accommodation). This is considered to be more in keeping with the likely number of occupants of an ancillary dwelling. The accommodation use will be reviewed after a 12 month period as stated above so the level of activity can be monitored. This will be applied as a condition of planning approval and is the same renewal period applied to all short term accommodation approvals in the Town.

Management plan

A management plan is always required to be submitted as part of the conditions of approval. This is recommended as a condition of planning approval to safeguard amenity in the 12 month period in which the use will be monitored. The Management Plan is to include the following details:

- the owner's contact details (during and after business hours);
- details of how nuisance issues such as noise and anti-social behaviour would be addressed by the owner;
- a fire and emergency response plan;
- car parking;
- the number of people occupying the premises and the number of bedrooms; and
- maximum period of stay.

Conclusion

It is considered that the application for short term accommodation can be approved subject to conditions. The most significant being a temporary term of approval for 12 months and the requirement for renewal of the approval on a 12 monthly basis. This is to ensure the use of the property is not having a detrimental impact on the surrounding residential properties. Other conditions restricting the scale of the accommodation (i.e. limiting the maximum number of guests to 2 adults or 1 adult and 1 child), with only one bedroom to be used for accommodation purposes are also considered necessary to minimise the potential for issues arising relating to car parking and noise.

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Uses of this nature within residential areas should be considered with cautiousness and therefore renewals are required every 12 months rather than being granted on a permanent basis. This is considered necessary to ensure monitoring of the use occurs and the expectations of residents in respect to their amenity can be met. It also allows Council to receive feedback on the operation of the business on a regular basis. A number of other conditions in respect to vehicle parking, management and signage are also recommended to be imposed with this approval.

OFFICER RECOMMENDATION

That Council exercise its discretion in regard to granting temporary approval (12 months) for a change of use from an ancillary dwelling to a short term accommodation use at No. 18 (Lot 48) Allen Street, East Fremantle as indicated on plans and supporting information date stamped received 29 January 2019 subject to the following conditions:

- (1) Approval is for a temporary period of 12 months only from the date of this development approval.
- (2) Continuation of the short stay accommodation use after the 12 month approval period has expired will require the submission of a new development approval application for Council's consideration.
- (3) Maximum accommodation is for 2 adults, or 1 adult and 1 child based on 1 bedroom only being provided for guest/occupant accommodation. This is not to be exceeded on any occasion.
- (4) Only the ancillary dwelling is to be used for the short term accommodation purposes the subject of this application. The main dwelling or other outbuildings are not to be used for this purpose.
- (5) No guest/occupant vehicles are to be parked on the Council verge, in or across crossovers due to inadequate or unavailable parking on-site or in the street.
- (6) A Management Plan to the satisfaction of the Chief Executive Officer is to be submitted within 14 days from the date the development approval is issued.
- (7) No on-site signage is permitted with respect to the application.
- (8) The approval may be revoked by Council, if any adverse impacts involving noise, anti-social behaviour, breaches of the management plan, waste removal, security, parking or privacy control measures for adjoining neighbours are unable to be controlled by the applicant/owner in a timely and effective manner which is to satisfaction of the Chief Executive Officer.
- (9) The approval is valid for a period of 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek a renewal thereafter to enable the continuance of the short term accommodation use. During the review of the renewal process, assessment of car parking, noise, vehicle movements, number of occupants, any reports of anti-social behaviour and general management of the property will be undertaken.

Footnote

The following is not a condition but a note of advice to the applicant/owner:

- (i) *a fresh development (planning) approval application is to be made for Council's consideration at the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use;*
- (ii) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (iii) *a copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans unless otherwise approved by Council; and*
- (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".*

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- Mr Norcross (applicant) queried the requirement for a number of the conditions contained within the officer's recommendation.

Moved Cr Nardi, seconded Cr Harrington
The adoption of the Officer's recommendation.

Amendment

Moved Mayor O'Neill, seconded Cr M McPhail
That Condition (3) be amended to read:

"Maximum accommodation is for 2 adults and one infant under the age of two years based on 1 bedroom only being provided for guest/occupant accommodation. This is not to be exceeded on any occasion."

(CARRIED UNANIMOUSLY)

The amended substantive motion was put.

11.6 SUBSTANTIVE MOTION/COMMITTEE RESOLUTION TP030319

Moved Cr Nardi, seconded Cr Harrington

That Council exercise its discretion in regard to granting temporary approval (12 months) for a change of use from an ancillary dwelling to a short term accommodation use at No. 18 (Lot 48) Allen Street, East Fremantle as indicated on plans and supporting information date stamped received 29 January 2019 subject to the following conditions:

- (1) Approval is for a temporary period of 12 months only from the date of this development approval.
- (2) Continuation of the short stay accommodation use after the 12 month approval period has expired will require the submission of a new development approval application for Council's consideration.
- (3) Maximum accommodation is for 2 adults and one infant under the age of two years based on 1 bedroom only being provided for guest/occupant accommodation. This is not to be exceeded on any occasion.
- (4) Only the ancillary dwelling is to be used for the short term accommodation purposes the subject of this application. The main dwelling or other outbuildings are not to be used for this purpose.
- (5) No guest/occupant vehicles are to be parked on the Council verge, in or across crossovers due to inadequate or unavailable parking on-site or in the street.
- (6) A Management Plan to the satisfaction of the Chief Executive Officer is to be submitted within 14 days from the date the development approval is issued.
- (7) No on-site signage is permitted with respect to the application.
- (8) The approval may be revoked by Council, if any adverse impacts involving noise, anti-social behaviour, breaches of the management plan, waste removal, security, parking or privacy control measures for adjoining neighbours are unable to be controlled by the applicant/owner in a timely and effective manner which is to satisfaction of the Chief Executive Officer.
- (9) The approval is valid for a period of 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek a renewal thereafter to enable the continuance of the short term accommodation use. During the review of the renewal process, assessment of car parking, noise, vehicle movements, number of occupants, any reports of anti-social behaviour and general management of the property will be undertaken.

Footnote

The following is not a condition but a note of advice to the applicant/owner:

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- (v) a fresh development (planning) approval application is to be made for Council's consideration at the expiry of the twelve (12) month temporary approval period should the applicant wish to continue the use;*
- (vi) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (vii) a copy of the approved plans as stamped by Council are attached and the use is to conform with the approved plans unless otherwise approved by Council; and*
- (viii) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

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

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11.1 Hubble Street No 38 (Lot 199) - Subsequent approval of verandah enclosure

Owner	Graeme Lillis
Applicant	Hartree and Associates Architects
File ref	P009/19; HUB38
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This report considers a planning application for a verandah enclosure to include a bathroom and scullery subsequent to the development at No 38 (Lot 199) Hubble Street, East Fremantle.

Executive Summary

The applicant is seeking Council approval for a verandah enclosure subsequent to the development. The works have already been completed.

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

Background

Zoning: Residential R20
Site area: 506m²

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

Development application P54/16 – 21 July 2016 – alterations, additions and granny flat
Building Permit 201652 – 20 October 2016 – alterations and additions to existing residence

Consultation

Advertising

The application was supported by the northern neighbouring property at 36 Hubble Street.

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC.

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)

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Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

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

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

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

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

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

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

Natural Environment

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

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

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

4.1.2 *Plan for improved streetscapes parks and reserves.*

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

4.2.1 *Reduce waste through sustainable waste management practices.*

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

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not approve the proposed development resulting in a SAT appeal	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

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Risk Matrix

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

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

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

Site Inspection

A site inspection was undertaken.

Comment

Statutory Assessment

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6m	11.4m for verandah enclosure	A
Secondary Street Setback	-	-	N/A
Lot boundary setbacks			
North	1.0m	1.2m	A
East	1.0m	23m	A
Open Space	50%	>50%	A
Building Height			

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Wall height	6m	2.9m	A
Roof height	9m	4.9m	A
Setback of Carport			N/A
Primary street setback			N/A
Car Parking	2	2	N/A
Site Works	Less than 500mm		N/A
Retaining Wall	Less than 500mm		N/A
Overshadowing	≤25%	18.5%	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	D
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	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
3.7.16.4.3.3 Fremantle Port Buffer Area	N/A
3.7.17.3.3 Garages and Carports	N/A
3.7.17 Precinct Requirements	D

Heritage

The subject property is listed as Category C property on the Municipal Heritage List. The works are considered to have no significant heritage impact.

Comment

The previous development application P054/16 involved the approval of alterations, additions and a granny flat. The approved plans included a wall on the western end of the northern verandah to provide shelter for a barbeque area. Subsequent to this the northern verandah of the subject property was enclosed to create more area for a modified ensuite and a scullery. This was not included in the original development approval.

It is noted that the northern neighbouring property owner at 36 Hubble Street provided a signed statement supporting the development.

The works have had no impact on the setback behind the established building line or the heritage qualities of the dwelling and have had minimal impact on the aesthetics of the building. The development has utilised an existing dwelling with existing setbacks from the front boundary. The wall at the end of the verandah has been moved 1.8m towards the street and is approximately 12m behind the front boundary. The existing dwelling verandah is setback 6m from the front boundary. The properties north and south of the subject property are approximately 2.2m and 6m respectively from the front boundary. In place of what was proposed to be a rubbish bin storage area it is now the wall of the ensuite, and rather than

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having a blank wall there is now a window that is considered an improved outcome. This is all located under the previously approved verandah area.

Although the full enclosure of the verandah did not have approval it is compliant with both the Residential Design Codes and the Residential Design Guidelines and for this reason is supported.

The approval of the application for development approval subsequent to works being carried out is at the discretion of Council.

Conclusion

The development application is recommended for approval subject to conditions.

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040319

Moved Cr Nardi, seconded Cr M McPhail

That Council exercises its discretion in regard to granting subsequent approval for the enclosure of the verandah and the addition of a bathroom and scullery within this verandah at No. 38 (Lot 199) Hubble Street, East Fremantle, in accordance with the plans date stamped received 1 February 2019, subject to the following conditions:

- (1) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (2) The Building Permit issued shall be in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (3) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- (4) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**
- (5) 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 planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

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- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) 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. under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

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

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11.4 Preston Point Road No 170 (Lot 8) Proposed cabana, storeroom and powder room

Owner	Simone Glover
Applicant	Brad Glover
File ref	P004/19; PPT170
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	5 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

This report considers a planning application for a new cabana including a storeroom and powder room at No 170 (Lot 8) Preston Point Road, East Fremantle.

Executive Summary

The applicant is seeking Council approval for the following variations;

- (i) Lot Boundary Setbacks – 1.5m required, nil setback provided
- (ii) Site Works – fill less than 0.5m above natural ground level required, fill greater than 0.5m above natural ground level provided
- (iii) Retaining Walls – retaining walls less than 0.5m in height required, retaining walls greater than 0.5m in height provided

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

Background

Zoning: Residential R17.5

Site area: 1011.71m²

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

Building Permit 109/89 – July 1989 – verandah extension

Development application P66/11 – July 2011 – proposed rear extension (no subsequent building approval submitted)

Consultation

Advertising

The application was advertised to surrounding land owners from 25 January to 11 February 2019.

Officer response

Nil

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as the proposed development is located to the rear of the subject property.

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**Statutory Environment**

Planning and Development Act 2005

Residential Design Codes of WA

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

Built Environment

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

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

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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 or (Controls Treatment proposed)
That Council does not approve the proposed development and the application is appealed to SAT	Possible (3)	Moderate (3)	Moderate (5-9)	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	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

A site inspection was undertaken.

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

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

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	-	-	N/A
Secondary Street Setback	-	-	N/A
Lot boundary setbacks			
<u>South</u>	1.5m	2.0m	A
<u>West</u>	1.5m	0m	D
<u>East</u>	1m	9.6m	A
Open Space	50%	>50%	A
Building Height			
Wall height	5.4m	3.5m	A
Roof height	8.1m	5.0m	A
Setback of Carport			N/A
Primary street setback			N/A
Car Parking	2	2	N/A
Site Works	Less than 500mm	More than 500mm	D
Retaining Wall	Less than 500mm	More than 500mm	D
Overshadowing	≤25%	13%	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	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
3.7.16.4.3.3 Fremantle Port Buffer Area	N/A
3.7.17.3.3 Garages and Carports	N/A
3.7.17 Precinct Requirements	D

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The application proposes a cabana, storeroom and powder room located at the rear of the subject property. The cabana is located on the western boundary and setback 2m from the southern boundary. There are significant site works with a 19m long retaining wall 1.8m high built along the southern boundary setback 1.85m from the boundary. In addition there are retaining walls for garden beds on the eastern and western boundary that are in excess of 0.5m in height at certain points.

Lot Boundary Setbacks

The proposed development does not comply with the Deemed to Comply requirements of the Residential Design Code in terms of lot boundary setbacks (Clause 5.1.3 C3.1). On the western boundary the proposed cabana has a wall 14.7m long and a maximum 3.5m high from natural ground level. Normally a wall of this size would require a minimum setback from the boundary of 1.5m. In this case the western neighbouring property owners have not objected to the proposed development and provided a letter supporting the proposed development. In line with the Design Principles 5.1.3 P3.2 the wall located along the boundary makes more effective use of space for enhanced privacy for the occupants and the outdoor living areas, reduces impacts of building bulk on adjoining properties, ensures adequate sunlight and ventilation to the building and open spaces on site and adjoining properties, minimises the extent of overlooking and resultant loss of privacy on adjoining properties and does not have any adverse effects on adjoining properties. As such the reduced boundary setback is supported.

Site Works

The proposed development does not comply with the Deemed to Comply requirements of the Residential Design Code for site works (Clause 5.3.7 CC7.3). There are a small number of areas in the rear yard where there is fill behind the front street setback line and within 1m of common boundaries that is above 0.5m from natural ground level. Fill will be up to 0.8m for a small number of areas behind retaining walls for garden beds and within 1m of the western and eastern boundaries. In accordance with Design Principles 5.3.7 P7.2 the fill is supportable as it respects the natural ground levels at the lot boundaries of the sites as viewed from the street.

Retaining Walls

The proposed development does not comply with the Deemed to Comply requirements of the Residential Design Code in terms of retaining wall heights (Clause 5.3.8 C8). The retaining walls for a planter box on western boundary is 0.7m high above natural ground level and a retaining wall for a garden bed on the eastern boundary is up to 0.8m above natural ground level and have a total height of up to 2.2m from their base. In accordance with Design Principles 5.3.8 P8 retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to Provision 5.3.7 Site Works and 5.4.1 Visual Privacy can be supported. In this case the retaining walls help to retain the garden beds and respect the ground levels along the western and eastern boundaries without detrimentally affecting adjoining properties and are therefore recommended for support.

Conclusion

The variations as stated above are considered acceptable and the development application is recommended for approval subject to conditions.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP050319

Moved Cr M McPhail, seconded Cr Nardi

That development approval be granted under delegated authority and discretion exercised in regard to the following:

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – 1.5m required, nil setback provided; and
- (ii) Clause 5.3.7 – Residential Design Codes – Site Works – fill less than 0.5m above natural ground level required, fill greater than 0.5m above natural ground level provided;
- (iii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – retaining walls less than 0.5m in height required, retaining walls greater than 0.5m in height provided;

for a cabana, storeroom and powder room at No. 170 (Lot 8) Preston Point Road, East Fremantle, in accordance with the plans date stamped received 16 January 2019, subject to the following conditions:

- (1) 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.
- (2) 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.
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (4) 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.
- (5) 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.
- (6) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (8) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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

(CARRIED UNANIMOUSLY)

Note:

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

12. REPORTS OF OFFICERS (COUNCIL DECISION)

12.1 WALGA Preferred Model - Third Party Appeal Rights in Planning

File ref	A/WALGA; B/PTP1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	5 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. WALGA Preferred Model – Third Party Appeal rights for decisions made by Development Assessment Panels

Purpose

The purpose of this report is for Council to provide comments to the Western Australian Local Government Association (WALGA) regarding their Preferred Model for Third Party Appeal Rights in planning. The closing date for comment was initially 20 February 2019, however, this has been extended to the end of March 2019.

Executive Summary

This matter was considered by Council at its Meeting held on 18 February 2019 and was deferred to the March 2019 Town Planning Committee Meeting.

At the May 2018 WALGA State Council meeting, it was resolved to amend WALGA's policy position from opposing Third Party Appeal Rights, to supporting the introduction of Third Party Appeal Rights only for those decisions made by Development Assessment Panels (DAPs).

State Council also resolved to further consult with members to provide more clarity on the exact details of the criteria that need to be established, before any system is implemented by the State Government. A Preferred Model has now been prepared through a workshop with members, and has been circulated for further comment from the sector.

The new policy position was provided to the State Government and also submitted during the consultation on the Independent Review of the Planning System in July 2018 (the Green paper). The Hon Minister for Planning responded that Third Party Appeal Rights are not included in the Green paper, as they would *"add unnecessary complexity and red tape to the planning framework, contrary to the intent of the review"*. WALGA claims that this statement could perhaps be challenged as the objectives of the Review were also about providing a modern and accountable planning system.

Although agreeing with some of the principles behind WALGA's Preferred Model and the need to make improvements to the accountability and transparency of DAP decision making. It is understood that in the past the Town of East Fremantle has not generally supported Third Party Appeal Rights in planning. The Town's administration is, therefore, reluctant to recommend support for any form of third party appeals as it is likely to pave the way for unwanted future changes, planning delays and involve excessive costs and resources. An introduction of Third Party Appeals could also potentially result in further changes in the future including the possibility for legal challenges to decisions of Council.

The Town's administration recommends further investigation should be undertaken to explore alternative planning reform measures other than the third party appeals process to address DAP functions and processes, that in particular would allow Local Governments to challenge or seek review of a DAP decision.

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Background

No Third Party Appeal Rights currently exist in the planning system in Western Australia.

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding the current policy position at that time, which opposed the introduction of Third Party Appeal Rights in Western Australia. This action was partially driven by changes to legislation arising from the State's planning reform *Planning Makes it Happen: Phases 1 and 2*, and the introduction of DAPS.

Feedback was sought from the Local Government planning community and Elected Members on a discussion paper that put forward the arguments both for and against third party appeals. Following consideration of submissions, two workshops were held in November 2017 to review various forms of Third Party Appeal Rights and to determine a preferred model.

As a result of a formal request for consideration by members in December 2017, a new position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels, was endorsed at the May 2018 WALGA State Council Meeting and has since been amended accordingly.

WALGA has now prepared a Preferred Model for Third Party Appeal Rights for decisions made by Development Assessment Panels and is seeking Council comments and/or resolutions regarding this matter. Comments are sought by 20 February 2019 and WALGA officers are aware that the Town's response may be late due to the date of this Council Meeting. An extension to the comment period would need to be sought if any further delays than this are anticipated.

Details

The Preferred Model – Third Party Appeal Rights for decisions made by Development Assessment Panels is shown as Attachment 1 to this agenda.

The benefits of Third Party Appeal Rights for DAP decisions are purported by the Preferred Model as follows:

- The model provides a good test for the introduction of Third Party Appeal Rights, which could possibly be expanded later if it proves to be beneficial.
- Local Government would be able to appeal a DAP decision and defend the merits of their policies and defend the enforceability of their conditions.
- Other interested parties and community members would be able to appeal a DAP decision.
- Addresses community concerns that decisions are being made by those 'removed' from the local community, leading to improved community confidence in the system.
- More transparent process in both decision making and condition setting, resulting in more accountable DAP members.
- Would allow for an appeal to be made on the conditions of approval or refusal:
 - (i) That may have been removed from a RAR; or
 - (ii) Added to the decision, particularly where no liaison has occurred with the authority responsible for clearing or enforcing the condition; or
 - (iii) Applied inappropriately i.e. the condition would change the intent or design of the development and therefore a new application should have been lodged.
- Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden the system.
- Provides the opportunity for additional information to be included in the appeal process, particularly if information was not received before the DAP meeting.

