

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 16 AUGUST, 2011 COMMENCING AT 6.34PM.

206. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

206.1 Present

Mayor A Ferris	Presiding Member
Cr B de Jong	
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	(From 8.10pm)
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 7.05pm)
Ms J May	Minute Secretary

207. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

“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.”

208. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

There was one member of the public in the gallery at the commencement of the meeting.

209. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

210. RECORD OF APOLOGIES

Cr Olson.

It was noted Cr Nardi was delayed with a vehicle breakdown and would be arriving late.

211. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

212. PUBLIC QUESTION TIME

Nil.

213. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

214. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

214.1 Council Meeting – 19 July 2011

Cr de Jong – Cr Collinson

That the Minutes of the Council Meeting held on 19 July 2011 be confirmed.

CARRIED

215. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

16 August 2011

MINUTES

216. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS

Nil.

217. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS

Nil.

218. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

219. ORDER OF BUSINESS

Cr Martin - Cr Rico

That the order of business be changed to allow members of the public to address agenda items. CARRIED

220. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**220.1 T91.4 Locke Crescent No 12 (Lot 4993)****Owner & Applicant: Darryn & Rachel Sargant****Application No. 102/2011**

Mr Sargant (applicant/owner) addressed the meeting in support of the Committee's recommendation.

Cr de Jong – Cr Martin

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for the following:

- variation to the privacy requirements of the Residential Design Codes to allow an unscreened balcony to be located between 2.4m and 4.1m from the north western boundary in lieu of the required 7.5m setback;
- variation to the building requirements of LPP No. 142 to allow a wall height to extend to 6.4m in lieu of the 5.6m requirement;

for the construction of skillion roof structure to replace a shade sail structure over the upper floor balcony at the rear of No. 12 Locke Crescent, East Fremantle in accordance with the plans date stamp received on 12 July 2011 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 proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on-site and clear of all boundaries.
5. 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:

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



16 August 2011

MINUTES

- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).* CARRIED

220.2 **T91.3 Preston Point Road No. 8 (Lot 1)**
Applicant & Owner: Janet Williamson
Application No. P27/2011
Cr Wilson – Cr Martin

The adoption of the Committee's recommendation which is as follows:

That Council refuses to grant planning approval for a double carport at the front of the residence and to increase the height of the front limestone fence from 1.2m to 1.8m at No. 8 Preston Point Road, East Fremantle in accordance with the plans date stamp received on 4 March, 5 April and 7 July 2011 for the following reasons:

1. The location of the garage is forward of the main building line and does not meet the requirements of Local Planning Policy No. 142 (Part 2 – Streetscape) and will have a detrimental impact on the local streetscape in conflict with the following matters as set out in Part 10, Clause 10.2 of the Town of East Fremantle Town Planning Scheme No. 3:
 - (o) the preservation of the amenity of the locality;
 - (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
2. The proposed front fence contravenes Local Planning Policy 143 and will have a detrimental impact on the local streetscape in conflict with the following matters as set out in Part 10, Clause 10.2 of the Town of East Fremantle Town Planning Scheme No 3:
 - (o) the preservation of the amenity of the locality; and
 - (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
3. The proposal is contrary to Clause 6.2.7 of the Residential Design Codes because the location of the garage does not comply with the requirements of Local Planning Policy No. 142 and because the fence does not comply with the requirements of Local Planning Policy 143. CARRIED

Mayor Ferris, Cr Wilson and Cr Rico made the following impartiality declaration in the matter of 73A Dalgety Street: "As a consequence of having served on Council with the former Mayor, Mr Jim O'Neill, who has submitted comment on the following application, there may be a perception that our impartiality on the matter may be affected. we declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

220.3 **T91.5 Dalgety Street No. 73A (Lot 2)**
Applicant: Edit Architecture
Owner: Karine Lucas
Application No. P94/2011

The following additional information from the Town Planner was considered:

A response to questions raised at the Town Planning & Building Committee meeting on the 9 August 2011 in relation to the following application:

73A Dalgety Street

The application to construct a new two storey residence seeks discretion for a reduced ground floor setback to the southern boundary to allow a 1 metre setback in lieu of the 1.5 metre setback required for a section of wall with a length of 11.17 metres. The subject wall will contain 3 windows (one of which will be obscure glazed) and will be partially screened by the dividing fence.