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- Provides the ability to challenge any new information being presented at the DAP meeting without the responsible authority being able to undertake any assessment of the new information (unassessed revised plans are currently being lodged and approved at meetings).
- Able to appeal the 'Deferral' process being over utilised, ie DAPs are tending to defer applications multiple times rather than making a decision to approve or refuse the proposal.
- Can give the Local Government more confidence that the developer will provide a fully complete application and discuss the application with the Local Government first, rather than relying on the DAP to condition the proposal requiring additional critical information.

In summary, the Preferred Model advocates the following for third party appeals against DAP decisions:

- Appellants to be limited to those parties that previously made a submission; the relevant Local Government where decisions have gone against the RAR or the position of Council; and public authorities where decisions have gone against their advice.
- SAT to ensure appeals are made on valid planning grounds, not for commercial or vexatious reasons (a preliminary hearing could determine whether the appeal is justified).
- Optional and compulsory DAP applications decisions to be subject to appeal, together with applications to amend approvals.
- Appeals to be made within 28 days of a decisions (as per usual timeframe for lodgment of appeals) and Local governments to individually determine process for lodgment (for example, Special Council meeting to determine this action).
- For procedural fairness, all parties should be involved including the Local Government or another third party; the respondent (DAP) and the applicant. If the appellant is another third party, then the Local Government should be invited as an observer.
- Any appellant would be required to cover the costs of initiating an appeal, attending SAT directions, mediation and hearings, and costs could also include obtaining expert advice. Potential costs to be counselled to a third party at the time of a Preliminary Hearing.
- The appeals process to be similar to the existing appeal process currently applicable to an applicant.

Consultation

This Preferred Model has been circulated to all WALGA members for comment and possible Council resolution.

Statutory Environment

Changes would be required to the *Planning and Development Act 2005* to allow for Third Party Appeal Rights.

Policy Implications

Nil

Financial Implications

Possible future cost of funding planning appeals/reviews and impact on Council's resources.

Strategic Implications

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

MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019



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.*

Leadership and Governance

A pro-active, approachable Council which values consultation, transparency and accountability.

- 5.1 *Strengthen organisational accountability and transparency.*
 - 5.1.1 *Strengthen governance, risk management and compliance.*
 - 5.1.2 *Ensure an effective engagement process is undertaken with community and stakeholders.*
 - 5.1.3 *Improve the efficiency and effectiveness of services.*
- 5.2 *Proactively collaborate with the community and other stakeholders.*
 - 5.2.1 *Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies.*
- 5.3 *Strive for excellence in leadership and governance.*
 - 5.3.1 *Deliver community outcomes through sustainable finance and human resource management.*
 - 5.3.2 *Improve organisational systems with a focus on innovation.*
 - 5.3.3 *Increased focus on strengthening and fostering a positive customer service experience.*

MINUTES OF TOWN PLANNING MEETING
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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 supports WALGA's preferred model for Third Party Appeal Rights	Unlikely (2)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		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 of 6 has been determined for this item. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

Site Inspection

Not applicable

Comment

It appears that many of the benefits stated in the WALGA Preferred Model refer to a means of addressing issues that have been raised with the DAP approvals system.

Notwithstanding the benefits of the Preferred Model as a means to improve the accountability and transparency of DAP decisions, questions arise as to whether the appeals process is the most appropriate

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019**



avenue to deal with these issues, rather than other planning reform measures associated with DAP function and processes.

Possible merit in the WALGA Preferred Model is that it could allow Local Governments the ability to challenge DAP decisions that are either made contrary to recommendations of the Responsible Authority's Report (RAR) which is prepared by the Local Government for a DAP meeting, or decisions made contrary to a particular position of Council.

Changes to allow for general Third Party Appeals is not supported. Even in a modified format as proposed by the WALGA model, it is considered that this could lead to (or facilitate) challenges to Council decisions, or indeed legal challenges as to the wider merits and abilities to appeal any decision. The associated legislation required for Third Party Appeals is considered to have the potential to significantly change the planning landscape and it is believed that more research is required into this matter to ensure any potential issues are fully understood.

However, enabling other third parties to appeal DAP decisions outside of this realm has the potential to cause unnecessary delays and further imposition on Local Government resources resulting in uncertain planning outcomes. The principle to allow for third parties being able to challenge or review a DAP decision, would only be supported in the same circumstances as for Local Government, that is when a decision is made by the DAP that is contrary to the RAR or a particular position of Council.

The Preferred Model put forward by WALGA claims to provide a *"... good test for introduction of Third Party Appeal Rights, which could possibly be expanded later if it proves to be beneficial"*. By supporting third party appeals in any form, it has the potential to pave the way for further changes that could extend beyond decisions made by DAPs and beyond the Council's position on a proposal, which is not a desired outcome.

The principle of Local Governments or other third parties being able to challenge and seek review of DAP decisions that are made contrary to the recommendations of a RAR or Council position is supported, however, the WALGA Preferred Model for Third Party Appeal Rights is not supported as the means for this to occur and it is considered that alternative methods should be investigated.

Moved Cr M McPhail, seconded Cr Harrington
The adoption of the Officer's recommendation.

Amendment

Cr Collinson

That Condition 1 be replaced with the following:

"supports the WALGA preferred model."

LAPSED FOR WANT OF A SECONDER

The substantive motion was put.

**MINUTES OF TOWN PLANNING MEETING
TUESDAY, 5 MARCH 2019**



12.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP060319

Moved Cr M McPhail, seconded Cr Harrington

That Council advise the Western Australian Local Government Association that the Town of East Fremantle:

1. does not support Third Party Appeal Rights for planning and therefore does not support the WALGA Preferred Model "Third Party Appeal Rights for decisions made by Development Assessment Panels", received on 12 December 2018; and
2. supports the principle of Local Governments being able to challenge and seek review of DAP decisions that are made contrary to recommendations of a RAR or Council position;
3. supports the principle of other third parties being able to challenge and seek review of DAP decisions only when decisions are made contrary to recommendations of a RAR or Council position;
4. supports the principle of generally improving the accountability and transparency of Development Assessment Panel decisions; and
5. considers that alternative planning reform measures associated with DAP function and processes, rather than the appeals process, would be a more appropriate method of addressing issues associated with DAP decision making.

(CARRIED 4:1)

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7:35pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 5 March 2019, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

11.3 Public Art Panel Minutes Report

File ref	A/ART1
Prepared by	Karen Dore Economic & Community Development Officer
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date:	19 March 2019
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Minutes of Public Art Panel Meeting, 25 February 2019 (OMINS32012)2. Town of East Fremantle Art Actions Matrix 2018-20223. External Window Installation Project Proposal4. Silas Street Roundabout Project Proposal5. Turnstile Booths Project Proposal

Purpose

To consider the Public Art Panel's recommendations and requests, as a consequence of their most recent meeting.

Executive Summary

The Town's Public Art Panel have held five (5) meetings since their inception in July 2018. At their meeting held on 25 February 2019 they finalised four items to be recommended to Council for perusal and approval:

- Town of East Fremantle Art Actions Matrix 2018-2022
- External Window Installation Project Proposal
- Silas Street Roundabout Project Proposal and
- Turnstile Booths Project Proposal.

Background

Town of East Fremantle Art Actions Matrix 2018-2022

The Four-Year Public Art Plan provides a clear understanding of the initiatives the Town of East Fremantle intends to implement over the allocated four-year period (2018-19 to 2021-22). The actions were developed from community consultation, assessment of the Town of East Fremantle's current delivery of public art and a review of best practice in arts delivery. The Plan is guided by the standards set out in the Town of East Fremantle Public Art Strategy. These actions align with the Town of East Fremantle's Public Art Vision, Aims and Objectives for Public Art.

External Window Installation Project Proposal

At their meeting held on 12 August 2018, the Public Art Panel supported the application of external vinyl artwork to the windows of an empty shop in a highly visible part of the Town – namely, the corner of Canning Highway and Petra Street. The purpose is to create an ephemeral installation that will transform this unattractive, empty building into a bright, highly visible entry to the Town.

Silas Street Roundabout Project Proposal

This location was considered as one to be included in the "Art on Loan" project. However, it was ultimately decided that it was preferable to have a commissioned, bespoke, perpetual installation at the site that will be a unique entry statement for the Richmond Quarter business precinct.

Turnstile Booths Project Proposal

Concerns have been raised by members of the community and Town staff (Operations Crew) regarding the use of the two open booths by people experiencing homelessness. This can create a perception of the area being unsafe. There is also additional workload for Town staff in ensuring the area is kept clean and tidy.

An amount of \$15,000 was allocated in the 2019-2020 budget, under maintenance, to enclose the two booths.

Rather than simply blocking up the two doorways and twelve windows, it was felt that this presented an amazing opportunity to install some functional public art which can be utilised to tell the story of the Richmond Raceway. This offers a strong link to the Town's work in revitalising the Heritage Trail and undertaking the "Streets of East Fremantle" project in partnership with the Museum of Perth.

Consultation

Public Art Panel Members
Executive Management Group
Relevant artists

Statutory Environment

Nil

Policy Implications

Public Art Panel Policy (4.1.5)

Financial Implications

Town of East Fremantle Art Actions Matrix 2018-2022

There are no direct financial implications associated with the endorsement of this document, however, it should be noted that it sets a four-year forward plan for budgeting in relation to public art.

The Arts and Sculpture Reserve has a balance of \$192,022 as at 30/06/18. An allocation of \$45,000 is included in the 2018-2019 budget. Should \$45,000 be allocated in 2019-20, 2020-21 and 2021-22, the total available over four (4) years will be \$372,000.

The Matrix proposes an allocation, over four (4) years of \$125,000 for the Town Art Collection Acquisition project, to be expended as per the recommendation of the Acquisition Proposal Report. \$6,000 can be quarantined for the management of this Town Art Collection.

The balance of \$247,000 will then be available for Commissions and Projects as identified / endorsed by the Public Art Panel. With a proposed spend of \$31,000 in 2018-2019, that leaves an average of \$70,000 per year for the following three years.

External Window Installation Project Proposal

The cost of this project is \$3,000. These costs include the purchase of artwork, the rights to use the artwork, digitisation of the artwork, creation of the window vinyl and installation of the final product.

Silas Street Roundabout Project Proposal

The estimated cost of this project is \$50,000. Should Council support the proposal in principle further work will be undertaken to secure concept designs and costings.

Turnstile Booths Project Proposal

The total financial implication of endorsing this proposal is \$35,000. In relation to the Arts and Sculpture Reserve the impact is \$20,000, with the balance of \$15,000 being available from the relevant maintenance budget (as per the adopted 2018-2019 budget).

Strategic Implications

Nil

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 Theme Risk	Risk Action Plan (Controls or Treatment proposed)
That Council does not endorse the recommendation of the Public Art Panel	Possible (3)	Minor (2)	Moderate (5-9)	SERVICE INTERRUPTION Medium term temporary interruption - backlog cleared by additional resources < 1 week	Accept Officer Recommendation

Risk Matrix

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

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

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

Comment

The Public Art Panel comprises passionate, knowledgeable local practitioners, ably supported by elected members. They have, over the past six months deliberated many ideas – dismissing those which either do not align with the Town's public arts vision or are not, at this time, practical. These recommendations represent proposals which have been carefully considered and planned.

11.3 PANEL RECOMMENDATION

That Council:

1. endorse the Town of East Fremantle Art Actions Matrix 2018-2022, as attached;
2. endorse the External Window Installation Project, as attached;
3. supports in principle the Silas Street Roundabout Project proposal, as attached;
4. supports in principle the Turnstile Booths Project proposal, as attached; and
5. pursuant to Section 6.8 of the *Local Government Act 1995*, approves an additional transfer of \$23,000 from the Arts and Sculpture Reserve for the External Window Installation and Turnstile Booths projects.

**MINUTES OF PUBLIC ART PANEL MEETING
MONDAY 25 FEBRUARY 2019**

MINUTES

1. DECLARATION OF OPENING OF MEETING

The meeting was declared open at 5.35pm.

2. RECORD OF ATTENDANCE

2.1 Attendance

Cr Jenny Harrington, Chairperson

Mayor Jim O'Neill

Ms Carmel O'Neill

Mr Gary Tuffin, Chief Executive Officer (CEO)

Mr Peter Kocian, Executive Manager Corporate Services (EMCS)

Ms Karen Dore, Economic & Community Development Officer (ECDO)

2.2 Apologies

Mr Tony Jones

Mr Barry Scotland

Mrs Christine Catchpole, Town Planner (TP)

3. ACCEPTANCE OF PREVIOUS MINUTES

MOVED: J Harrington SECONDED: J O'Neill

That the Public Art Panel accept the Minutes of their previous meeting, dated Monday 18 October 2018, as a true and correct record of proceedings.

Carried Unanimously

4. BUSINESS PERTAINING TO ART & SCULPTURE RESERVE FUNDING

4.1 Art Actions Matrix

The Public Art Panel recommends to Council the endorsement of the Town of East Fremantle Art Actions Matrix 2018-2022, as attached.

4.2 External Window Installation

The Public Art Panel requests from Council:

- 1) endorsement of the External Window Installation project, as attached; and
- 2) the transfer of \$3,000 from the Arts & Sculpture Reserve.

4.3 Silas Street Roundabout

The Public Art Panel requests in principle support from Council for the Silas Street Roundabout project, as attached.

4.4 Annual Art Awards

Draft brief, to be prepared – looking to an inaugural Awards event in 2020-2021, promoted in conjunction with East Fremantle's George Street Festival 2020.

4.5 Turnstile Booths – Marjorie Green and George Booth

The Public Art Panel requests from Council:

- 1) in principle support for the Turnstile Booths project, as attached; and
- 2) the transfer of \$20,000 from the Arts & Sculpture Reserve.

5. BUSINESS PERTAINING TO ART RECOMMENDATIONS

5.1 Spiritual Assembly of the Baha'i's of East Fremantle – Proposed Mural

Panel members discussed the request for input regarding a location and concept.

ACTION: ECDO to reply to correspondence (IEM72436) advising of Panel's proposal to map possible locations for murals, and referencing the Public Art Strategy with regards to concepts. Also to advise of possible upcoming community project which the Baha'I Youth might like to collaborate on.

5.2 Glasson Park Public Toilet Artwork

Panel members discussed the opportunity to recommend content for the 'art wrap' of this facility, noting that the submission would need to be made prior to 22 April 2019.

MINUTES OF PUBLIC ART PANEL MEETING
MONDAY 25 FEBRUARY 2019



ACTION: ECDO to request an updated quote from Jesse Lee Johns of his “East Fremantle Mural Concept” for digital preparation, with the request for the artwork to include more ‘child and park like’ aspects.

5.3 Town Hall Collection, Art Acquisition

Panel members submitted their preferences as requested. A report will be presented to Council in due course, through the Town’s Project Coordinator.

ACTION: 4.2.6 Public Art Policy, update. For the purpose of clarity and transparency it was requested that the descriptive statement in under Item 3.2 “Arts & Sculpture Reserve” be reworded as follows;

The Arts & Sculpture Reserve is the means for collecting and administering monies for the Public Art Strategy and for Town of East Fremantle Art Collection acquisitions. The purpose of the Reserve is to fund the Public Art Strategy, the acquisition of works for the Town Art Collection and to accumulate a fund to support major public art projects.

5.4 Bus Shelters

Panel members discussed the different options for ‘embellishing’ the existing functional bus stops.

ACTION: ECDO to update Project Plan in order to re-create the original project (for concrete bus stop art), noting that the subject of the installations should be new, and with reference to the Public Art Strategy.

5.5 Paint for Freedom

Panel members discussed the request for the Town to host a Pain4Freedom Art Competition.

ACTION: ECDO to reply to correspondence (OEM29267) advising that currently the Town does not have the resources to commit to such a partnership, however, if a neighbouring local government were taking part we would be happy to promote this involvement through our networks.

5.6 Plympton Steps Seat

Panel members discussed the situation, whereby a local seat had been painted without permission.

ACTION: ECDO to defer the decision making to the Executive Management Group in conjunction with their upcoming discussions regarding memorial plaques.

6. CLOSURE OF MEETING

The meeting closed at 6.55pm.

Next Meetings

- Monday 20 May – 5.30pm
- Monday 19 August – 5.30pm
- Monday 18 November – 5.30pm

Past Items Noted

- Ari & Esmay Mural, no longer for consideration, business is closed.
- Banner Poles, delegated to Operations as Town infrastructure.
- Building Projections not a priority.
- East Fremantle’s George Street Festival Art Exhibition was a success, filled with amazing local artworks, thanks to Tony’s tireless passion it worked wonderfully. Looking forward to another one in 2019.
- Hubble Street Insta Wall / Mural is complete.
- Richmond Raceway Public Art repair, delegated to Operations as maintenance.



Public Art Actions 2018 - 2022



February 2019

Town of East Fremantle Four-Year Public Art Plan

Document Control

Owner Unit	Corporate Services – Community
Originator	Economic & Community Development Officer
Date Created	12/02/19
Document Approved	25/02/19 Public Art Panel
Document Endorsed	This document, to Council, 19 March 2019
Document Available Online	
Review Frequency	Annual
Additional Comments	

Introduction

The Four-Year Public Art Plan provides a clear understanding of the initiatives the Town of East Fremantle intends to implement over the allocated four-year period (2018-19 to 2021-22). The actions were developed from community consultation, assessment of the Town of East Fremantle's current delivery of public art and a review of best practice in arts delivery.

The Plan is guided by the standards set out in the Town of East Fremantle Public Art Strategy. These actions align with the Town of East Fremantle's Public Art Vision, Aims and Objectives for Public Art.

Strategic Implications

"Town of East Fremantle Strategic Community Plan 2017-2027" (excerpt)

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

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection.

1.3 Strong community connection within a safe and vibrant lifestyle

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

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

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

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

4.1.2 Plan for improved streetscapes, parks and reserves

Financial Implications

The Arts and Sculpture Reserve has a balance of \$192,022 as at 30/06/18. An allocation of \$45,000 is included in the 2018-2019 budget. Should \$45,000 be allocated in 2019-20, 2020-21 and 2021-22, the total available over four (4) years will be \$372,000.

The Matrix (see Attachment 1) proposes an allocation, over four (4) years of \$125,000 for the **Town Art Collection Acquisition** project, to be expended as per the recommendation of the Acquisition Proposal Report. \$6,000 can be quarantined for the management of this Town Art Collection.

The balance of \$247,000 will then be available for **Commissions and Projects** as identified / endorsed by the Public Art Panel. With a proposed spend of \$31,000 in 2018-2019, that leaves an average of \$70,000 per year for the following three years.