Boundary setbacks are assessed against the requirements of the R-Codes as tabled below:

16 August 2011

MINUTES

Performance Criteria	Acceptable Development
<p>8. Buildings setback from the boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> .. provide adequate direct sun and ventilation to the building; .. ensure adequate direct sun and ventilation being available to the adjoining properties; .. provide adequate direct sun to the building and appurtenant open spaces; .. assist with the protection of access to direct sun for adjoining properties; .. assist in ameliorating the impacts of building bulk on adjoining properties; and .. assist in protecting privacy between neighbours. 	<p>A8. Buildings setback from boundaries other than the street boundaries in accordance with table, tables 2a and 2b (for wall heights 10 metres and less)</p>

The reduced setback (from 1.5 metre to 1.0 metre) is assessed against the Performance Criteria below:

- .. The proposed wall is south facing. The windows in this wall are the only source of direct light and ventilation to these rooms.
- .. The proposed wall is parallel to the northern boundary of No.75. The section of wall which seeks a setback discretion will be adjacent to a galvanised shelter and shed on No. 75. A ground floor setback of 1.0 metre in this area will still provide sun and ventilation to this area of the adjoining lot.
- .. The reduced setback will enable the north facing section of the property at 73A Dalgety Street to be used as the appurtenant open spaces.
- .. The reduced ground floor setback will not impact on access to direct sun as there are alternative areas on No. 75 Dalgety Street where access to direct sun will be possible.
- .. The section of wall seeking a setback discretion will not impact on the neighbour's privacy.

Elected members are reminded of Council's approval dated 20th April 2010 (copy of site plan attached). This approved a section of wall with a length of 8.0 metres to be setback 1.0 metres from the southern boundary. Council also granted a discretion to allow a setback of 1.3 metre in lieu of the 1.5 metre requirement for an additional section of wall.

It is considered that the current application is a more desirable application with reduced impacts on the property to the south. As such a discretion to allow a setback of 1.0 metre to the southern boundary is still supported and recommended for approval.

Cr Martin – Cr de Jong

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for the following:

- (a) variation to the south side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.0m;
- (b) variation to the Local Planning Policy:142 Residential Development upper storey setback requirements from 4m to 3.84m;

for the construction of single dwelling at No. 73A Dalgety Street, East Fremantle in accordance with the plans date stamp received on 19 July 2011 subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the CEO prior to issuance of a building licence.
2. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to issuance of a building licence.

3. The 'automatic gate' proposed at the entrance to the subject site is to comply with the provisions of Local Planning Policy – 'Policy on Local Laws Relating to Fencing' and details of the proposed gate shall be included on plans submitted for a Building Licence.
4. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
8. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
10. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. That the zinalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
13. 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:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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).*
- (d) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.* CARRIED

220.4 *T91.6 Gill Street No. 32B (Lot 88) - Home Occupation – Preparation of Cakes*
Owner & Applicant: Jared & Kendra Robertson
Application No. P104/2011

The adoption of the Committee's recommendation which is as follows:

That Council grant approval for a Home Occupation (Food Preparation) at No. 32B Gill Street, East Fremantle, in accordance with the application received on 14 July 2011, subject to the following conditions:

1. All parking associated with the home occupation to be accommodated within the subject property only. On-street parking is not permitted.
2. No signage shall be displayed that is exceeding 0.2 square metres.
3. The home occupation shall not involve the retail sale, display or hire of goods of any nature.
4. The home occupation shall not employ any person who is not a member of the occupier's household.
5. The Town of East Fremantle requires all food businesses to complete a mandatory notification form in accordance with the Food Act 2008; and to notify the Town of any changes to the food business.
6. The food business is to comply with the Food Act 2008 at all times.
7. The proprietor of the food business is to ensure that the premises and practices comply with Chapter 3 of the Australia New Zealand Food Standards Code including Standard 3.1.1, Standard 3.2.2 and Standard 3.2.3.
8. The food business will be subject to annual inspections conducted by Council's Principal Environmental Health Officer.
9. The home occupation approval is valid for 12 months only from the date of the "Approval to Commence Development" and the applicant is required to seek renewals thereafter to enable continuance of the home occupation. During the review of the renewal process, assessment of car parking, noise and safety will be undertaken.