Related Policies, Plans and Guidelines

- Public Art Strategy
- Public Art Procedure
- Percent for Art Policy
- Local Planning Schemes

Attachment 1: Public Art Actions Matrix						
Ref.	Description	Timeframe				Responsible
		2018-19	2019-20	2020-21	2021-22	
1. Public Art Panel						
1.1	Establishment of Public Art Panel	16/07/18 (first meeting)				Town ECDO
1.2	Scheduled quarterly Panel meetings	Ongoing				Town ECDO
2. Public Art Reserve						
2.1	Annual Budget Consideration of \$45,000	Budgeted	2019-20	2020-21	2021-22	Town EMCS
3. Town Art Collection Acquisition						
3.1	Preparation of an Acquisition Proposal Report (Art Consultant)	Complete				Town PC
3.2	Acquisition Selection project, recommendation to Council	\$ 50,000	\$ 5,000	\$ 5,000	\$ 5,000	Town PC
4. Town Art Collection Management						
4.1	Establishment of a Policy / Procedure	Draft				Town PC
4.2	Development of a database, to include all Public Art pieces		Draft	Maintain	Maintain	Town PC
4.3	Implementation of Art Collection Management		2019-20	Ongoing	Ongoing	Town PC
5. New Public Art Commissions & Projects						
5.1	Major Turnstile Booths – Richmond Raceway, as per Plan	\$ 20,000 investment (to be confirmed)				PAP
5.2	Minor Mural – Hubble Street, Jarrad Martyn	\$ 8,000 completed November 2018				PAP
5.3	Minor Installation – External Window, Petra Street, as per Plan	\$ 3,000 (to be confirmed)				PAP
5.4	Major Installation – Silas Street Roundabout, invitation for EOI		\$ 50,000			PAP
5.5	Minor Mural – location to be selected, invitation for EOI		\$ 10,000			PAP
5.6	Minor Community Art / Sculpture – to be discussed		\$ 10,000			PAP
5.7	Major Installation – location to be selected, invitation for EOI			\$ 50,000		PAP
5.8	Minor Mural – location to be selected, invitation for EOI			\$ 10,000		PAP
5.9	Minor Inaugural Annual Art Awards – brief to be prepared			\$ 10,000		PAP
5.10	Major Installation – location to be selected, invitation for EOI				\$ 50,000	PAP
5.11	Minor Mural – location to be selected, invitation for EOI				\$ 10,000	PAP
5.12	Minor Community Art / Sculpture Trail – to be discussed				\$ 10,000	PAP
Budget Summary						
Carried forward		\$192,022				
Annual Expenditure (Town Art Collection Acquisition + Commissions & Projects)						
		\$ 81,000	\$ 75,000	\$ 75,000	\$ 75,000	
Annual Income (proposed annual consideration)						
		\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	
Estimated Running Balance						
		\$156,022	\$126,022	\$ 96,022	\$ 66,022	
Major = over \$10,001 // Minor = under \$10,000						

Updated 25/02/19



TOWN *of*
EAST FREMANTLE

Public Art Panel Project Proposal



February
2019

External Vinyl Window Installation

Document Control

Owner Unit	Corporate Services – Community
Originator	Public Art Panel
Author	Economic & Community Development Officer
Date Created	26 February 2019
Draft Approved	Executive Manager Corporate Services 27 February 2019
Document Endorsed (Council)	
Document Available Online	
Review Frequency	As required until project complete.
Additional Comments	

Background



At their meeting held on 12 August 2018, the Public Art Panel supported the application of external vinyl artwork to the windows of an empty shop in a highly visible part of the Town – namely, the corner of Canning Highway and Petra Street.

Since that meeting there have been discussions regarding the subject of the artwork, which have resulted in this proposal.

LEFT: Beaufort Street, Northbridge – Trevor Richards Tessellation Street Project. Design derived from a floor tile pattern at the New Norcia Hotel.

Proposed Artworks



Artist: Patricia Burvill, East Fremantle

These two pieces were prepared as concepts for the recent Hubble Street Mural. Whilst they were not the chosen submission the Public Art Panel felt that they would like them to be considered for another application within the Town.

Purpose

To create an ephemeral installation that will transform this unattractive, empty building* into a bright, highly visible entry to the Town.

**the building is inaccessible (no floor, roof leaks, no power). The owner is amenable to the external installation of vinyl artwork to the window areas.*



It is also proposed that there be a vinyl 'plaque' which tells the artist's story (below) along with a QR code which links the installation to the Town's website, and other public art works in the Town.

These designs are inspired by the rich history of the East Fremantle precinct and its connection to nature, with everything evolving around the Swan River. We are capturing an area that was once vineyards and orchards before becoming more residential. Iconic buildings, such as the Royal George, still stand, giving the area character.

As a child I spent many nights under the old Fremantle Bridge, prawning, fishing and crabbing, watching the prawns fly past and swirl around in the flowing current, their eyes glowing in the night, you had to be quick to catch them. The view from East Fremantle always has a container ship on the horizon bringing goods to the port with the lighthouse guiding it in safely.

I made reference to the festivals of East Fremantle from past to present that bring the town alive.

The Swan River was a major food source for the Noongar community who used the river for food at a time when the river was rich and abundant with fish, crabs and prawns. The plants around the river were used to make gathering bowls. When the rains came the rivers would flow fast, bringing all the river life downstream with its strong current.

The pelican was symbolic to the Noongar people that frequented the swan river. The pelican is an iconic part of the East Fremantle part of the river.

The flora and fauna was once rich with many native plants and flowers. Many birds such as the Carnaby Cockatoo used the trees for nesting and food, but as the land was cleared for farming and residential housing much of the native fauna and flora has sadly disappeared. The Night Heron is a loner who comes out at dusk to feed along the East Fremantle shoreline with its distinctive statue like stance. The Osprey can be seen hunting for food along the East Fremantle side of the river, often getting a glimpse of one grabbing a fish from the river with its strong sharp claws.

Consultation

- Executive Management
- Public Art Panel
- Property Owner
 - In principle support for use of windows, awaiting approval of proposed artwork
- Artist
 - Quote for purchase of the two framed artworks, and agreement for proposed use
- Elected Members ([THIS DOCUMENT](#))

Financial Implications

Proposed Cash Budget (ex gst)

\$ 1,300	Purchase of two framed pieces of artwork (quoted)
\$ 1,700	Digitisation, production and installation (estimate, await quote)
\$ 3,000	Total

It is proposed that these monies will be accessed from the Arts & Sculpture Reserve, as one of the two minor Public Art Panel projects for 2019-2020 (refer to Art Actions Matrix 2018-2022).

Strategic / Policy Implications

“Town of East Fremantle Strategic Community Plan 2017-2027”

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

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

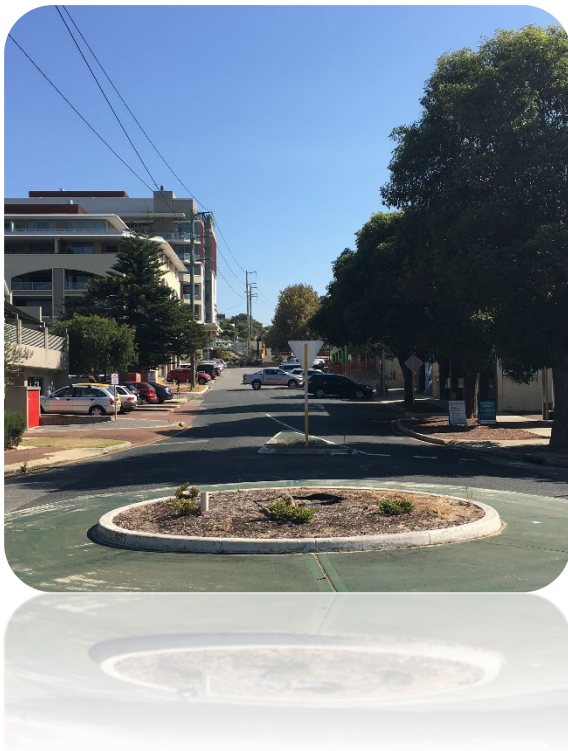
1.3.3 Enrich identity, culture and heritage through programs, events and celebrations

“Public Art Policy”

Section 1 – Objectives

- **1.3 Social** – to enhance social cohesion within East Fremantle by:
 - creating landmarks that provide reference points and enable people to orientate themselves;
 - using public art to develop attractive, diverse places, that the community enjoy; and
 - using public art to develop meeting places, that community members want to visit.

Public Art Panel Project Proposal



February
2019

Silas Street Roundabout Installation

Document Control

Owner Unit	Corporate Services – Community
Originator	Public Art Panel
Author	Economic & Community Development Officer
Date Created	26 February 2019
Draft Approved	Executive Manager Corporate Services 27 February 2019
Document Endorsed (Council)	
Document Available Online	
Review Frequency	As required until project complete.
Additional Comments	

Background

This location was considered as one to be included in the “Art on Loan” project. However, it was ultimately decided that it was preferable to have a commissioned, bespoke, perpetual installation at the site.

The roundabout has already been cleared, as part of the initial project preparations.

Purpose

To install a permanent public artwork that will be a unique entry statement for the Richmond Quarter business precinct.

Consultation

- Executive Management
- Public Art Panel
- Elected Members (THIS DOCUMENT)

Future consultation will include engagement with the business community and residents within the immediate location, and an invitation for expressions of interest from recommended artists.

Financial Implications

Proposed Cash Budget (ex gst)

\$ 1,500	Three concept designs (as requested from expressions of interest)
\$50,000	Materials, production and installation
<u>\$51,500</u>	<u>Total</u>

It is proposed that these monies will be accessed from the Arts & Sculpture Reserve, as the major Public Art Panel project for 2020-2021 (refer to Art Actions Matrix 2018-2022).

Strategic / Policy Implications

“Town of East Fremantle Strategic Community Plan 2017-2027”

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

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

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

“Public Art Policy”

Section 1 – Objectives

- **1.3 Social** – to enhance social cohesion within East Fremantle by:
 - creating landmarks that provide reference points and enable people to orientate themselves;
 - using public art to develop attractive, diverse places, that the community enjoy; and
 - using public art to develop meeting places, that community members want to visit.

Public Art Panel Project Proposal



February
2019

Turnstile Booth Installation

Document Control

Owner Unit	Corporate Services – Community
Originator	Public Art Panel
Author	Economic & Community Development Officer
Date Created	26 February 2019
Draft Approved	Executive Manager Corporate Services 27 February 2019
Document Endorsed (Council)	
Document Available Online	
Review Frequency	As required until project complete.
Additional Comments	

Background

Concerns have been raised by members of the community and Town staff (Operations Crew) regarding the use of the two open booths by people experiencing homelessness. This can create a perception of the area being unsafe. There is also additional workload for Town staff in ensuring the area is kept clean and tidy.

An amount of \$15,000 was allocated in the 2019-2020 budget, under maintenance, to enclose the two booths.

Rather than simply blocking up the two doorways and twelve windows, it was felt that this presented an amazing opportunity to install some functional public art which can be utilised to tell the story of the Richmond Raceway. This offers a strong link to the Town's work in revitalising the Heritage Trail and undertaking the "Streets of East Fremantle" project in partnership with the Museum of Perth.

Purpose

To install permanent public artwork that serves a functional, community safety, purpose and develops a sense of place through story-telling.

Consultation

- Executive Management
- Public Art Panel
- Elected Members (THIS DOCUMENT)

Future consultation will include engagement with residents within the immediate location.

Financial Implications

Estimated Cash Budget (ex gst)

- | | |
|------------|---|
| • \$35,000 | Estimate to cover materials, production and installation
<i>Three quotes to be gained in line with Town Policy</i> |
| • \$35,000 | <u>Total</u> |

It is proposed that \$20,000 will be accessed from the Arts & Sculpture Reserve, as the major Public Art Panel project for 2019-2020 (refer to Art Actions Matrix 2018-2022). The balance of \$15,000 will be met through the maintenance allocation.

Strategic / Policy Implications

"Town of East Fremantle Strategic Community Plan 2017-2027"

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

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

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

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

"Public Art Policy"

Section 1 – Objectives

- **1.1 Cultural** – to enhance the cultural and aesthetic environment of East Fremantle by:
 - interpreting aspects of its unique cultural heritage; and
 - ensuring that public artworks respond to the site.
- **1.2 Sustainability** – to contribute to a sustainable environment by using public art to:
 - develop environments where walking and cycling is encouraged.
- **1.3 Social** – to enhance social cohesion within East Fremantle by:

- creating landmarks that provide reference points and enable people to orientate themselves;
 - using public art to develop attractive, diverse places, that the community enjoy; and
 - using public art to develop meeting places, that community members want to visit.
- **1.4 Economic** – to contribute to economic vitality within East Fremantle by using public art to develop:
 - unique and recognisable places, enhancing the ‘place brand’; and
 - employment opportunities for local artists, craftspeople and associated businesses.

12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Richmond Circus No 70 (Lot 226) - Carport

Owner	Mark Hochstadt and Rachel Bodel
Applicant	Softwoods Timberyard Pty Ltd
File ref	P908/18; P/RIC70
Prepared by	James Bannerman Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	19 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

For Council to consider the Town Planning Committee (TPC) recommendation to refuse a single carport for vehicle parking in the front setback at No 70 (Lot 226) Richmond Circus as outlined in the Report contained within the TPC minutes (Agenda Item 11.2 Attachment 1).

Background

The Officer's original recommendation to refuse the carport was not supported at the Council meeting on 19 February 2019 and the administration was directed to prepare an alternative approval recommendation with planning conditions for the March TPC Meeting.

Executive Summary

The Town Planning Committee at its meeting on 5 March 2019 did not support the officer's recommendation to approve this carport.

(Refer to Town Planning Committee minutes to view the full report and Resolution.)

As the officer's recommendation was not supported, delegated authority could not be exercised.

The recommendation presented to the March TPC meeting and lost 2:3 is reprinted below:

OFFICER RECOMMENDATION

That development approval be granted and discretion exercised in regard to the following:

- (i) Clause 3.7.20.3.2 of the Residential Design Guidelines - garages and carports shall be incorporated into and be compatible with the design of the dwelling and garages and carports shall not visually dominate the dwelling as viewed from the street;
- (ii) Clause 3.7.20.3.3 A2 of the Residential Design Guidelines - garages and carports are to be setback a minimum distance of 1.2m behind the building line;

for a single carport in the front setback area at No 70 (Lot 226) Richmond Circus, East Fremantle, in accordance with the plans date stamped received on 19 October 2018 subject to the following conditions:

1. The carport is to remain open on all sides and not to be fully enclosed.
2. Installation of a garage door is not permitted.

3. Any proposal to fully enclose the carport and/or install a garage door is required to have a development application submitted for Council's consideration.
4. The construction materials and colours are to be to the satisfaction of the Chief Executive Officer and are to be submitted with the Building Permit application plans.
5. The crossover to the carport is not to exceed 3.2 metres in width (including splays).
6. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
7. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
8. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
9. All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
10. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *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.*

12.1.2 WALGA Preferred Model – Third Party Appeal Rights in Planning

File ref	A/WALGA; B/PTP1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	19 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. WALGA Preferred Model – Third Party Appeal rights for decisions made by Development Assessment Panels

Purpose

For Council to consider the Town Planning Committee (TPC) recommendation to provide a response to WALGA as outlined in the Report contained within the TPC minutes (Agenda Item 11.2 Attach 1).

Background

This matter was discussed at the February Concept Forum and ordinary Council Meeting with further clarification sought. Following a request to WALGA, the comment period was extended to the end of March. A further report was prepared for the March Committee meeting, where the officer recommendation was supported for consideration at the 19 March Council Meeting.

The matter was discussed further at the Concept Forum held on 12 March.

Executive Summary

The Town Planning Committee at its meeting on 5 March 2019 supported the officer's recommendation, however, has no delegation authority to deal with strategic matters, hence its referral to the Council Meeting.

(Refer to Town Planning Committee minutes to view the full report and Resolution.)

12.1.2 COMMITTEE RECOMMENDATION

That Council advise the Western Australian Local Government Association that the Town of East Fremantle:

1. does not support Third Party Appeal Rights for planning and therefore does not support the WALGA Preferred Model *"Third Party Appeal Rights for decisions made by Development Assessment Panels"*, received on 12 December 2018; and
2. supports the principle of Local Governments being able to challenge and seek review of DAP decisions that are made contrary to recommendations of a RAR or Council position;
3. supports the principle of other third parties being able to challenge and seek review of DAP decisions only when decisions are made contrary to recommendations of a RAR or Council position;
4. supports the principle of generally improving the accountability and transparency of Development Assessment Panel decisions; and
5. considers that alternative planning reform measures associated with DAP function and processes, rather than the appeals process, would be a more appropriate method of addressing issues associated with DAP decision making.

Preferred Model

Third Party Appeal Rights for decisions made by Development Assessment Panels

Benefits of Third Party Appeal Right for decisions made by Development Assessment Panels

- The model provides a good test for the introduction of Third Party Appeal Rights, which could possibly be expanded later if it proves to be beneficial.
- Local Government would be able to appeal a DAP decision and defend the merits of their policies and defend the enforceability of their conditions.
- Other interested parties and community members would be able to appeal a DAP decision.
- Addresses community concerns that decisions are being made by those 'removed' from the local community, leading to improved community confidence in the system.
- More transparent process in both decision making and condition setting, resulting in more accountable DAP members.
- Would allow for an appeal to be made on the conditions of approval or refusal
 - i) that may have been removed from a RAR; or
 - ii) added to the decision, particularly where no liaison has occurred with the authority responsible for clearing or enforcing the condition; or
 - iii) applied inappropriately i.e. the condition would change the intent or design of the development and therefore a new application should have been lodged.
- Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden the system.
- Provides the opportunity for additional information to be included in the appeal process, particularly if information was not received before the DAP meeting.
- Provides the ability to challenge any new information being presented at the DAP meeting without the responsible authority being able to undertake any assessment of the new information (unassessed revised plans are currently being lodged and approved at meetings).
- Able to appeal the 'Deferral' process being over utilised, i.e. DAPs are tending to defer applications multiple times rather than making a decision to approve or refuse the proposal.
- Can give the Local Government more confidence that the developer will provide a fully complete application and discuss the application with the Local Government first, rather than relying on the DAP to condition the proposal requiring additional critical information.

Appellants in a Third Party Appeal

Should not be open to any interested party but be limited to those parties which previously made a submission.

- Should be available for a Responsible Authority where DAP has gone against the RAR; or
- Should be available for a Local Government where DAP has gone against the position of Council itself; or
- Should be available to a public authority (e.g. Main Roads WA, Department of Transport) where DAP has made a decision contrary to their advice.

If any appellant makes a submission

- SAT would need to ensure that appeals are made on valid planning grounds and are not made for commercial or vexatious reasons.
- A Preliminary Hearing could be used to see if the appeal has reasonable planning merit, which would assist in providing clarity for an appellant on what constitutes a valid planning consideration and what would be an invalid planning consideration. The Preliminary Hearing could consider the appellant's justification for submitting the appeal, in particular, whether the grounds of appeal are supported by documentary evidence or other material (a similar process for justifying the lodgement of an appeal already exists through Section 76 of the *Planning and Development Act 2005*).

What can be appealed?

- DAP applications that are compulsory over \$10 million for JDAPs and \$20 million for City of Perth DAP; or
- DAP applications in the optional threshold \$2m – 10m for JDAPs and in the City of Perth \$2 million - \$20 million; or
- DAP applications seeking amendments to approvals (Form 2 applications proposing a change to the development application, but should not include applications for an extension of time).

Timeframe to lodge an appeal

- As per the existing timeframe, an appeal on a decision made by a Development Assessment Panel should be lodged within 28 days of the decision being made public, ie publishing of the DAP minutes.
- Local Governments would need to determine within their own organisation what process to follow in order to decide whether or not to lodge an appeal against a DAP decision. In many cases this may require a Special Council meeting to determine this.

For procedural fairness reasons all parties should be involved.

- The third party - Local Government or
- The third party - another interested party
- The respondent (DAP)
- The applicant

If the appellant is another interested party, then the Local Government should be invited as an observer.

Costs

- Any appellant would need to cover their costs of initiating the appeal, attending SAT directions, mediation and hearings, and costs could also include obtaining expert advice.
- A third party appellant should be counselled as part of the Preliminary Hearing in relation to the potential for costs being awarded against them in the case of an unsuccessful appeal.

Appeals Process

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Report (Containing the Statement of Financial Activity) – February 2019

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 March 2019
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Report for the Period Ended 28 February 2019

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 28 February 2019.

Executive Summary

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

Background

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

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

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

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

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

The monthly Financial Report for the period ended 28 February 2019 is appended and includes the following:

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

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

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

Consultation

Nil.

Statutory Environment

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

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.

There are no proposed changes to the current budget forecast as presented to Council in the mid-year budget review.

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

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

Strategic Implications

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

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

Site Inspection

Not applicable.