Footnote:

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

- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*
- (b) *the applicant 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.* CARRIED

220.5 *T92.1 George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking*
Cr Martin – Cr Wilson

The adoption of the Committee's recommendation which is as follows:

That pursuant with Clause 2.4.2 of the Town of East Fremantle Town Planning Scheme No. 3, Council adopt the Local Planning Policy – George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking be adopted subject to the deletion of the following paragraph:

"In the event that the Council of the Town does not resolve to commence the Plan within 2 years following the date of this approval, the Town shall refund the Contribution to the owner." CARRIED

220.6 *T93.1 Preston Point Road No 138 (Lot 4953) – Front Fence*

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for a variation to the front fencing requirements of Local Planning Policy No. 143 to allow a fence that provides 50% visual permeability above 1.2m in lieu of the 60% required under Local Planning Policy No. 143 for the construction of a front fence at No. 138 Preston Point Road, East Fremantle in accordance with the amended plans

16 August 2011

MINUTES

submitted by the Applicant dated 19 July 2011 and subject to the following conditions:

1. The area immediately in front of the proposed solid section of front fence is to be landscaped to a high standard utilising shrubs/trees that will soften the appearance of the fence. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
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 demolition licence and a building licence and the building licence 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 licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. 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:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).* CARRIED

The Manager Planning Services left the meeting at 7.05pm.

221. FINANCE**221.1 Audit Committee Meeting – 26 July 2011****(A) Receipt**

Cr de Jong – Cr Rico

That the Minutes of the Audit Committee Meeting held on 26 July 2011 be received. CARRIED

(B) A16.1 Interim Audit – Annual Financial Statements for the Year Ended 30 June 2011

Cr de Jong – Cr Rico

The adoption of the Committee's recommendation which is as follows:

That the 2010/2011 Interim Audit report be received. CARRIED

(C) A16.2 Financial Management Review of the Town of East Fremantle

Mayor Ferris highlighted the need for the significance rankings in this report to be linked to a schedule of when each issue would be addressed. It was agreed this be discussed with relevant staff.

Cr Collinson – Cr de Jong

The adoption of the Committee's recommendation which is as follows:

That the Financial Management Review 2010 be received. CARRIED

ABSOLUTE MAJORITY

(D) A16.3 Local Laws – Amendment and Repeal

Cr de Jong – Cr Collinson

The adoption of the Committee’s recommendation which is as follows:

That:

1. In accordance with s3.12(3)(a)(b) and (3a) of the Local Government Act 1995, Council gives State wide and local public notice stating that:
 - (a) it proposes to make a Various Amendments Local Law, and a summary of its purpose and effect;
 - (b) copies of the proposed Various Amendments Local Law may be inspected at the Town’s offices; and
 - (c) submissions about the proposed Various Amendments Local Law may be made to the Town within a period of not less than 6 weeks after the notice is given.
2. In accordance with s3.12(4), as soon as the notice is given, a copy of the proposed Various Amendments Local Law be supplied to the Minister for Local Government.
3. In accordance with s3.12(3)(c) of the Act, a copy of the proposed Various Amendments Local Law be supplied to any person requesting it.
4. The results be presented to Council for consideration of any submissions received with respect to the proposed Various Amendments Local Law.
5. In accordance with s3.12(3)(a)(b) and (3a) of the Local Government Act 1995, Council gives State wide and local public notice stating that:
 - (a) it proposes to make a Repeal Local Law, and a summary of its purpose and effect;
 - (b) copies of the proposed Repeal Local Law may be inspected at the Town’s offices; and
 - (c) submissions about the proposed Repeal Local Law may be made to the Town within a period of not less than 6 weeks after the notice is given.
6. In accordance with s3.12(4), as soon as the notice is given, a copy of the proposed Repeal Local Law be supplied to the Minister for Local Government.
7. In accordance with s3.12(3)(c) of the Act, a copy of the proposed Repeal Local Law be supplied to any person requesting it.
8. The results be presented to Council for consideration of any submissions received with respect to the proposed Repeal Local Law.

CARRIED UNANIMOUSLY

221.2 Finance Committee Meeting – 26 July 2011

(A) Receipt

Cr de Jong – Cr Martin

That the Minutes of the Finance Committee Meeting held on 26 July 2011 be received. CARRIED

(B) Staff Retention Initiatives

Cr Martin – Cr de Jong

That this matter be deferred pending clarification, particularly in relation to proposed educational assistance and additional superannuation co-contributions. CARRIED

(C) Business Process Review and Documentation

Cr de Jong – Cr Wilson

The adoption of the Committee’s recommendation which is as follows: That the report be received. CARRIED

221.3 Monthly Financial Activity Statement for Period Ending 31 July 2011

By John Roberts Executive Manager Finance & Administration on 10 August 2011

PURPOSE

To provide financial information to Elected Members. This statement outlines operating and capital revenues and expenditures in accordance with statutory requirements.

BACKGROUND

The monthly Financial Activity Statement for the period ending 31 July 2011 is appended and includes the following:

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

ATTACHMENT

The attached Financial Activity Statement is prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; with additional material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

REPORT**Introduction/Comments**

The following is summary information on the attached financial reports:

The July 2011 year to date Financial Activity Statement report shows an overall actual surplus of \$6,151,827 compared to the year to date budget of \$5,770,837 a favourable variance of \$380,990.

Revenue and expenditure variances are generally timing in nature. The surplus is large at the start of the year as the full year rate revenue is brought to account. This surplus will decrease in the remaining months of 2011/12 as it is used to fund expenditure providing works and services.

The overall favourable variance of \$380,990 can be analysed as follows:

- The YTD actual Operating Revenue is \$5,928,307 compared to the YTD budget of \$5,831,122, a favourable variance of \$97,185. The variance is due primarily to earlier than anticipated receipt of HACC and Capital grants and a favourable timing variance in Commercial Waste Service charges.
- The YTD actual Operating Expenditure is \$467,496 compared to the YTD budget of \$654,177, a favourable variance of \$186,681. The variance is due primarily to lower than anticipated expenditure in administration costs, and parks/reserves/works maintenance.
- The YTD actual Capital Expenditure is \$29,838 when compared to the YTD budget of \$123,087 a favourable variance of \$93,249. The variance is due to the timing of undertaking road and building works.

Statutory Requirements

Local Government Act 1995 (As amended)

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

Relevant Council Policies

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

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The July 2011 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

16 August 2011

MINUTES**Conclusion**

The attached Financial Activity Statement for the period 1 July 2011 to 31 July 2011 is presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2011 to 31 July 2011

Cr Collinson raised issues relating to the former East Fremantle Post Office building which the CEO undertook to follow up.

Cr Martin queried the current status of the replacement shelters on Riverside Road.

The CEO advised on the current progress of the Section 18 application and also of a letter recent sent to the Minister for Lands seeking Council's endorsement for its Section 18 application.

Cr de Jong – Mayor Ferris

That the Financial Activity Statement for the period ending 1 July 2011 to 31 July 2011 be received.

CARRIED**221.4****Accounts for Payment – July 2011**

By John Roberts, Executive Manager Finance & Admin on 8 August 2011

PURPOSE

To endorse the list of payments for the period 1 July to 31 July 2011.

BACKGROUND

It is a requirement of the Financial Management Regulations that the monthly Accounts for Payment are endorsed by the Council. The List of Accounts is attached.