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 endorse the financial statements	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

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

Comment

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

	Original Budget	Amended Budget (Mid-Year Review)	Year to Date Budget	February Actuals
Opening Surplus	782,857	785,889	785,889	785,889
Operating Income	10,430,366	10,354,928	9,515,584	9,641,558
Operating Expenditure	(12,130,190)	(11,765,902)	(7,842,408)	(7,235,602)
Capital Expenditure	(2,980,169)	(3,043,919)	(2,029,016)	(875,837)
Capital Income	307,479	307,479	258,233	174,000
Net Transfers from Reserves	867,277	867,277	578,176	(27,955)
Non-Cash Items	2,722,380	2,510,473	1,682,731	1,463,667
Closing Surplus	0	16,225	2,949,189	3,925,719
Unrestricted Cash				3,854,740
Rates Receivables				1,152,009
Restricted Cash				2,110,590

- Rates were levied in the month of July;
- Year to date budgets have been entered into the financial system. The majority of variances between year to date actuals and the year to date budget are attributable to timing differences, and are further explained in Note 2 of the Monthly Financial Report. There is a permanent downward adjustment to depreciation expense on infrastructure assets following a circa \$7m decrement in the carrying value of infrastructure assets as at 30 June 2018.
- Capital expenditure is 29% of the annual budget at the end of February, with major expenditures relating to roads (\$385,965), footpaths (\$190,117) and plant and equipment (\$155,557).
- 92% of rates were collected by the end of February, meaning that the Town has a significant unrestricted cash position, with majority of these funds placed in short term deposits, ranging in term from one to four months.

The Statements of Financial Activity have been updated to include additional columns; being the annual budget entered in the financial system (SynergySoft), the amended budget following approved budget variations at the August 2018 OCM, and the forecast position as at 30 June 2019 following the mid-year budget review. The current budget captures all budget variations that have approved by Council since the original budget adoption.

A review of debtor invoicing against the adopted Schedule of Fees and Charges indicates that the Croquet Club has not been invoiced ground fees for the 2017/18 and 2018/19 financial years. The Croquet Club has historically been charged the same amount as the Bowling Club, which is set at \$2,213.09 (GST Inc.) in 2018/19 (and \$2,189 GST Inc. in 2017/18). It is recommended that Council impose these fees under section 6.16 of the *Local Government Act 1995*.

Proposed Budget Variations:

1. Council resolved to allocate \$20,000 to the East Fremantle Football Club during the mid-year budget review. This is a contribution towards the following works:
 - Replace 8 doors to entry points in Coaches Tower and Change rooms

- Replace broken windows and panels in Coaches Tower
- Install CCTV to Sponsors Lounge and Coaches Tower

The East Fremantle Football Club have since requested a further contribution towards roof repairs, and have submitted quotes. The following priorities have been determined by the Club:

Urgent	Remove rusted out box gutter and damaged timber. Replace with new zinalume box gutter. Roof repairs and gutter repairs to member's area and undercover seating. Supply and fit new box gutter to members bar and grandstand.	\$38,291.50 (GST Inc)
2020	Remove damaged roof sheeting and replace with new zinalume roof sheeting for away change rooms	\$43,879 (GST Inc)
2021	Seal or repair areas on main asbestos roof	\$46,750 (GST Inc)

It is recommended that Council approve a budget variation of \$20,000 (GST Exc) for the urgent works, and request that the East Fremantle Football Club sign a Funding Agreement, similar to the one that was prepared for the Fremantle Rowing Club, where the Town provided a financial contribution of \$40,275 towards ablution facilities.

2. Urgent repairs have been identified for the concrete footpath on Riverside Road (opposite Sunny's Apartments). Quotes have been sourced, and the works are estimated at \$48,000 (GST Exc). It is recommended that these works be funded from the budget for parking machine upgrades, as the current budget of \$155,000 (split over two separate budgets of \$80,000 and \$75,000) is more than adequate to cover expenditure related to upgrades at the Number 1 Carpark this financial year (albeit a further budget allocation may be required in 2019/20 to fully fund this project).

12.2.1 OFFICER RECOMMENDATION

That Council:

1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 28 February 2019.
2. notes the Forecast column in the Statements of Financial Activity, forecasting a small surplus of \$16,225 as at 30 June 2019.
3. notes the municipal surplus of \$3,925,719, which comprises of \$3,854,740 in unrestricted cash, as at 28 February 2019.
4. by absolute majority, impose the following ground hire fees for the East Fremantle Croquet Club pursuant to section 6.16 of the *Local Government Act 1995*, and provide local public notice:

Description	2017/18	2018/19
Ground Hire Fees – East Fremantle Croquet Club	\$2,189 (GST Inc.)	\$2,213.09 (GST Inc.)

5. by absolute majority, approve to amend the 2018/19 municipal budget pursuant to section 6.8 of the *Local Government Act 1995*, by adopting the schedule of budget variations below:

Description	GL Account	Current Budget	Amended Budget	Variation
East Fremantle Football Club – Building and Roof Upgrades	E11710	(\$20,000)	(\$40,000)	(\$20,000)
Footpath – Riverside Road	E12694	\$0	(\$48,000)	(\$48,000)
Parking Machines	E12747	(\$75,000)	(\$7,000)	\$68,000
Change in Net Current Assets as at 30 June 2019				\$0

6. request the Chief Executive Officer to prepare and execute a Funding Agreement with the East Fremantle Football Club, prior to funds being released.

TOWN OF EAST FREMANTLE

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 28 February 2019

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

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**Town of East Fremantle
Information Summary
For the Period Ended 28 February 2019**

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 28 February 2019 of \$3,925,719.

Items of Significance

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

	% Collected / Completed	Annual Budget	YTD Budget	YTD Actual
Significant Projects				
Road Resurfacing Program	72%	\$ 538,500	\$ 310,400	\$ 385,965
Footpath Program	55%	\$ 348,000	\$ 227,976	\$ 190,117
Carpark Projects	2%	\$ 705,000	\$ 469,976	\$ 16,601
Grants, Subsidies and Contributions				
Commonwealth Home Support Programme	72%	\$ 828,170	\$ 552,112	\$ 593,279
Roads to Recovery Non-Operating Grant	50%	\$ 147,726	\$ 98,480	\$ 73,500
	68%	\$ 975,896	\$ 650,592	\$ 666,779
Rates Levied	100%	\$ 7,819,800	\$ 7,837,624	\$ 7,806,539

% Compares current ytd actuals to annual budget

Financial Position	Current Year
Adjusted Net Current Assets	\$ 3,925,719
Cash and Equivalent - Unrestricted	\$ 3,854,740
Cash and Equivalent - Restricted	\$ 2,110,590
Receivables - Rates	\$ 1,152,009
Receivables - Other	\$ 128,169
Payables	\$ 631,381

% 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

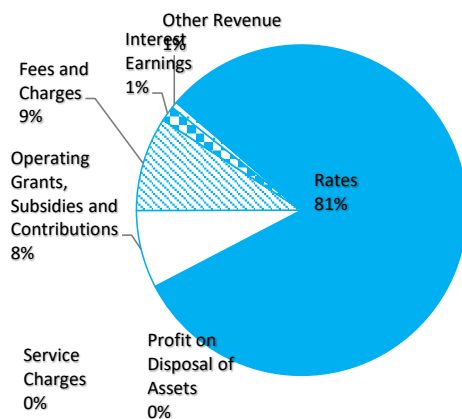
Preparation

Prepared by:

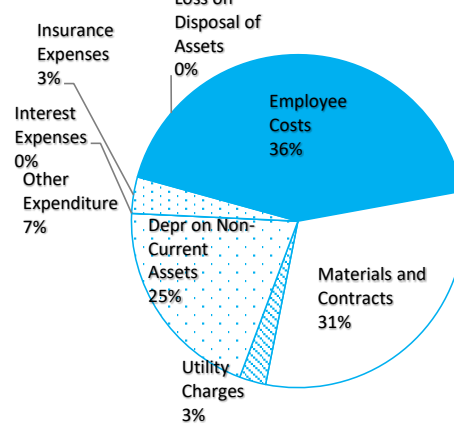
Reviewed by: Peter Kocian

Date prepared: 6 February 2019

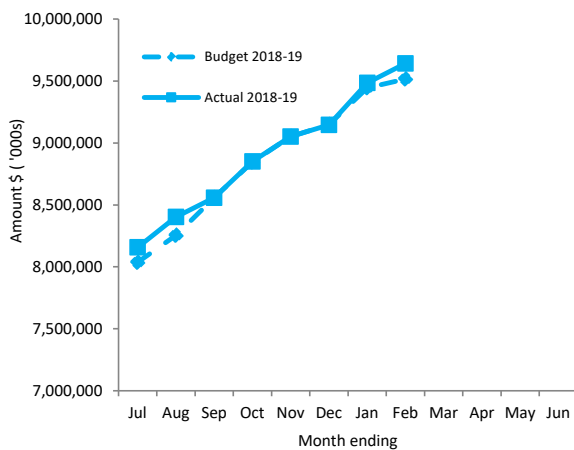
Operating Revenue



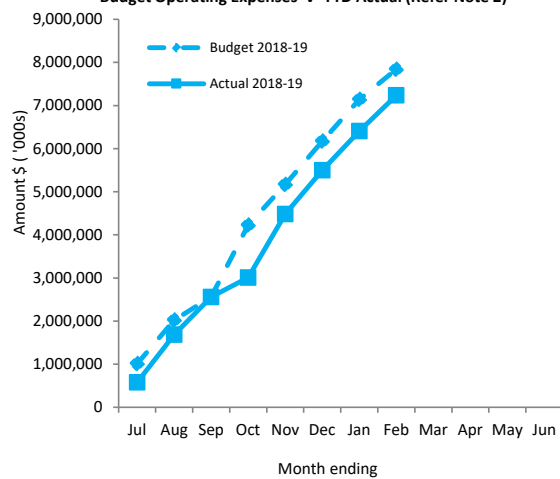
Operating Expenditure



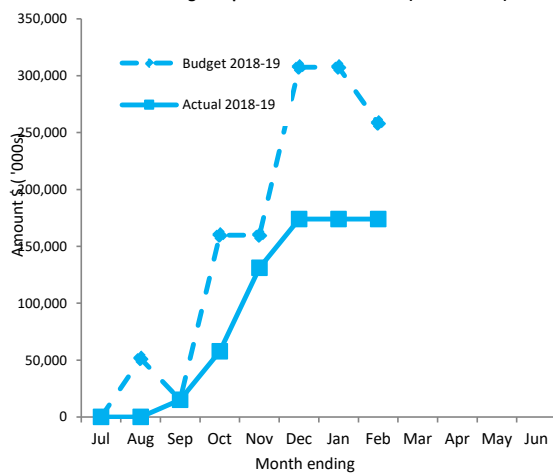
Budget Operating Revenues -v- Actual (Refer Note 2)



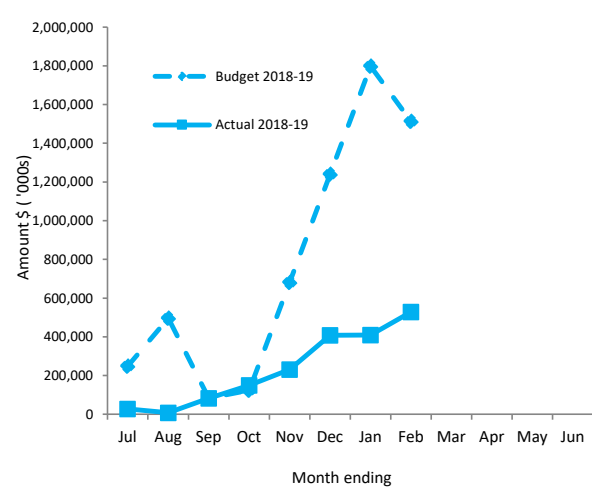
Budget Operating Expenses -v- YTD Actual (Refer Note 2)



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



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



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

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 28 February 2019

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Amended Budget (August OCM) -	Current Budget (Mid- Year Budget Review)	Amended YTD Budget (a)	YTD Actual (b)	Forecast 30 June 2019	Var. \$ (b)-(a)	Var. % (b)-(a)	Var.
		\$				\$	\$		\$	%	
Opening Funding Surplus(Deficit)	3	782,857	782,857	782,857	785,889	785,889	785,889	785,889	0	0%	
Revenue from operating activities											
Governance		20,500	20,500	20,500	5,500	3,656	(3,141)	5,500	(6,797)	(186%)	
General Purpose Funding - Rates	9	7,819,800	7,819,800	7,819,800	7,837,624	7,837,624	7,806,539	7,837,624	(31,085)	(0%)	
General Purpose Funding - Other		371,766	371,766	371,766	374,914	249,912	285,488	374,914	35,576	14%	▲
Law, Order and Public Safety		29,180	29,180	29,180	29,922	19,936	40,041	29,922	20,105	101%	▲
Health		14,577	14,577	14,577	15,577	10,368	20,607	15,577	10,239	99%	▲
Education and Welfare		912,422	912,422	912,422	915,070	610,032	650,548	915,070	40,516	7%	▲
Housing		80,080	80,080	80,080	83,580	55,712	56,980	83,580	1,268	2%	
Community Amenities		210,000	210,000	210,000	216,500	144,304	131,490	216,500	(12,814)	(9%)	
Recreation and Culture		389,324	389,324	389,324	312,624	208,352	246,728	312,624	38,376	18%	▲
Transport		444,000	444,000	444,000	459,900	306,576	307,723	459,900	1,147	0%	
Economic Services		107,200	107,200	107,200	72,200	48,112	55,387	72,200	7,275	15%	
Other Property and Services		31,517	31,517	31,517	31,517	21,000	43,167	31,517	22,167	106%	▲
		10,430,366	10,430,366	10,430,366	10,354,928	9,515,584	9,641,558	10,354,928			
Expenditure from operating activities											
Governance		(1,151,546)	(1,151,547)	(1,151,547)	(1,168,819)	(779,080)	(942,405)	(1,168,819)	(163,325)	(21%)	▼
General Purpose Funding		(97,763)	(97,763)	(97,763)	(112,259)	(74,816)	(65,465)	(112,259)	9,351	12%	▲
Law, Order and Public Safety		(154,617)	(154,617)	(154,617)	(166,342)	(110,808)	(98,130)	(166,342)	12,678	11%	▲
Health		(197,651)	(197,651)	(197,651)	(195,654)	(130,360)	(112,753)	(195,654)	17,607	14%	▲
Education and Welfare		(1,057,823)	(1,057,823)	(1,057,823)	(1,063,840)	(709,152)	(715,108)	(1,063,840)	(5,956)	(1%)	
Housing		(55,630)	(55,630)	(55,630)	(55,680)	(37,104)	(34,992)	(55,680)	2,112	6%	
Community Amenities		(2,792,901)	(2,792,902)	(2,792,902)	(2,633,143)	(1,755,312)	(1,412,944)	(2,633,143)	342,368	20%	▲
Recreation and Culture		(3,024,758)	(3,024,757)	(3,024,757)	(3,468,022)	(2,311,384)	(2,177,027)	(3,468,022)	134,357	6%	
Transport		(3,297,255)	(3,297,251)	(3,297,251)	(2,612,401)	(1,741,360)	(1,479,725)	(2,612,401)	261,635	15%	▲
Economic Services		(127,963)	(127,963)	(127,963)	(105,459)	(70,296)	(58,215)	(105,459)	12,081	17%	▲
Other Property and Services		(172,283)	(172,283)	(172,283)	(184,283)	(122,736)	(138,839)	(184,283)	(16,103)	(13%)	▼
		(12,130,190)	(12,130,187)	(12,130,187)	(11,765,902)	(7,842,408)	(7,235,602)	(11,765,902)			
Operating activities excluded from budget											
Add back Depreciation		2,695,133	2,695,133	2,695,133	2,483,226	1,655,484	1,451,882	2,483,226	(203,602)	(12%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	27,247	27,247	27,247	27,247	27,247	11,785	27,247	(15,462)	(57%)	▼
Amount attributable to operating activities		2,722,380	2,722,380	2,722,380	2,510,473	1,682,731	1,463,667	2,510,473			
Investing Activities											
Non-operating Grants, Subsidies and Contributions	11	147,726	147,726	147,726	147,726	98,480	73,500	147,726	(24,980)	(25%)	▼
Proceeds from Disposal of Assets	8	159,753	159,753	159,753	159,753	159,753	100,500	159,753	(59,253)	(37%)	▼
Land and Buildings		(328,885)	(328,885)	(418,885)	(446,500)	(297,600)	(81,543)	(446,500)	216,057	73%	▲
Infrastructure Assets - Roads		(538,500)	(538,500)	(492,500)	(465,714)	(310,400)	(385,965)	(465,714)	(75,565)	(24%)	▼
Infrastructure Assets - Public Open Space		(213,000)	(213,000)	(196,332)	(199,832)	(133,192)	(3,341)	(199,832)	129,851	97%	▲
Infrastructure Assets - Footpaths		(348,000)	(348,000)	(348,000)	(342,000)	(227,976)	(190,117)	(342,000)	37,859	17%	▲
Infrastructure Assets - Drainage		(50,000)	(50,000)	(50,000)	(85,000)	(56,664)	(2,500)	(85,000)	54,164	96%	▲
Infrastructure Assets - Other		(105,000)	(105,000)	(105,000)	(105,000)	(69,976)	(9,046)	(105,000)	60,930	87%	▲
Infrastructure Assets - Carparks		(705,000)	(705,000)	(705,000)	(705,000)	(469,976)	(16,601)	(705,000)			
Plant and Equipment		(671,784)	(671,784)	(671,784)	(669,873)	(446,568)	(155,557)	(669,873)	291,011	65%	▲
Furniture and Equipment		(20,000)	(20,000)	(20,000)	(25,000)	(16,664)	(31,167)	(25,000)	(14,503)	(87%)	▼
Amount attributable to investing activities		(2,672,690)	(2,672,690)	(2,700,022)	(2,736,440)	(1,770,783)	(701,837)	(2,736,440)			
Financing Activities											
Transfer from Reserves	7	1,020,289	1,020,289	1,020,289	1,020,289	680,176	0	1,020,289	(680,176)	(100%)	▼
(Transfer to Reserves)	7	(153,012)	(153,012)	(153,012)	(153,012)	(102,000)	(27,955)	(153,012)	74,045	73%	▲
Amount attributable to financing activities		867,277	867,277	867,277	867,277	578,176	(27,955)	867,277			
Closing Funding Surplus(Deficit)	3	0	3	(27,329)	16,225	2,949,189	3,925,719	16,225			
Check against Net Current Assets							3,925,719				
							1				

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

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

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 28 February 2019

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Amended Budget (August OCM) - Synergy	Current Budget (Mid-Year Budget Review)	Amended YTD Budget	YTD Actual (b)	Forecast 30 June 2019	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$				\$	\$		\$	%	
Opening Funding Surplus (Deficit)	3	782,857	782,857	782,857	785,889	785,889	785,889	785,889	0	0%	
Revenue from operating activities											
Rates	9	7,819,800	7,819,800	7,819,800	7,837,624	7,837,624	7,806,539	7,837,624	(31,085)	(0%)	
Operating Grants, Subsidies and Contributions	11	1,165,936	1,216,936	1,216,936	1,167,984	778,640	733,844	1,167,984	(44,796)	(6%)	
Fees and Charges		1,175,630	1,124,630	1,124,630	1,065,520	710,200	887,691	1,065,520	177,491	25%	▲
Interest Earnings		192,000	192,000	192,000	197,000	131,320	145,889	197,000	14,569	11%	▲
Other Revenue		77,000	77,000	77,000	86,800	57,800	58,095	86,800	295	1%	
Profit on Disposal of Assets	8	0	0	0	0	0	9,405	0			
		10,430,366	10,430,366	10,430,366	10,354,928	9,515,584	9,641,463	10,354,928			
Expenditure from operating activities											
Employee Costs		(3,683,695)	(3,683,695)	(3,683,695)	(3,732,724)	(2,488,272)	(2,585,726)	(3,732,724)	(97,454)	(4%)	
Materials and Contracts		(4,464,706)	(4,464,703)	(4,464,703)	(4,274,005)	(2,848,352)	(2,242,209)	(4,274,005)	606,143	21%	▲
Utility Charges		(310,950)	(310,950)	(310,950)	(330,950)	(220,536)	(185,739)	(330,950)	34,797	16%	▲
Depreciation on Non-Current Assets		(2,695,133)	(2,695,133)	(2,695,133)	(2,483,226)	(1,655,456)	(1,451,882)	(2,483,226)	203,574	12%	▲
Insurance Expenses		(251,449)	(251,449)	(251,449)	(251,813)	(167,736)	(255,974)	(251,813)	(88,238)	(53%)	▼
Other Expenditure		(697,010)	(697,010)	(697,010)	(665,937)	(443,896)	(492,787)	(665,937)	(48,891)	(11%)	▼
Loss on Disposal of Assets	8	(27,247)	(27,247)	(27,247)	(27,247)	(18,160)	(21,190)	(27,247)			
		(12,130,190)	(12,130,187)	(12,130,187)	(11,765,902)	(7,842,408)	(7,235,507)	(11,765,902)			
Operating activities excluded from budget											
Add back Depreciation		2,695,133	2,695,133	2,695,133	2,483,226	1,655,484	1,451,882	2,483,226	(203,602)	(12%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	27,247	27,247	27,247	27,247	27,247	11,785	27,247	(15,462)	(57%)	▼
Amount attributable to operating activities		2,722,380	2,722,380	2,722,380	2,510,473	1,682,731	1,463,667	2,510,473			
Investing activities											
Non-operating Grants, Subsidies and Contributions	11	147,726	147,726	147,726	147,726	98,480	73,500	147,726	(24,980)	(25%)	▼
Proceeds from Disposal of Assets	8	159,753	159,753	159,753	159,753	159,753	100,500	159,753	(59,253)	(37%)	▼
Land and Buildings		(328,885)	(328,885)	(418,885)	(446,500)	(297,600)	(81,543)	(446,500)	216,057	73%	▲
Infrastructure Assets - Roads		(538,500)	(538,500)	(492,500)	(465,714)	(310,400)	(385,965)	(465,714)	(75,565)	(24%)	▼
Infrastructure Assets - POS		(213,000)	(213,000)	(196,332)	(199,832)	(133,192)	(3,341)	(199,832)	129,851	97%	▲
Infrastructure Assets - Footpaths		(348,000)	(348,000)	(348,000)	(342,000)	(227,976)	(190,117)	(342,000)	37,859	17%	▲
Infrastructure Assets - Drainage		(50,000)	(50,000)	(50,000)	(85,000)	(56,664)	(2,500)	(85,000)	54,164	96%	▲
Infrastructure Assets - Other		(105,000)	(105,000)	(105,000)	(105,000)	(69,976)	(9,046)	(105,000)	60,930	87%	▲
Infrastructure Assets - Carparks		(705,000)	(705,000)	(705,000)	(705,000)	(469,976)	(16,601)	(705,000)			
Plant and Equipment		(671,784)	(671,784)	(671,784)	(669,873)	(446,568)	(155,557)	(669,873)	291,011	65%	▲
Furniture and Equipment		(20,000)	(20,000)	(20,000)	(25,000)	(16,664)	(31,167)	(25,000)	(14,503)	(87%)	▼
Amount attributable to investing activities		(2,672,690)	(2,672,690)	(2,700,022)	(2,736,440)	(1,770,783)	(701,837)	(2,736,440)			
Financing Activities											
Transfer from Reserves	7	1,020,289	1,020,289	1,020,289	1,020,289	680,176	0	1,020,289	(680,176)	(100%)	▼
(Transfer to Reserves)	7	(153,012)	(153,012)	(153,012)	(153,012)	(102,000)	(27,955)	(153,012)	74,045	73%	▲
Amount attributable to financing activities		867,277	867,277	867,277	867,277	578,176	(27,955)	867,277			
Closing Funding Surplus (Deficit)	3	0	3	(27,329)	16,225	2,949,189	3,925,719	16,225	976,530	33%	▲
Check against Statement by Program							3,925,719				
							0				

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

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

TOWN OF EAST FREMANTLE
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 28 February 2019

Capital Acquisitions

	Amended YTD Budget	Amended Annual Budget	YTD Actual Total	Variance (d) - (c)
	\$	\$	\$	\$
Land and Buildings	297,600	446,500	81,543	(216,057)
Infrastructure Assets - Roads	310,400	465,714	385,965	75,565
Infrastructure Assets - POS	133,192	199,832	3,341	(129,851)
Infrastructure Assets - Footpaths	227,976	342,000	190,117	(37,859)
Infrastructure Assets - Drainage	56,664	85,000	2,500	(54,164)
Infrastructure Assets - Other	69,976	105,000	9,046	(60,930)
Infrastructure Assets - Carparks	469,976	705,000	16,601	(453,375)
Plant and Equipment	446,568	669,873	155,557	(291,011)
Furniture and Equipment	16,664	25,000	31,167	14,503
Capital Expenditure Totals	2,029,016	3,043,919	875,837	(1,153,179)
Capital acquisitions funded by:				
Capital Grants and Contributions			198,726	
Borrowings			0	
Other (Disposals & C/Fwd)			159,753	
Council contribution - Cash Backed Reserves:				
Vehicle, Plant and Equipment Reserve			135,531	
Office Equipment Reserve			9,121	
Arts and Sculpture Reserve			45,000	
Waste Reserve			200,309	
Commerical Precinct Development Reserve				
Council contribution - operations			2,295,479	
Capital Funding Total	0	0	3,043,919	

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

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

Critical Accounting Estimates

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

(b) The Local Government Reporting Entity

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

(c) Rounding Off Figures

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

(d) Rates, Grants, Donations and Other Contributions

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

(e) Goods and Services Tax

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

(f) Cash and Cash Equivalents

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

(g) Trade and Other Receivables

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

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

(h) Inventories**General**

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

Land Held for Resale

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

(i) Fixed Assets

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

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

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

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

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

(k) Trade and Other Payables

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

(l) Employee Benefits

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

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

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

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

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

(m) Interest-bearing Loans and Borrowings

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

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

Borrowing Costs

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

(n) Provisions

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

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

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

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

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

Operating Grants, Subsidies and Contributions

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

Non-Operating Grants, Subsidies and Contributions

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

Profit on Asset Disposal

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

Fees and Charges

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

Service Charges

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

Interest Earnings

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

Other Revenue / Income

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

Employee Costs

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

Materials and Contracts

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

Utilities (Gas, Electricity, Water, etc.)

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

Insurance

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

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

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

Other expenditure

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

Note 1: Significant Accounting Policies

(r) Program Classifications (Function/Activity)

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

KEY TERMS AND DEFINITIONS - REPORTING PROGRAMS

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

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

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2019

Note 2: Explanation of Material Variances

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

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

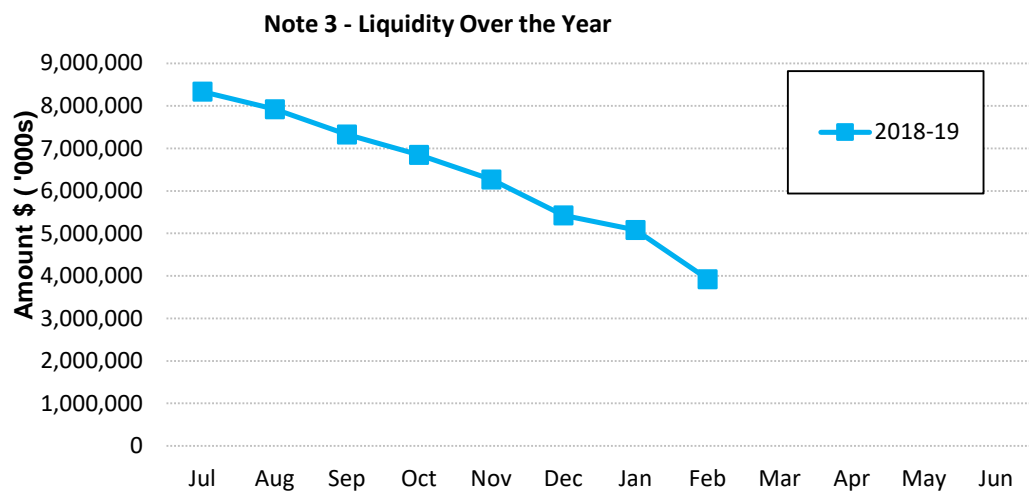
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	(6,797)	(186%)		Permanent	Sundry Debtor Write Off approved by Council
Law, Order and Public Safety	20,105	101%		Timing	
Health	10,239	99%		Timing	
Recreation and Culture	38,376	18%		Timing	
Other Property and Services	22,167	106%		Permanent	Insurance reimbursements. Offset against expenditure
Operating Expense					
Governance	(163,325)	(21%)		Timing	
General Purpose Funding	9,351	12%		Timing	
Law, Order and Public Safety	12,678	11%		Timing	
Health	17,607	14%		Timing	
					Favourable - timing - waste collection and disposal contractor invoices not received. Cont. to Fremantle Recycling Centre not invoiced.
Community Amenities	342,368	20%		Timing	
Transport	261,635	15%		Permanent	Non-cash adjustment for depreciation expense
Economic Services	12,081	17%		Timing	
Other Property and Services	(16,103)	(13%)		Timing	
Capital Revenues					
Grants, Subsidies and Contributions	(24,980)	(25%)		Timing	Road to Recovery Grant partially claimed.
Proceeds from Disposal of Assets	(59,253)	(37%)		Timing	Plant replacement program is underway
					All capital works are budgeted to substantively commence in November/December. Year to date budgets and actuals will start to reconcile once projects are underway
Capital Expenses					
Land and Buildings					
Infrastructure Assets - Roads					
Infrastructure Assets - POS					
Infrastructure Assets - Footpaths					
Infrastructure Assets - Drainage					
Infrastructure Assets - Other					
Infrastructure Assets - Carparks					
Plant and Equipment					
Furniture and Equipment					

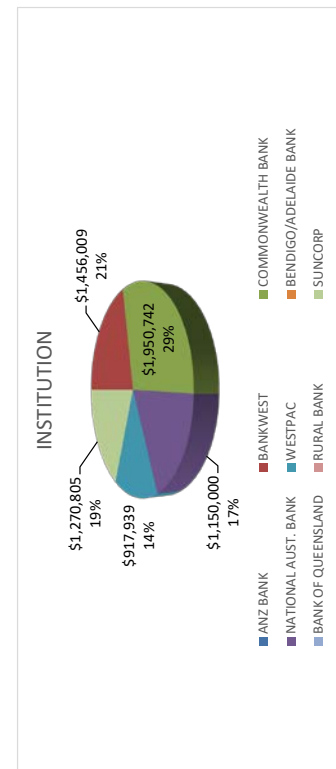
TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2019

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

		Last Years Closing	Current
	Note	30 June 2018	28 Feb 2019
		\$	\$
Current Assets			
Cash Unrestricted	4	1,396,010	3,854,740
Cash Restricted - Reserves	4	2,082,634	2,110,590
Receivables - Rates	6	191,475	1,152,009
Receivables - Other	6	161,691	128,169
Interest / ATO Receivable/Trust		(0)	28,859
Inventories		0	0
		3,831,810	7,274,366
Less: Current Liabilities			
Payables		(359,978)	(631,381)
Provisions		(603,309)	(606,676)
		(963,287)	(1,238,058)
Less: Cash Reserves	7	(2,082,634)	(2,110,590)
Net Current Funding Position		785,889	3,925,719

**Comments - Net Current Funding Position**



TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2019

Note 5: Budget Amendments

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
			Opening Surplus	3			3
Budget Adoption							
Permanent Changes							
E14604	Depot Building and Surrounds	August OCM	Capital Expenses		-30,000	-29,997	-29,997
E10607	Sumpton Green Fence Replacement	August OCM	Capital Expenses		-25,000	-54,997	-54,997
E11708	Richmond Raceway Security Bars	August OCM	Capital Expenses		-15,000	-69,997	-69,997
E11709	EEFC - Upgrade of Toilets	August OCM	Capital Expenses		-20,000	-89,997	-89,997
E12710	Fraser Street - Asphalt Resurface	August OCM	Capital Expenses	46,000		-43,997	-43,997
E11712	Bore Replacements - Parks and Ovals	August OCM	Capital Expenses	16,668		-27,329	-27,329
				0	62,671	(90,000)	(27,329)

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

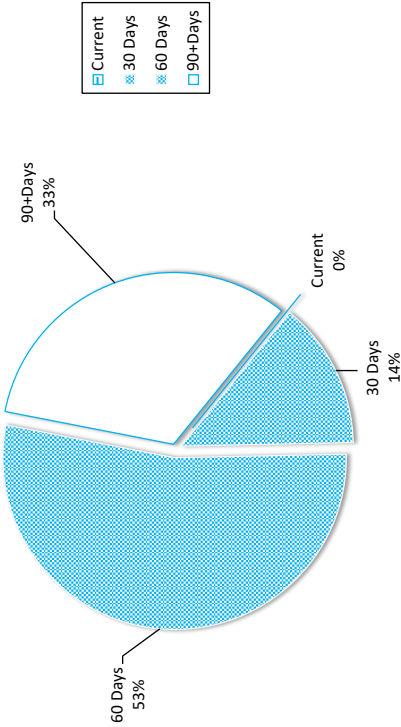
Note 6: Receivables

Receivables - Rates Receivable	28 February 2019	30 June 2018	Receivables - General	Current	30 Days	60 Days	90+Days	Total
Opening Arrears Previous Years	\$ 202,853	\$ 150,429	Receivables - General	\$ 20,219	\$ 1,498	\$ 0	\$ 35,244	56,962
Opening Balance Deferred Rates	28,590		Receivables - Parking					95,207
Rates, ESL and Service Charges Levied this year	9,665,875	8,861,717	East Fremantle Lawn & Tennis Club					27,000
Interim Rates Billing 2018/19 (GL 1030510)	8,915							
Less Collections to date	9,096,211	-8,658,864						
Equals Current Outstanding (as per TB)	810,022	202,853						
Net Rates Collectable	810,022	202,853	Total Receivables General Outstanding				0	179,169
% Collected	91.96%							

Amounts shown above include GST (where applicable)

Control Account	GL	Balance
Sundry Debtors	104	56,962
SSL - Current EFTC	114	3,000
SSL - Non-Current EFTC	1684	24,000
Parking Debtors	180	95,207
		179,169

Note 6 - Accounts Receivable (non-rates)



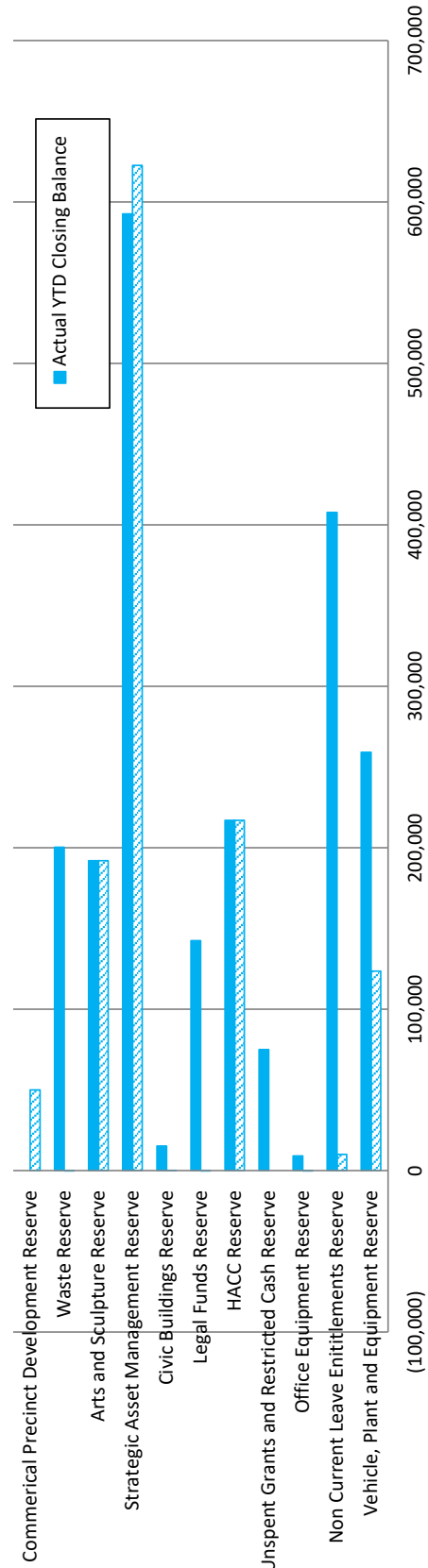
Comments/Notes - Receivables General
[Insert explanatory notes and commentary on trends and timing]

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2019

Note 7: 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
Vehicle, Plant and Equipment Reserve	\$ 259,150	\$	\$	\$	\$ (135,531)	\$	\$ 123,619	\$ 259,150
Non Current Leave Entitlements Reserve	407,665				(397,665)		10,000	407,665
Office Equipment Reserve	9,121				(9,121)		(0)	9,121
Unspent Grants and Restricted Cash Reserve	75,000				(75,000)		0	75,000
HACC Reserve	217,037						217,037	217,037
Legal Funds Reserve	142,480				(142,480)		(0)	142,480
Civic Buildings Reserve	15,183				(15,183)		0	15,183
Strategic Asset Management Reserve	564,668		58,012	27,955			622,680	592,623
Arts and Sculpture Reserve	192,022		45,000		(45,000)		192,022	192,022
Waste Reserve	200,308				(200,309)		(1)	200,308
Commercial Precinct Development Reserve	0		50,000				50,000	0
	2,082,634	0	153,012	27,955	(1,020,289)	0	1,215,357	2,110,590

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 28 February 2019

Note 8: Disposal of Assets

Asset Number	Asset Description	YTD Actual				Amended Budget			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
Plant and Equipment									
PEMV259	CEO Vehicle					26,000	20,000		(6,000)
PEMV260	EMRS Vehicle					15,000	15,000		0
PEMV256	Parks Vehicle	29,000	22,591		(6,409)	15,000	15,000		0
PEMV252	Ranger Vehicle	12,278	20,000	7,722		14,000	14,000		0
PEMV242	Mitsubishi Rosa Bus					44,000	44,000		0
PE271	Verge Mower	13,317	15,000	1,683		13,000	11,753		(1,247)
PE269	Loader	28,128	42,909		(14,781)	60,000	40,000		(20,000)
		82,723	100,500	9,405	(21,190)	187,000	159,753	0	(27,247)

**End of Month
September 2018
Note 9**

**TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

Note 9: Rating Information		Rate in	Number of Properties	Rateable Value	YTD Actual			Amended Budget		
					Rate Revenue	Interim Rates	Back Rates	Rate Revenue	Interim Rate	Back Rate
RATE TYPE		\$		\$	\$	\$	\$	\$	\$	\$
Differential General Rate										
Residential GRV	3,002	0.068310		90,581,990	6,200,606	8,915		6,187,656	40,000	
Commercial GRV	121	0.103738		12,433,188	1,295,748			1,289,794		
Sub-Totals	3,123			103,015,178	7,496,354	8,915	0	7,477,450	40,000	0
Minimum Payment										
Residential GRV	265	1,080.00		3,563,980	285,120			286,200		
Commercial GRV	10	1,615.00		135,755	16,150			16,150		
Sub-Totals	275			3,699,735	301,270	0	0	302,350	0	0
Amount from General Rates	3,398			106,714,913	7,797,624	8,915	0	7,779,800	40,000	0
Totals								7,806,539		
								7,819,800		

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2019

Note 10: Information on Borrowings
(a) Debenture Repayments

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

All debenture repayments were financed by general purpose revenue.