ATTACHMENT**REPORT****Comments/Discussion**

The List of Accounts for the period beginning 1 July and ending 31 July 2011 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 July and ending 31 July 2011 be received, as per the following table:

July 2011		
Voucher Nos	Account	Amount
4173 – 4185	Municipal (Cheques)	\$27,044.98
EFT 14180 – EFT 14266	Electronic Transfer Funds	\$517,491.69
Payroll	Electronic Transfer Funds	\$159,033.51
Loans	Direct Debits	2,570.79
	Municipal Total Payments	\$706,140.97

Cr Lilleyman – Cr Rico

That the List of Accounts for the period beginning 1 July and ending 31 July 2011 be received.

CARRIED

222. HEALTH & GENERAL PURPOSE**222.1 Progress Report on the East Fremantle Festival 2011**

By Shelley Cocks Principal Environmental Health Officer on 10 August 2011.

PURPOSE

The purpose of this report is to update Council on the progress of the 2011 East Fremantle Festival.

BACKGROUND

The Festival Committee has had three meetings in relation to the 2011 East Fremantle Festival, and one special meeting with Alex Marshall Coordinator Cultural Development City of Fremantle who, following initial discussions with the Chief Executive Officer, had addressed the East Fremantle Festival Committee with respect to a proposal that Council move the date of the Festival from it's usual first Sunday in December to the last week in November, for the following reasons:

- Fremantle Council has moved it's parade from the last week in November to the first weekend in December in order to facilitate public entertainment associated with the end of the World Sailing Championships.
- Events planned by the Fremantle Council for that weekend include :
 - Saturday 3 December: Norfolk Lanes Youth Festival, Fremantle Arts Centre Bazaar and Projections on High in High Street in the evening.
 - Sunday 4 December: Carnival Day including parade in Fremantle, Fremantle Arts Centre Bazaar and Projections on High in High Street in the evening.
- Events planned for the World Sailing Festivities on Sunday 4 December include all day entertainment at the Worlds Village on the Esplanade Park including wellness exercises, cooking demonstrations family entertainment, sailing footage, stalls, food stalls, street theatre. Additionally there will be a full entertainment programme at the Kidogo Art Gallery, bands at Little Creatures and jazz at the Moores Building.

It was felt that the Town would, to some degree, be competing for the same target audience so by having events on concurrent weekends, our usual audience would be able to attend all events. The City, as a form of compensation, has offered to undertake the Town's publicity for the Festival, particularly the change of date in a series of formats.

DISCUSSION

Discussions within the Festival Committee focused on the following points:

- The availability of the Festival Coordinator, Cynthia Williamson who is available.
- The availability of infrastructure on the new date. The infrastructure is able to be booked on the proposed date.
- The potential for clashes with other regional events on the new date. The proposed date does clash with the Perth Up Markets and the Jacaranda Markets, however there are less clashes than having the Festival on the usual day due to the activities in the Fremantle area.
- Availability of stallholders, both in the Artisan market and food stalls. Research has indicated that some stalls will not be available but many others are.
- Availability of entertainers. We already have too many entertainers on our waiting list, who are available on either weekend.
- Lotterywest officials indicated that they would prefer to support regional events that are held on separate weekends rather than clashing.

The City of Fremantle has proposed that :

- The George Street Festival is presented as a feature event in the Fremantle Festival and will be given the same promotional support as the children's Fiesta, Wardarnji Aboriginal Cultural Festival and the Fremantle Parade.

16 August 2011

MINUTES

- Town of East Fremantle will be acknowledged as a Festival partner.
- Feature coverage in the Festival lift out in the West Australian with 350,000 being distributed, and this will be distributed two weeks before the Festival.
- East Fremantle will have access to Fremantle's marketing company Detail for further promotional opportunities.

It is estimated that the above would represent a marketing value of about \$5,000-\$7,000.

RECOMMENDATIONS:

Council endorse the change of date of the 2011 East Fremantle Festival from 4 December 2011 to 27 November 2011.

It was agreed that Council would actively publicise this new date and the reasons behind the change.