(b) New Debentures

No new debentures were raised during the reporting period.

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2019

Note 11: Grants and Contributions

Grant Provider	Purpose of Grant	Acquittal Date	Acquittal Requirement	Type	Amended Budget Operating	Budget Capital	YTD Budget	Annual Budget (d)	Expected (d)+(e)	YTD Actual Revenue
					\$	\$	\$			\$
General Purpose Funding										
Grants Commission - General	United - General Purpose	NA	NA	Operating	83,655	0	55,768	83,655	83,655	62,741
Grants Commission - Roads	United - Road	NA	NA	Operating	34,259	0	22,832	34,259	34,259	25,694
Education and Welfare										
Home and Community Care Program	Commonwealth Home Support Programme			Operating	828,170	0	552,112	828,170	828,170	599,279
Recycling Grant	Better Bins Program			Operating	51,000	0	34,000	51,000	51,000	0
Community Amenities										
Recreation and Culture										
Minor Grants - Rec and Culture				Operating	22,000	0	14,664	22,000	22,000	22,589
Transport										
Roads To Recovery Grant - Cap	Road Renewal	31-Oct	Audited Annual Report	Non-operating	0	147,726	98,480	147,726	147,726	73,500
Direct Grant	Direct Grant	July	GST Free Invoice	Operating	16,900	0	11,264	16,900	16,900	16,899
Street Lighting Subsidy	Street Lighting Subsidy	September		Operating	4,800	0	3,200	4,800	4,800	0
Stirling Bridge Verge Maintenance Agreement	Stirling Highway Verge Maint. Agreement	September	GST Inc. Invoice	Operating	7,200	0	4,800	7,200	7,200	12,641
Developer Contribution Carparking	Transfer from Trust			Operating	120,000	0	80,000	120,000	120,000	0
TOTALS					1,167,984	147,726	877,120	1,315,710	1,315,710	807,344
SUMMARY										
Operating	Operating Grants, Subsidies and Contributions				1,167,984	0			1,167,984	733,844
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions				0	0			0	0
Non-operating	Non-operating Grants, Subsidies and Contributions				0	147,726			147,726	73,500
TOTALS					1,167,984	147,726	0	0	1,315,710	807,344
Pending Grants:										
Grant Provider	Purpose of Grant	Date Applied	Expected Date of Outcome	Type				Amount Applied	Required Co Contribution	
								\$	\$	

12.2.2 Accounts for Payment – February 2019

File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager, Corporate Service
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	19 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – February 2019

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 2019.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 February to 28 February 2019, as per the summary table.

Background

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

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

Consultation

Nil.

Statutory Environment

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

Policy Implications

Policy 4.2.4 Purchasing Policy

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

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

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

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

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

Site Inspection

Not applicable.

Comment

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

12.2.2 OFFICER RECOMMENDATION

That the list of accounts paid for the period 1 to 28 February 2019 be received, as per the following summary table:

FEBRUARY 2019		
Voucher No	Account	Amount
5209 – 5220	Municipal (Cheques)	998.03
EFT27129 – EFT 27303	Municipal (EFT)	\$1,127,836.43
Payroll	Municipal (EFT)	\$269,661.84
Credit Card/Superannuation	Municipal (Direct Debit)	\$45,510.93
	Total Payments	\$1,444,007.23

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive for January 2019 & submitted for the information of the Council Meeting to be held on 19 March 2019					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
CHEQUES				\$	\$
5209		CHEQUE CANCELLED	PRINTER ERROR		
5210	01/02/2019	TOWN OF EAST FREMANTLE	PETTY CASH FEBRUARY 2019	227.65	227.65
5211		CHEQUE CANCELLED	PRINTER ERROR		
5212		CHEQUE CANCELLED	PRINTER ERROR		
5213		CHEQUE CANCELLED	PRINTER ERROR		
5214	07/02/2019	TOWN OF EAST FREMANTLE	HACC PETTY CASH JANUARY 2019	496.25	496.25
5215	07/02/2019	WATER CORPORATION	WATER USAGE AND SERVICE CHARGES VARIOUS LOCATIONS	10,766.71	10,766.71
5216	07/02/2019	MURDOCH UNIVERSITY	PAYMENT OF STUDY ASSISTANCE - STAFF MEMBER	2,000.00	2,000.00
5217	15/02/2019	WATER CORPORATION	WATER USAGE AND SERVICE CHARGES VARIOUS LOCATIONS	432.67	432.67
5218	20/02/2019	TOWN OF EAST FREMANTLE	RESPIRE CENTRE PETTY CASH RECoup 14/02/19	448.50	448.50
5219	20/02/2019	WATER CORPORATION	WATER USAGE AND SERVICE CHARGES VARIOUS LOCATIONS	76.16	76.16
5220	20/02/2019	DEPARTMENT OF TRANSPORT	COMMUNITY JETTY RENEWAL FEE - JETTY NUMBER 1381 - LOT 1460 RESERVE 31404 RIVERSIDE ROAD EAST FREMANTLE	40.70	40.70
CHEQUE TOTAL				\$ 998.03	\$ 998.03
EFTs		Supplier	Description	Inv Amount	EFT
EFT27129	01/02/2019	LANDGATE	PROPERTY LISTING	623.70	623.70
EFT27130	01/02/2019	DEPARTMENT OF HOUSING	RATES REFUND 2018-2019 DEPARTMENT OF HOUSING	1,595.75	1,595.75
EFT27131	01/02/2019	FOODWORKS EAST FREMANTLE	ADMIN, MEETING & WORKS CONSUMABLES FEBRUARY 2019	294.59	294.59
EFT27132	01/02/2019	METRO CONCRETE	UPGRADE OF FOOTPATH ON EAST ST FROM MARMION ST TO GEORGE ST WITH LIQUID LIMESTONE INCLUDING KERBING AND TRAFFIC CONTROL	105,820.00	105,820.00
EFT27133	04/02/2019	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS FOR JANUARY 19	77.70	77.70
EFT27134	04/02/2019	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS FOR JANUARY 19	433.62	433.62
EFT27135	04/02/2019	MAYOR JIM O'NEILL	MAYORAL ALLOWANCE, SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	4,416.68	4,416.68
EFT27136	04/02/2019	CR. JENNY HARRINGTON	SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	1,542.00	1,542.00
EFT27137	04/02/2019	CR. CLIFF COLLINSON	SITTING FEES FOR FEBRUARY 2019	1,292.00	1,292.00
EFT27138	04/02/2019	CR. DEAN NARDI	SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	1,542.00	1,542.00
EFT27139	04/02/2019	CR. MICHAEL MCPHAIL	DEPUTY MAYORAL ALLOWANCE, SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	2,062.84	2,062.84
EFT27140	04/02/2019	CR. TONY WATKINS	SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	1,542.00	1,542.00
EFT27141	04/02/2019	CR. ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	1,542.00	1,542.00
EFT27142	04/02/2019	CR. ANDREW WHITE	SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	1,542.00	1,542.00
EFT27143	04/02/2019	CR. TONY NATALE	SITTING FEES & ICT ALLOWANCE FOR FEBRUARY 2019	1,542.00	1,542.00
EFT27144	06/02/2019	AUSTRALIA POST	POSTAGE COST JANUARY 2019	836.07	836.07
EFT27145	06/02/2019	AUSTRALIAN TAXATION OFFICE	BAS JANUARY 2019	94,778.00	94,778.00
EFT27146	06/02/2019	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE FOR DEPOT	213.84	
			POWER TOOLS AND EQUIPMENT FOR HACC GARDENING AND HOME MAINTENANCE	303.00	516.84
EFT27147	06/02/2019	COMMUNITY NEWSPAPERS	NEWSPAPER ADVERTISEMENT - ELECTORS MEETING/POLICY REINSTATEMENT	1,013.51	
			ADVERTISING OF MODIFICATIONS TO SCHEME AMENDMENTS 14 & 15	981.55	1,995.06
EFT27148	06/02/2019	CITY OF FREMANTLE	CONTRIBUTION TO RECYCLE CENTRE AS PER MOU	47,851.10	
			CONTRIBUTION TO CITY OF FREMANTLE LIBRARY (& TOY LIBRARY) OPERATIONAL COSTS 2ND INSTALMENT	82,500.00	130,351.10
EFT27149	06/02/2019	EAST FREMANTLE YACHT CLUB (INC)	BUSINESS TO BUSINESS NETWORKING EVENT #4 - EAST FREMANTLE YACHT CLUB BREAKFAST	150.00	150.00
EFT27150	06/02/2019	FREMANTLE HERALD	NEWSPAPER ADVERTISEMENT - ELECTORS MEETING/REINSTATEMENT OF POLICY	330.38	330.38
EFT27151	06/02/2019	IMPRINT PLASTIC	STAFF ID BADGES - P KOCIAN, A MALONE & S GALLAUGHER	28.05	28.05
EFT27152	06/02/2019	IT VISION	CLAIM FOR SERVICE FEES (55%) BILLED MONTHLY IN ARREARS - JANUARY 19 AND COMPLETION OF SYNERGYONLINE RATES PROJECTS COMPLETED JANUARY 19 - INTERNAL PROJECT SUPPORT & IMPLEMENTATION ASSISTANCE.	12,196.80	
			ATTENDANCE AT TOWN OF EAST FREMANTLE 8.30AM - 3.30PM TUESDAY 22 JAN 2019 - PAYROLL REVIEW	1,922.25	
			SYNERGYSOFT AUTOMATION TOOLSET - REPORT SCHEDULING IMPLEMENTATION SERVICES	3,053.88	17,172.93
EFT27153	06/02/2019	OPTUS ADMINISTRATION PTY LTD	OPTUS MOBILE 22/12/2018-21/01/2019	341.42	341.42
EFT27154	06/02/2019	ST JOHNS AMBULANCE ASSOCIATION	SUPPLY OF DISCOUNTED AED SYSTEMS FOR LOCAL COMMUNITY AED PROGRAM - AS PER QUOTE 00002369	5,373.57	5,373.57
EFT27155	06/02/2019	SHERIDANS FOR BADGES	FRONT COUNTER DESK SIGN - PLEASE RING IF UNATTENDED	114.40	114.40
EFT27156	06/02/2019	TELSTRA CORPORATION LIMITED	TOWN HALL PHONE & DATA LINE	51.66	
			RESPIRE CENTRE PHONE JANUARY 2019	90.09	141.75
EFT27157	06/02/2019	WORK CLOBBER	WORK APPAREL/SAFETY GLASSES	1,249.28	1,249.28
EFT27158	06/02/2019	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	1,139.95	1,139.95
EFT27159	06/02/2019	MAJOR MOTORS	SERVICE FOR THE ISUZU TRUCK 1GKM815	1,335.01	
			SERVICE FOR THE ISUZU TRUCK 1GFU278 - 2X REPAIRS NOT COVERED UNDER THE SERVICE AGREEMENT	231.77	1,566.78
EFT27160	06/02/2019	FASTA COURIERS	COURIER COST JANUARY 2019	143.32	143.32
EFT27161	06/02/2019	SMRC LOAN REPAYMENT ACCOUNT	RRRC LOAN REPAYMENT GUARANTEE FEE	1,791.62	1,791.62
EFT27162	06/02/2019	STEANN PTY LTD	VERGE BULK WASTE COLLECTION NOVEMBER 2018	20,183.21	20,183.21
EFT27163	06/02/2019	TOTAL PACKAGING (WA) PTY LTD	15 CARTONS (60 BOXES) OF DISPOSABLE DOG BAGS	3,775.20	3,775.20
EFT27164	06/02/2019	J & M ASPHALT (MERGER CONTRACTING PTY LTD)	PROCESSING OF GENERAL WASTE - DECEMBER 18	11,898.92	11,898.92
EFT27165	06/02/2019	DEPT OF MINES, INDUSTRY REGULATION & SAFETY	BUILDING SERVICES LEVY COLLECTED JANUARY 2019	1,567.95	1,567.95
EFT27166	06/02/2019	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	FINANCE PROFESSIONAL CONFERENCE - FULL REGISTRATION 14/15 MARCH	1,280.00	1,280.00
EFT27167	06/02/2019	RENOWN TYRE COMPANY	4 X TYRE REPLACEMENT INCLUDING FITTING FOR TOYOTA TARAGO 1GCG228	960.00	960.00

EFT27168	06/02/2019	STRATA GREEN	1 x ARS PROFESSIONAL BYPASS LOPPER LPB30S, 3 X ARS PROFESSIONAL BYPASS SECATEURS VS92, 5 X PELTOR H7 DELUXE EARMUFFS P742033, 1X BOX OF 120 SUPER GRIP NITRILE GLOVES SIZE XL GNF124, 1X BOX OF 120 SUPER GRIP NITRILE GLOVES SIZE L GNF124	1,462.19	1,462.19
EFT27169	06/02/2019	KERB DOCTOR	CROSSOVERS AT 76 & 78 OAKOVER STREET, 15 BEDFORD STREET, 29 DALGETY STREET	1,610.40	1,610.40
EFT27170	06/02/2019	WOOLWORTHS SUPERMARKETS	RESPITE CENTRE GROCERIES - 29/1/19	141.19	
			RESPITE CENTRE GROCERIES - 23/1/19	143.15	
			RESPITE CENTRE GROCERIES - 04/2/19	59.13	
			RESPITE CENTRE GROCERIES - 06/2/19	32.15	375.62
EFT27171	06/02/2019	GFORCE PRINTING & DESIGN INCORPORATING SIMNETT	EFTC LAUNCHING RAMP PERMITS PRINTED EXPIRY DATE OF 31/08/19	734.25	
			2 x DATE STAMP (SELF INKING - BLACK)	156.09	890.34
EFT27172	06/02/2019	HAYS SPECIALIST RECRUITMENT (AUST) PTY LTD	PLACEMENT FEE FOR RECRUITMENT OF ACTING MANAGER ADMIN & FINANCE	14,996.03	14,996.03
EFT27173	06/02/2019	THE PAPER COMPANY OF AUSTRALIA	A4 160GM @\$19.25 FLYING COLORS IVORY X 2 REAMS, A4 80GM AONE COPY PAPER @\$4.785 X 30 REAMS	182.05	182.05
EFT27174	06/02/2019	HYDRO JET	GRAFFITI WIPES	423.50	423.50
EFT27175	06/02/2019	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA BIZHUB C658 ADMIN AREA PHOTOCOPY CHARGES 2018 / 2019 YEAR - 13/12/18 - 12/01/19,	240.41	
			KONICA MINOLTA PHOTOCOPIER CONTRACT (4374610) 2018 - 2019 - 01/12/18 - 31/12/12 AND 01/01/19 - 31/01/19,	20.23	260.64
EFT27176	06/02/2019	OFFICEWORKS	DEPOT PLANNER AND DIARIES	63.95	
			COPY AND SCANNING PLANNING AND BUILDING PLANS (ARCHIVES)	49.47	
			GENERAL OFFICE STATIONERY AND SUPPLIES	164.00	
			COPY AND SCANNING PLANNING AND BUILDING PLANS (ARCHIVES)	69.50	
			OFFICE SUPPLIES FOR HACC	47.18	
			GENERAL OFFICE STATIONERY AND SUPPLIES	79.94	
			GENERAL OFFICE STATIONERY AND SUPPLIES	31.98	
			GENERAL OFFICE STATIONERY AND SUPPLIES	68.76	
			GENERAL OFFICE STATIONERY AND SUPPLIES	150.47	725.25
EFT27177	06/02/2019	FOCUS NETWORKS	COMMUNICATIONS AND PRINTER FOR RANGER OFFICE ACCOMMODATION	3,429.80	
			2018/19 IT REPLACEMENT PROGRAM, 3 X NOTEBOOKS, 7 X DESKTOP MINIS, LABOUR INCLUDING IMAGING 6 OLD DESKTOPS PLUS SET UP OF DEPOT TRAINING ROOM	12,964.81	16,394.61
EFT27178	06/02/2019	ACCESSIBLE TRANSIT SPECIALISTS	HOIST SEVICE FOR BUS 1DXU938	340.00	
			STEP REPAIR AND HOIST SERVICE FOR BUS 1DTB605	660.00	1,000.00
EFT27179	06/02/2019	THE TURBAN INDIAN RESTURANT	CATERING - 29/1/19	322.65	322.65
EFT27180	06/02/2019	AAAC TOWING PTY LTD	TOW IMPOUNDED FORD FALCON - TASMANIAN REGISTRATION NUMBER DZ 2906 TO DEPOT YARD	110.00	110.00
EFT27181	06/02/2019	EAST FREMANTLE JUNIOR CRICKET CLUB INC	EAST FREMANTLE'S GEORGE STREET FESTIVAL: CLUB DONATION (40 HOURS ASSISTANCE - ZONE ASSISTANTS)	1,000.00	1,000.00
EFT27182	06/02/2019	THE WORKWEAR GROUP	STAFF UNIFORM VARIOUS STAFF	1,921.02	1,921.02
EFT27183	06/02/2019	FUJI XEROX	FUJI XEROX - DC5C6675T - FINANCE AREA PHOTOCOPY CHARGES 2018 / 2019 YEAR	149.11	149.11
EFT27184	06/02/2019	VOCUS COMMUNICATIONS	ADSL INTERNET TRICOLORE CENTRE 100G 01/03/19 - 01/04/19	50.00	
			SESSION INITIATION PROTOCOL (SIP) LINES/ SERVICES CHARGES FOR VOICE OVER INTERNET PROTOCOL (VOIP) 1/11/18-30/11/18	520.08	570.08
EFT27185	06/02/2019	MARKET CREATIONS	SOCIAL MEDIA SERVICES JAN 19, MANAGEMENT SERVICES; STRATEGY DEVELOPMENT; STAFF UPSKILLING	2,860.00	
			PRINT LETTERHEAD X 10,000	539.00	
			BUSINESS CARDS - STAFF, RANGERS X 2; ECDO X 1	319.00	3,718.00
EFT27186	06/02/2019	SNAP PRINTING	PRINTING REPLY PAID ENVELOPES	663.70	663.70
EFT27187	06/02/2019	MOORE STEPHENS	STRATEGIC RESOURCING PLAN - COMBINED LONG TERM FINANCIAL AND ASSET MANAGEMENT PLAN, \$14,500 EX GST AS PER QUOTE PLUS COSTS FOR ON-SITE WORKSHOPS, AMENDMENTS TO DRAFT DOCUMENT, AND FINAL PUBLISHING EST \$2500 EX GST	2,750.00	2,750.00
EFT27188	06/02/2019	HUBBLES YARD	CATERING - 15/01/19	330.00	330.00
EFT27189	06/02/2019	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINES INCLUDING LICENCE AND COMMUNICATION COSTS	165.00	
			PARKING TICKET ROLLS	449.00	
			REPAIR PARKING MACHINE AT CAR PARK 1, INSURANCE EXCESS \$1000 & REPAIR COST \$457.50	1,457.50	2,071.50
EFT27190	06/02/2019	ZIRCODATA	OFFSITE STORAGE, BARCODES, LODGEMENT AND TRANSPORTATION - 26/11/18 - 25/12/18	43.22	43.22
EFT27191	06/02/2019	SIMPLEPAY SOLUTIONS PTY LIMITED	SIMPLE PAY CREDIT CARD TRANSACTIONS FOR LEEUWIN BOAT RAMP FROM JULY 2018 TO JUNE 2019	521.03	521.03
EFT27192	06/02/2019	TREE'S A CROWD TREE CARE	PRUNE TREES AT VARIOUS SITES AROUND TOWN.	4,565.00	4,565.00
EFT27193	06/02/2019	IRON MOUNTAIN	STORAGE RETENTION FOR VAULT STORAGE OF RATEBOOKS 2018 / 2019 - 01/01/19 - 31/01/19	9.50	9.50
EFT27194	06/02/2019	TOTALLY WORKWARE FREMANTLE	DEPOT WORK POLOS	158.40	158.40
EFT27195	06/02/2019	WA CONTRACT RANGER SERVICES PTY LTD	CONTRACT RANGER SERVICES - JANUARY 2019 64 Hours @ \$55 (ex GST) MONDAY & TUESDAY x 4. 8.00am - 4.30pm (8 hours daily)	3,055.25	3,055.25
EFT27196	06/02/2019	COASTLINE MOWERS	6 X ROLLS OF BRUSHCUTTER CORD, 2 X 5LITRE HP ULTRA 2 STROKE OIL, 4 X 20-2 AUTO FEED HEADS	714.40	714.40
EFT27197	06/02/2019	SUEZ RECYCLING & RECOVERY PTY L	MONTHLY COLLECTION JUNE 2018	1,613.04	
			ADJUSTMENT FOR SUEZ ERROR IN UNDERCHARGING IN JULY & AUGUST 2018 FOR 46 EAST STREET	2,789.92	4,402.96
EFT27198	06/02/2019	AMBIUS (RENTOKIL INITIAL PTY LTD)	PLANT HIRE FOR TOWN HALL 18/19	263.12	263.12
EFT27199	06/02/2019	DI MIMI	CATERING 30/1/19 & 5/2/19	572.00	572.00
EFT27200	06/02/2019	SOUTH METROPOLITAN TAFE	CERTIFICATE IV IN HORTICULTURE FOR OPERATIONS STAFF MEMBER- SEMESTER 1 2019	662.50	662.50
EFT27201	06/02/2019	SHRED-X PTY LTD	240 LITRE BIN EXCHANGE FOR 12 MONTHS 2018/2019 - DECEMBER 18	20.24	20.24
EFT27202	06/02/2019	MONUMENTAL SERVICES PTY LTD A BALANCED VIEW LEISURE CONSULTANCY SERVICES	PREPARATION OF THE PRESTON POINT ROAD NORTH RECREATION FACILITIES MASTER PLAN - CLAIM 1 ON COMMENCEMENT	9,199.30	9,199.30
EFT27203	06/02/2019	WESTCARE PRINT	PRINT / FOLD / COLLATE ADVERTISING FOR LOCAL PLANNING SCHEME AMENDMENTS 14 & 15	1,521.30	1,521.30
EFT27204	06/02/2019	AUSTRALIAN VENUE CO - SWEETWATER ROOFTOP BAR	PROVISION OF DISCOUNTED CATERING FOR BUSINESS TO BUSINESS NETWORKING EVENT	330.00	330.00
EFT27205	06/02/2019	MOJO DIGITAL STUDIO	AS PER EST-000058: ITEM 1, ILLUSTRATIONS AND LAYOUT FOR BRIDAL TRAIL MAP / FLYER - 50% ON COMMENCEMENT	450.00	450.00

EFT27206	06/02/2019	EASY WEDDINGS	EAST FREMANTLE BRIDAL TRAIL, 31 MARCH 2019, ADVERTISING & PROMOTION	825.00	825.00
EFT27207	06/02/2019	THE WEDDING NETWORK	EAST FREMANTLE BRIDAL TRAIL ADVERTISING, WA WEDDING GUIDE - WEBSITE, FACEBOOK, INSTAGRAM	490.00	490.00
EFT27208	06/02/2019	REBECCA MICHELLE JAMES	DONATION RIDE FOR YOUTH	500.00	500.00
EFT27209	06/02/2019	ROBERT CASHMAN	STUDY ASSISTANCE	103.10	103.10
EFT27210	06/02/2019	CALTEX AUSTRALIA	FUEL USE JANUARY 19	4,068.81	4,068.81
EFT27211	07/02/2019	FRESH PROMOTIONAL PRODUCTS AUSTRALIA	BRANDED DELUXE EXPRESS CUPS X 500 - DARK NAVY AND TEAL WITH LOGO	2,750.00	2,750.00
EFT27212	07/02/2019	RICHARD JARMAN	RATES REFUND	608.08	608.08
EFT27213	07/02/2019	MARION MITCHELLE STEWART	RATES REFUND	90.61	90.61
EFT27214	07/02/2019	JAMIE LOWRIE	REFUND OF OVERPAYMENT OF PARKING FEE PAID - LEEUWIN LAUNCHING RAMP CAR PARK	80.00	80.00
EFT27215	15/02/2019	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED JANUARY 19	2,178.96	2,178.96
EFT27216	15/02/2019	COMMUNITY NEWSPAPERS	EAST FREMANTLE'S GEORGE STREET FESTIVAL 2018 - QUARTER PAGE LOCAL FOCUS ADVERTISEMENT, 6 NOVEMBER	736.16	736.16
EFT27217	15/02/2019	MCLEODS	PROFESSIONAL FEES - DRAFTING OF COMMERCIAL LEASE	985.82	985.82
EFT27218	15/02/2019	ST JOHNS AMBULANCE ASSOCIATION	PROVIDE FIRST AID 1 DAY COURSE	125.00	125.00
EFT27219	15/02/2019	WORK CLOBBER	DEPOT - HIGH VIS POLO FOR EMMA CLOTHIER	33.50	33.50
EFT27220	15/02/2019	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	329.80	329.80
EFT27221	15/02/2019	ZIPFORM PTY LTD	COSTS ASSOCIATED WITH PRINTING AND DISTRIBUTING 4TH INSTALMENT RATES NOTICES	2,756.69	2,756.69
EFT27222	15/02/2019	TREE PLANTING & WATERING	STREET TREE WATERING - DEC 18	5,313.04	5,313.04
EFT27223	15/02/2019	HAVILAH LEGAL	PROFESSIONAL FEES - LEGAL SERVICES FOR PARKING INFRINGEMENT CASE	72.60	
			DEBT RECOVERY OUTSTANDING RATES	170.50	
			DEBT RECOVERY OUTSTANDING RATES	220.00	
			DEBT RECOVERY OUTSTANDING RATES	22.00	485.10
EFT27224	15/02/2019	AUSRECORD	50 X 2D COLOUR FLAP AND SPINE FILES - LIGHT GREEN, 50 X 2D COLOUR FLAP AND SPINE FILES - PURPLE, DELIVERY	101.20	101.20
EFT27225	15/02/2019	THE WORKWEAR GROUP	STAFF UNIFORM	381.20	381.20
EFT27226	15/02/2019	MICHAEL VAUGHAN	SAND FOR FOOTPATH - CANNING HIGHWAY AND ANGWIN STREET	800.00	800.00
EFT27227	15/02/2019	VOCUS COMMUNICATIONS	UNLIMITED INTERNET SERVICE ENHANCED FIBRE 20MBPS - 135 CANNING HWY - 01/03/19 - 31/03/19	1,171.50	1,171.50
EFT27228	15/02/2019	READY TRACK PTY LTD	GPS TRACKING PLAN FOR ALL OPERATIONAL VEHICLES FOR 12 MONTHS - JAN 19	145.20	145.20
EFT27229	15/02/2019	DAVIA SIEBERT	RATES REFUND	233.94	233.94
EFT27230	15/02/2019	RORY A TRAWBER	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27231	15/02/2019	MATTHEW THOMAS BENNETTO	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27232	15/02/2019	CLINTON COLEBY MATTHEWS	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27233	15/02/2019	BRUCE CONSTRUCTION DESIGN PTY LTD	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27234	15/02/2019	JENNIFER BLAIR	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27235	15/02/2019	TRAVIS GASPAR	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27236	15/02/2019	MICHAEL OGILBY	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27237	15/02/2019	BRAVURA DESIGN PTY LTD	TOWN OF EAST FREMANTLE TRUST REFUND	1,500.00	1,500.00
EFT27238	20/02/2019	AUSTRALIA POST	POSTAGE COSTS JANUARY 2018	4,159.78	4,159.78
EFT27239	20/02/2019	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE	262.65	
			TIMBER FOR MERV COWAN PARK	607.56	
			VARIOUS HARDWARE FOR DEPOT	236.06	
			DROP SHEETS, PALLET OF CONCRETE, CUPBOARD - RANGERS OFFICE	994.27	2,100.54
EFT27240	20/02/2019	OFFICEMAX AUSTRALIA LTD	STATIONERY ORDER FEBRUARY 2019 - BACK ORDER TO FOLLOW	477.16	477.16
EFT27241	20/02/2019	BOORAGOON TYRE SERVICE	REPAIR OR REPLACE TYRE ON FORD RANGER 1GDQ 688	44.00	44.00
EFT27242	20/02/2019	BOC LIMITED	CONTAINER SERVICE 29.12.18 TO 28.01.19	45.46	45.46
EFT27243	20/02/2019	CITY OF COCKBURN	TIP FEES JANUARY 2019 - 37 VOUCHERS USED	2,430.80	2,430.80
EFT27244	20/02/2019	FREMANTLE HERALD	ADVERTISING - AMENDMENT 14/15	357.88	357.88
EFT27245	20/02/2019	FORPARK AUSTRALIA	BUSHES AND BOLTS FOR PLAY EQUIPMENT	217.14	
EFT27246	20/02/2019	SUEZ ENVIRONNEMENT RECYCLING & WASTE RECOVERY	INSTALL SWING SEAT AND CHAINS - GOURLEY PARK	858.00	1,075.14
			REFUSE COLLECTION 48-50 ALEXANDRA ROAD - DECEMBER 2018	488.02	
			REFUSE COLLECTION 48-50 ALEXANDRA ROAD - JANUARY 2019	412.68	
EFT27247	20/02/2019	TELSTRA CORPORATION LIMITED	COMMERCIAL RECYCLING FOR DISTRICT - DECEMBER 2018	29,384.50	30,285.20
			TOWN HALL PHONE & DATA LINES	53.18	
			HACC MOBILE PHONE	19.54	
EFT27248	20/02/2019	VINIDEX	RESPIRE CENTRE PHONE	206.23	278.95
			10 X P5 LIDS, 4 X P5 PIT RISERS	546.26	
			3 P5 COMMS CONCRETE LIDS	82.76	629.02
EFT27249	20/02/2019	WA LIMESTONE	TWO CUBES OF 200-300MM SPALLS FOR VERGE MAINTENANCE	144.10	144.10
EFT27250	20/02/2019	WA FIRE PROTECTION	TESTING AND REPLACEMENT OF FIRE EXTINGUISHERS IN THE TOWNS BUILDINGS	2,090.99	
			1 X 4.5L FIRE EXTINGUISHER WITH MOUNT AND WALL STICKERS FOR RANGER OFFICE AT DEPOT	181.50	2,272.49
EFT27251	20/02/2019	WORK CLOBBER	4X WORK PANTS - OPERATIONS STAFF	91.80	91.80
EFT27252	20/02/2019	SYNERGY	POWER SUPPLY MERV COWAN PARK 17/11/18 - 9/1/19	102.10	102.10
EFT27253	20/02/2019	YOUNGS PLUMBING SERVICE P/L	GLASSON PARK - INSTALL FOUNTAIN TAP, CLEAR BLOCKAGES	1,098.35	
EFT27254	20/02/2019	FASTA COURIERS	CHECK WATER FOUNTAIN AT GLASSON PARK	563.60	1,661.95
EFT27255	20/02/2019	J & M ASPHALT (MERGER CONTRACTING PTY LTD)	COURIER COSTS 01/02/19 - 15/02/19	144.13	144.13
EFT27256	20/02/2019	KOOL LINE ELECTRICAL & REFRIGERATION	DISPOSAL OF CONSTRUCTION WASTE AS DIRECTED	1,460.80	1,460.80
			LEE PARK - ASSESS BBQ AND TEST, JOHN TONKIN - ASSESS BBQ AND TEST	690.00	
			CHECK AND REPAIR LIGHTING	200.00	
			CHECK AIRCON UNIT AT TRICOLORE	1,332.00	
			INSTALL OUTLET AND INSTALL BREAKER IN SWITCHBOARD AND RUN CABLES, INSTALL ENCLOSURE FOR OUTSIDE OUTLET	1,190.00	
			SCOUT HALL SWITCHBOARD UPGRADE INCLUDING ALL CABELING AND NEW RCDS	2,450.00	
			REPLACE SWITCHBOARD AND UPGRADE RCD	1,945.00	
			SUPPLY ONE CRANE TO MOVE CONTAINER CRICKET CLUB	675.00	
			REMOVE ALL BREAKERS AND RCDS AND INSTALL NEW ONES - SUMPTON GREEN	1,190.00	
			ELECTRICAL WORK FOR REPAIRS TO OVAL LIGHTS AND PRESTON POINT RESERVE	12,497.50	22,169.50

EFT27257	20/02/2019	SOUTHERN METROPOLITAN REGIONAL COUNCIL	GREEN WASTE FEES FOR JANUARY 19 - 2 X TRAILER PASS 01/01/19 - 31/01/19	60.00	
			MRF GATE FEES FOR JAN 19 - MIXED RECYCLABLES 01/01/19 - 31/01/19	6,163.80	
			MSW GATE FEES FOR JANUARY 2019 - 16/01/19 - 31/01/19	30,507.07	36,730.87
EFT27258	20/02/2019	CARDNO (WA) PTY LTD	PROFESSIONAL FEES - INTEGRATED TRAFFIC MOVEMENT PROJECT - FOR PERIOD ENDING 15/02/19	16,060.00	16,060.00
EFT27259	20/02/2019	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	INTRODUCTION TO LOCAL GOVERNMENT WORKSHOP	335.00	335.00
EFT27260	20/02/2019	WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION (WALGA)	POLICY DEVELOPMENT AND PROCEDURE WRITING	1,012.00	
			PROCUREMENT AND CONTRACT MANAGEMENT FUNDAMENTALS TRAINING	1,354.00	2,366.00
EFT27261	20/02/2019	KENNARDS HIRE	STUMP GRINDER HIRE 07/02/19	180.00	180.00
EFT27262	20/02/2019	PETRA CLEAN	CLEANING SERVICES - TOWN HALL, DEPOT, TRICOLORE, SUMPTON GREEN & OLD POLICE STATION - JANUARY 2019	7,278.06	7,278.06
EFT27263	20/02/2019	W.A. BLUEMETAL	APPROX 16 TONNE ROAD BASE DELIVERED TO DEPOT	448.80	448.80
EFT27264	20/02/2019	FRANK GILMOUR PEST CONTROL	TERMITE AND GENERAL PEST INSPECTION - VARIOUS COUNCIL OWNED BUILDINGS	6,200.70	6,200.70
EFT27265	20/02/2019	MUSEWARES	EAST FREMANTLE'S GEORGE STREET FESTIVAL: GROUP DONATION - GLYDE-IN CHOIR	150.00	150.00
EFT27266	20/02/2019	KERB DOCTOR	KERBING AT OAKOVER, BEDFORD, DALGETY & FORTESCUE STREETS	1,610.40	1,610.40
EFT27267	20/02/2019	WOOLWORTHS SUPERMARKETS	RESPIRE CENTRE GROCERIES - 11/2/2019	180.96	
			ITEMS FOR CATERING 18/02/19	35.00	
			RESPIRE CENTRE GROCERIES - 18/2/19	52.75	
			CATERING FOR CPR WORKSHOP ON 19/02/2018 (STRATEGIC PLANNING)	70.00	338.71
EFT27268	20/02/2019	LANDSCAPE YARD O'CONNOR	YELLOW SAND	228.00	
			2 CUBIC METRES OF YELLOW SAND	114.00	342.00
EFT27269	20/02/2019	CARINYA OF BICTON	CENTRE BASED RESPIRE MEALS 12/01/19 - 31/01/19	431.24	
			CENTRE BASED RESPIRE MEALS 01/01/19 - 11/01/19	597.86	1,029.10
EFT27270	20/02/2019	SUNNY SIGN COMPANY PTY LTD	10 DOG EXERCISE AREA SIGNS, 10 DOGS PROHIBITED SIGNS, 20 RED ARROW STICKERS AND 20 GREEN ARROW STICKERS FOR RANGERS.		
				498.85	
			6 ACROD SIGNS, 1 BOLTON STREET SIGN, 1 CONVEX MIRROR FOR VIEW TCE/GORDON ST WITH PIPE AND POST CAP	279.72	778.57
EFT27271	20/02/2019	D.J. PALMER (WA) PTY LTD	STEEL PICKETS	236.50	236.50
EFT27272	20/02/2019	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES JANUARY 19	17.00	17.00
EFT27273	20/02/2019	FOCUS NETWORKS	2018-2019 FOCUS NETWORKS EMAIL PROTECTION SERVICE MAILBOXES - FEB 18, , 2018-2019 MANAGED RECOVERY SERVICE MONTHLY - FEB 18, 2018-2019 HOSTED ANTI-VIRUS CORPORATE - MONTHLY, 0-50 NODES - FEB 18, , 2018-2019 HOSTED WIFI MANAGEMENT - PER WIRELESS ACCESS POINT - FEB 18, , MICROSOFT VISIO PRO FOR OFFICE 365 - MONTHLY SUBSCRIPTION - FEB 18	1,907.20	
			MANAGED PROACTIVE SERVICE - MONTHLY COMPUTER - FEB 18, PO35527 - ADDITIONAL CHARGES - SUPPORT SERVICES OUTSIDE NORMAL SERVICE SCOPE JANUARY 2019	3,944.60	
				692.12	6,543.92
EFT27274	20/02/2019	POTHOLE MASTERS PTY LTD	ASPHALT FOR POTHOLES ON VIEW TERRACE AND JARRET DRIVE	1,677.50	
			EAST STREET REPAIRS	1,457.50	
			CROSSOVER/FOOTPATH REPAIR FOR OAKOVER, DALGETY. BEDFORD, LOCKE AND FORTESCUE STREETS	13,054.80	
			CROSSOVER REPAIRS CLAYTON STREET AND DRIVEWAY REPAIRS WALTER ST	1,034.00	17,223.80
EFT27275	20/02/2019	ENVIRO SWEEP	STREET SWEEPING - JANUARY 2019	3,382.50	3,382.50
EFT27276	20/02/2019	AAAC TOWING PTY LTD	TOWING OF ONE VEHICLE FROM EAST STREET	165.00	
			TOWING OF VEHICLES FROM GLYDE STREET	165.00	
			TOWING OF VEHICLES FROM GLYDE STREET	165.00	495.00
EFT27277	20/02/2019	CASCADA	6X TAP BUTYL MASTIC 17MMX3.6MTR UNBAGGED ROLL	89.10	89.10
EFT27278	20/02/2019	THE WORKWEAR GROUP	2018 UNIFORM ORDERS - WENDY COOKE	169.15	
			2018 UNIFORM ORDERS - WENDY COOKE	136.85	306.00
EFT27279	20/02/2019	FUJI XEROX	FUJI XEROX - DC5C6675T - FINANCE AREA PHOTOCOPY CHARGES 2018 / 2019 YEAR - 01/01/19 - 31/02/19	84.07	84.07
EFT27280	20/02/2019	MICHAEL VAUGHAN	LIMESTONE EMBANKMENT EASTON STREET - PART 1	1,850.00	
			LIMESTONE EMBANKMENT EASTON STREET - PART 2	1,850.00	3,700.00
EFT27281	20/02/2019	TALIS CONSULTANTS PTY LTD	DESIGN CARPARKS AS PER QUOTE AND RFQ03-2018/19 DOCUMENTATION	2,692.67	2,692.67
EFT27282	20/02/2019	VOCUS COMMUNICATIONS	SESSION INITIATION PROTOCOL (SIP) LINES/ SERVICES CHARGES FOR VOICE OVER INTERNET PROTOCOL (VOIP)- JAN & FEB 19	1,461.37	1,461.37
EFT27283	20/02/2019	MOORE STEPHENS	PROGRESSIVE FEES to 31/01/19 STRATEGIC RESOURCING PLAN - COMBINED LONG TERM FINANCIAL AND ASSET MANAGEMENT PLAN \$14,500 EX GST AS PER QUOTE PLUS COSTS FOR ONS-SITE WORKSHOPS, AMENDMENTS TO DRAFT DOCUMENT, AND FINAL PUBLISHING EST \$2500 EX GST	4,400.00	4,400.00
EFT27284	20/02/2019	DONALD VEAL CONSULTANTS	PETRA STREET TRAFFIC CALMING	3,850.00	3,850.00
EFT27285	20/02/2019	STOTTHOARE	MICROSOFT PROJECT STANDARD 2019 AS PER QUOTE 4217Q	988.90	988.90
EFT27286	20/02/2019	SOFT LANDING	MATRESS DROP OFF X 127	2,794.00	2,794.00
EFT27287	20/02/2019	KEYS BROS	FURNITURE STORAGE - HISTORIC AND CHAMBER FURNITURE - 27/01/19 - 23/02/19	260.00	260.00
EFT27288	20/02/2019	PRIMARIES	1 CARTON TOM KAT RAT BAITS	411.84	411.84
EFT27289	20/02/2019	TREE'S A CROWD TREE CARE	PRUNE TREES AT VARIOUS SITES	4,455.00	4,455.00
EFT27290	20/02/2019	ACO PTY LTD	SUPPLY 10M OF CROSSOVER GRATE INCLUDING 4 ENDS	1,174.80	1,174.80
EFT27291	20/02/2019	SUEZ RECYCLING & RECOVERY PTY LTD	MONTHLY COLLECTION AT 46 EAST STREET JANUARY 19	1,561.00	1,561.00
EFT27292	20/02/2019	WINC	PURCHASE VISIO PRO 2019	660.74	660.74
EFT27293	20/02/2019	AMBIUS (RENTOKIL INITIAL PTY LTD)	PLANT HIRE FOR TOWN HALL 27/03/19 - 26/04/19	263.12	263.12
EFT27294	20/02/2019	READY TRACK PTY LTD	GPS TRACKING PLAN FOR ALL OPERATIONAL VEHICLES FOR 12 MONTHS	145.20	145.20
EFT27295	20/02/2019	THE FEDERATION OF WA POLICE AND COMMUNITY YOUTH CENTRES	GEORGE STREET FESTIVAL 2018, PROVISION OF CLIMBING WALL WITH INSTRUCTORS, 11AM TO 4PM	1,375.00	1,375.00
EFT27296	20/02/2019	JESSEE LEE JOHNS	HUBBLE STREET MURAL - CONCEPT DESIGN AS REQUESTED	550.00	550.00

REPORT 12.2.2

ATTACHMENT 1

[illegible]

12.3 GOVERNANCE REPORTS

12.3.1 Delegated Authority Register

Applicant	Town of East Fremantle
File ref	C/DEL1
Prepared by	Gary Tuffin, Chief Executive Officer
Report Date	19 March 2019
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated Delegated Authority Register (Separate Attachment)

Purpose

To consider approving the delegation of designated powers and functions as listed in the Delegated Authority Register 2018 to the Chief Executive Officer and Committees 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 June 2018 with some further additions/amendments adopted on 21 August and 20 November 2018.

The Delegated Authority Register 2019 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

Executive Manager Regulatory Services
Executive Manager Corporate 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 2017 – 2027 states as follows:

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency

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

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

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

Comment

The only change to the previously adopted Delegations Register is the addition of a new delegation DA78 Disbursement of Petty Cash

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

12.3.1 OFFICER RECOMMENDATION

That Council endorse the revised Delegated Authority Register 2019 as attached.

12.3.2 Local Government Act 1995 Review

Applicant	Minister for Local Government
File ref	A/DLC1 & A/WALGA1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 March 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. WALGA Advocacy Positions

Purpose

The purpose of this report is for Council to consider WALGA's advocacy positions in relation to Phase 2 of the Local Government Act 1995 review, and indicate whether it supports or otherwise said positions.

Council's decision will then be submitted to both WALGA and the DLGSC.

Executive Summary

Phase 2 of the Local Government Act review process will result in a complete review of the Act, the first time this has occurred since the legislation was introduced (July 1996). In response to the review WALGA has prepared a position statement for local governments' consideration. Responses have been provided for the position statements for Council's consideration.

Background

In 2017 the McGowan Government announced a review of the Local Government Act 1995. This is the first significant reform of local government conducted in more than two decades. The aim is to modernise local governments and better position them to deliver services for the community. The first phase of the review was completed in 2018. This is the second phase of the review, the theme of which is *"Delivering for the Community"*, with 11 themes arranged under the 'Smart, Agile, Inclusive' headings:

- Agile
 - Beneficial Enterprises
 - Financial Management
 - Rates
- Smart
 - Administrative Efficiencies
 - Local Laws
 - Council Meetings
 - Interventions
- Inclusive
 - Community Engagement
 - Integrated Planning and Reporting
 - Complaints Management
 - Elections

Consultation

DLGSC

WALGA
TOEF Executive Group

Statutory Environment
Local Government Act 1995
Policy Implications
Nil.

Financial Implications

There may be financial implications that result as a change to legislation (ie voting online). However, as it is unknown what changes may occur at this stage, it is difficult to assess.

Strategic Implications

Strategic Priority 5 – Leadership and Governance – A proactive, approachable Council which values community consultation, transparency and accountability

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.2 Ensure an effective engagement process is undertaken with community and stakeholders.

5.1.3 Improve the efficiency and effectiveness of services

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 make a submission.	Unlikely (2)	Insignificant (1)	Low (1-4)	REPUTATIONAL Unsubstantiated, low impact, low profile or 'no news' item	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	3
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

(AGILE)

1. Beneficial Enterprises - WALGA's Position Statement:

The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years. A Beneficial Enterprise is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

Example:

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.

WALGA has identified the following benefits of establishing a Beneficial Enterprise would include:

- (a) *The ability to employ professional directors and management with experience specific to the commercial objectives of the entity;*
- (b) *Removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;*
- (c) *The ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;*
- (d) *The ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;*

- (e) *The ability to set clear financial and non-financial performance objectives for the entity to achieve; and*
- (f) *Greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.*

A model such as this may be an appropriate future structure for the South Metropolitan Regional Council (SMRC) or the South West Group (SWG).

Officer recommendation

It is recommended WALGA's position be supported to establish "*Beneficial Enterprises*".

2. Financial Management

2.1 Tender Threshold - WALGA's Position Statement:

WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.

The current tender threshold requirement for calling tenders is \$150,000. The proposal is to increase this to \$250,000 in line with State Government.

This is the maximum threshold above which tenders must be called. Nothing precludes a tender being called for a lesser value purchase. The Town's Purchasing Policy and associated internal operating procedures set out the requirements for purchases below the threshold where a tender is not called. The proposal reflects the growth in value of purchases and would enable greater flexibility and responsiveness in procurement.

Officer recommendation

It is recommended WALGA's position be supported and the Tender threshold be increased to \$250,000.

2.2 Procurement - WALGA's Position Statement:

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

This provision essentially relates to where a disposal is part of a purchase and typically this occurs where plant and equipment are traded in as part of the purchase of new plant and equipment. The current limit has the effect of forcing old plant and equipment above the limit to be disposed of by a separate disposal process even though a better net change over may be achieved by trading it in. The proposal is to retain the exemption but remove the \$75,000 limit. The impact of the change would be particularly relevant to those Local Governments who have fleets with large high-value earth moving and waste disposal equipment.

2.3 Imposition of Fees and Charges: Section 6.16 - WALGA's Position Statement:

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

Section 6.16 requires that if Council wishes to impose any new fees and charges after it has adopted its Budget, it must provide local notice before they can be introduced and become effective. This can create an unnecessary delay.

Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:

- Lack of indexation;
- Lack of regular review (fees may remain at the same nominal levels for decades), and
- Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Officer recommendation

It is recommended WALGA's position be supported

2.4 Power to Borrow: section 6.60 - WALGA's Position Statement:

That section 6.20(2) of the Act requiring one month's notice of intent to borrow be deleted.

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.

Officer recommendation

It is recommended WALGA's position be supported

2.5 Differential General Rates: Section 6.33 - WALGA's Position Statement:

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

This matter has arisen as there is a view by some within the industry that councils should be able to impose higher rates on undeveloped (vacant) land to encourage more timely development.

Officer recommendation

It is recommended WALGA's position be supported

2.6 Member Interests - Exemption from AASB 124 - WALGA's Position Statement:

Create an exemption under Regulation 4 relating to AASB 124 'Related Party Transactions' for EMs to declare interests.

Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS).

WALGA has been requested by some of its members that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.

Officer recommendation

It is recommended WALGA's position be supported

3. Rates, Fees & Charges

3.1 Imposition of Fees and Charges: Section 6.16 - WALGA's Position Statement:

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

Section 6.16 requires that if Council wishes to impose any new fees and charges after it has adopted its Budget, it must provide local notice before they can be introduced and become effective. This can create an unnecessary delay.

Officer recommendation

It is recommended WALGA's position be supported

3.2 Rating Exemptions – Charitable Purposes: Section 6.26(2)(g) - WALGA's Position Statement:

- 1. *Amend the Act to clarify that Independent Living Units should only be exempt from rates where they qualify under Commonwealth Aged Care Act 1997;***
- 2. *Either:***
 - (a) *amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or***
 - (b) *establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and***
- 3. *Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.***

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers.

Officer recommendation

It is recommended WALGA's position (2) be supported

- (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or***
- (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates;***

3.3 Rating Exemptions – Rate Equivalency Payments - WALGA's Position Statement:

Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

Rate Equivalency payments apply mainly to Government agencies who operate in a commercial environment and although otherwise exempt from Local Government rates are required to make a rate equivalent payment to the State Treasury based on competitive neutrality principles. There are only a few agencies that are in this position, the most relevant example is Landcorp.

The Town does not have any properties affected by this exemption. This matter is of concern to Local Governments with significant LandCorp holdings in their district. The loss of rates revenue is effectively paid by other ratepayers.

Officer recommendation

It is recommended WALGA's position be supported

3.4 Rates or Service Charges Recoverable in Court: Section 6.56 - WALGA's Position Statement:

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

Officer recommendation

It is recommended WALGA's position be supported

3.5 Rating Restrictions – State Agreement Acts - WALGA's Position Statement:

Resource projects covered by State Agreement Acts should be liable for Local Government rates.

No impact direct on Town of East Fremantle, however is a significant issue for regional and remote local governments.

Officer recommendation

It is recommended WALGA's position be supported

(SMART)

4. Administrative Efficiencies

4.1 Control of Certain Unvested Facilities: Section 3.53 - WALGA's Position Statement:

That section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

The Local Government Act 1995 includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former Local Government Act 1960. Former Section 300 stated:

"A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management."

Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: *"a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."*

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments. WALGA recommends section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

Officer recommendation

It is recommended WALGA's position be supported

4.2 Local Government Grants Commission and Local Government Advisory Board – WALGA's Position Statement:

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act.

Currently there is no provision in the Act to provide electors with the ability to call a poll for a proposed boundary change, like there is for proposed amalgamations.

Officer recommendation

It is recommended WALGA's position be supported.

4.3 Schedule 2.1 – Proposal to the Advisory Board, Number of Electors - WALGA's Position Statement:

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

Officer recommendation

It is recommended WALGA's position be supported

4.4 Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors WALGA's Position Statement:

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

Officer recommendation

It is recommended WALGA's position be supported

4.5 Transferability of employees between State & Local Government - WALGA's Position Statement:

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government

Officer comment

It is noted in the March (2019) State Council Agenda, that WALGA's position on this matter has changed due to the complexities/differences in State and Federal legislation regulating entitlements in the respective sectors.

4.6 Proof in Vehicle Offences may be shifted: Section 9.13(6) - WALGA's Position Statement:

Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences

There have been cases in the past where the owner of the vehicle claims they cannot remember who was driving the vehicle and avoided prosecution.

Officer recommendation

It is recommended WALGA's position be supported

(INCLUSIVE)

5. Complaints Management

5.1 Querulous, Vexatious and Frivolous Complainants - WALGA Position Statement:

The Complaints Management commentary contemplates the issue up to the point of unresolved complaints and then references the Ombudsman resources with regard to unreasonable complainants. WALGA seeks inclusion of commentary and questions relating to Local Governments adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

Amend the Local Government Act 1995, to:

- *Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the Parliamentary Commissioner Act 1971.*
- *Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.*
- *Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:*
 - *Abuse of process;*
 - *Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;*
 - *Unreasonably interfering with the operations of the Local Government in relation to complaint.*

Officer recommendation

It is recommended WALGA's position be supported

6 Council Meetings

6.1 Electors General Meeting; Section 5.27 - WALGA Position Statement:

Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.

There is different views across the industry in relation to the value of these meetings, giving all Ordinary Council meetings are open to members of the public.

Officer recommendation

It is recommended WALGA's position be supported/ not be supports.

6.2 Special Electors' Meeting: Section 5.28 - WALGA Position Statement:

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and***
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.***

It is considered that a minimum figure of 5% or 500 electors would demonstrate that the issue is one that is of concern to a significant number of electors.

Officer recommendation

It is recommended WALGA's position be supported.

6.3 Minutes, contents of: Regulation 11- WALGA Position Statement:

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting.

Officer recommendation

It is recommended WALGA's position be supported

6.4 Revoking or Changing Decisions: Regulation 10 - WALGA Position Statement:

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.

Officer recommendation

It is recommended WALGA's position be supported

6.5 Elected Member attendance at Council meetings by technology - WALGA Position Statement:

The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas.

Officer recommendation

It is recommended WALGA's position be supported

7. Elections

7.1 Conduct of Postal Elections: Sections 4.20 and 4.61 - WALGA Position Statement:

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market. This could include the Australian Electoral Commission, individual local governments or private companies.

Officer recommendation

It is recommended WALGA's position be supported

7.2 Voluntary Voting: Section 4.65 - WALGA Position Statement:

Voting in Local Government elections should remain voluntary.

The Australian Electoral Commission notes the following arguments are advanced for/against compulsory voting:

Arguments used in favour of compulsory voting

- Voting is a civic duty comparable to other duties citizens perform eg. taxation, compulsory education, jury duty
- Teaches the benefits of political participation
- Parliament reflects more accurately the "will of the electorate"
- Governments must consider the total electorate in policy formulation and management
- Candidates can concentrate their campaigning energies on issues rather than encouraging voters to attend the poll
- The voter isn't actually compelled to vote for anyone because voting is by secret ballot.

Arguments used against compulsory voting:

- It is undemocratic to force people to vote – an infringement of liberty
- The ill-informed and those with little interest in politics are forced to the polls
- It may increase the number of "donkey votes"
- It may increase the number of informal votes
- It increases the number of safe, single-member electorates – political parties then concentrate on the more marginal electorates
- Resources must be allocated to determine whether those who failed to vote have "valid and sufficient" reasons.

7.3 Method of Election of Mayor/President: Section 2.11 - WALGA Position Statement

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

Officer recommendation

It is recommended WALGA's position be supported.

7.4 On-Line Voting - WALGA Position Statement

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections. A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.

Officer recommendation

It is recommended WALGA's position be supported

7.5 Method of Voting - Schedule 4.1 – WALGA's Position Statement

Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.

Officer recommendation

It is recommended WALGA's position be supported

7.6 Leave of Absence when Contesting State or Federal Election - WALGA's Position Statement

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- 1. that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or***

- II. that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.***

Under the Local Government Act 1995, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member.

Conclusion

Council is now requested to give consideration whether it supports WALGA's position statements presented in this paper.

12.3.2 OFFICER RECOMMENDATION

That Council support the position statements contained within this report and advise WALGA accordingly.

WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

LOCAL GOVERNMENT ACT REVIEW PRINCIPLES

That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:

- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- (b) Provide for a flexible, principles-based legislative framework; and
- (c) Promote a size and scale compliance regime

BENEFICIAL ENTERPRISES

Position Statement	The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).
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WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years.

A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

Examples

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.
- Measures to address economic decline in Regional WA – A small business may not be viable for a private citizen, however maybe considered an essential service for the Local Government. ie Could be the local Pharmacy or local mechanical workshop.

Benefits of establishing a Beneficial Enterprise include:

- (a) The ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- (b) Removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- (c) The ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;

WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

- (d) The ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- (e) The ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- (f) Greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

FINANCIAL MANAGEMENT

Tender Threshold

Position Statement	WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.
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Procurement

WALGA seeks inclusion of the following position, to permit a procurement activity involving a disposal trade-in activity to qualify as a broad exemption under Regulation 30(3) of the Local Government (Functions and General) Regulations:

Position Statement	That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.
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Imposition of Fees and Charges: Section 6.16

Position Statement	That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.
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Power to Borrow: Section 6.20

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

Basis of Rates: Section 6.28

That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

Differential General Rates: Section 6.33

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

Member Interests - Exemption from AASB 124

Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

RATES, FEES AND CHARGES

Imposition of Fees and Charges: Section 6.16

Position Statement	That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.
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Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either:
 - (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
 - (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

Rating Exemptions – Rate Equivalency Payments

Position Statement	Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.
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Rates or Service Charges Recoverable in Court: Section 6.56

Position Statement	That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.
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Rating Restrictions – State Agreement Acts

Position Statement	Resource projects covered by State Agreement Acts should be liable for Local Government rates.
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WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

ADMINISTRATIVE EFFICIENCIES

Control of Certain Unvested Facilities: Section 3.53

WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

Local Government Grants Commission and Local Government Advisory Board

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act

Schedule 2.1 – Proposal to the Advisory Board, Number of Electors

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

Transferability of employees between State & Local Government (Questions 82-84)

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

Proof in Vehicle Offences may be shifted: Section 9.13(6)

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

COMPLAINTS MANAGEMENT

Querulous, Vexatious and Frivolous Complainants

The Complaints Management commentary contemplates the issue up to the point of unresolved complaints and then references the Ombudsman resources with regard to unreasonable complainants. WALGA seeks inclusion of commentary and questions relating to Local Governments adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or

WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

Amend the *Local Government Act 1995*, to:

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the *Parliamentary Commissioner Act 1971*.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
 - Abuse of process;
 - Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
 - Unreasonably interfering with the operations of the Local Government in relation to complaint.

COUNCIL MEETINGS

Electors' General Meeting: Section 5.27

Position Statement	Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.
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Special Electors' Meeting: Section 5.28

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

Minutes, contents of: Regulation 11

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

Revoking or Changing Decisions: Regulation 10

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

Elected Member attendance at Council meetings by technology

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia.

WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

INTERVENTIONS

Remedial intervention; Powers of appointed person; Remedial action process

In respect to remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience. This provides a connection back to the Department and its requirements.

The appointed person should only have an advice and support role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested.

This area relates to the bigger picture of differentiating between Local Governments based on their size and scale. Suitable arrangements to determine a size and scale compliance regime should be prioritized.

ELECTIONS

Conduct of Postal Elections: Sections 4.20 and 4.61

Position Statement	The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) <u>and or any other third party provider</u> to conduct postal elections.
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Voluntary Voting: Section 4.65

Position Statement	Voting in Local Government elections should remain voluntary.
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Method of Election of Mayor/President: Section 2.11

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
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On-Line Voting

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

Method of Voting - Schedule 4.1

Position Statement	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
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**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

Leave of Absence when Contesting State or Federal Election

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (i) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- (ii) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 16. NEW BUSINESS OF AN URGENT NATURE**
- 17. MATTERS BEHIND CLOSED DOORS**
- 18. CLOSURE**