Cr Collinson – Cr Rico

That Council endorse the change of date of the 2011 East Fremantle Festival from 4 December 2011 to 27 November 2011. CARRIED

Mayor Ferris made the following impartiality declaration in the matter of the East Fremantle Tricolore Soccer Club funding application: "As a consequence of being the coach of one of the soccer teams and my daughter playing with the Club, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

223. REPORTS OF CHIEF EXECUTIVE OFFICER

**223.1 *East Fremantle Tricolore Soccer Club
Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Funding Round***
By Stuart Wearne, Chief Executive Officer, on 16 August 2011

PURPOSE

To facilitate Council consideration of an application for funding from the East Fremantle Tricolore Soccer Club under the Community Sport and Recreation Facilities Fund Small Grants Funding Round for 2011/12.

BACKGROUND

Through the Department of Sport & Recreation's CSRFF funding program, the State Government provides financial assistance to community groups and local governments to develop essential infrastructure for sport and recreation. The program aims to increase physical activity and participation in sport and recreation and is an incentive for the planned and carefully assessed development of good quality, well designed and hopefully well utilised facilities.

Council on 21 July 2010 approved a budget allocation of \$33,425 in response to an anticipated application by the club at that time.

Subsequently, on 17 August 2010, Council approved an application made under the CSRFF Small Grants Funding Round for new lighting in upper and lower Wauhup Park, entailing a Council contribution of \$28,000.

However whilst this application was subsequently considered by the Department of Sport and Recreation, it was not approved.

Under the current round, applications must be submitted to the Department of Sport & Recreation by local governments by 31 August 2011. This requires each local government to assess the applications and gain Council endorsement by this date.

Immediately following advice on the funding round from the Department of Sport & Recreation, Council wrote to all sporting clubs and organisations in the Town on 11 July 2011, advising of the funding round and requesting that applications be received by 16 August 2011. Subsequently, as of today's date, only one application was received.

REPORT

Introduction/Comments

The East Fremantle Tricolore Soccer Club is proposing to upgrade existing lighting at upper and lower Wauhop Park to meet current training standards, via the installation of new lighting infrastructure.

The Club advises that:

- with respect to some areas of the ground the existing lighting does not meet current Australian Lighting Standards for training
- this proposal will enable them to expand training and increase membership.
- the Club has received three quotes with respect to the installation costs, as follows:

Austindo	\$88,099 (inc GST)
KoolLine	\$101,820 (inc GST)
Martin's Electrics	\$141,900 (inc GST)

Unfortunately the quotes do not represent a comparison of "apples with apples".

Austindo did not allow for upgraded cabling between the power supply and the proposed new lighting which Council staff believe is required.

KoolLine have allowed for this.

Marlin's Electrics have also not allowed for this and their quote also refers to differing infrastructure, eg 20m poles on the upper oval, whereas Austindo and KoolLine refer to 12m poles, which is probably the maximum Council would be happy with, from a neighbour viewpoint.

Pursuant to the above, the KoolLine quote is considered to provide the best basis for estimating costs.

In addition 12% should be added to cover cost increases and other contingencies.

This results in a total figure of \$114,000 (rounded downwards)

- On this basis financial contributions from the three parties would be as follows-

• Town of East Fremantle	\$38,000
• CSRFF	\$38,000
• East Fremantle Tricolore Soccer Club	<u>\$38,000</u>
TOTAL	\$114,000

Relevant Council Policies

Council Policy No 3 – Recreation

1. *The basic purpose of recreation is to enrich the lives of people and to improve the quality of life of a community:*
2. *Recreation endeavours to cater for every age group, meeting the needs of young children, adolescent young people, adults, the elderly and disabled:*
3. *Recreation covers the whole spectrum of human interest including play, sport, drama, music, dance, art, crafts, literature, social gatherings, community service and many others:*
4. *Recreation should provide for individual choice and allow freedom for a wide range of recreation opportunities to develop:*

5. *Any recreation program should encourage community involvement in its planning, organisation and implementation.*

Strategic Plan Implications

This item is in accordance with the Strategic Plan by way of compliance with:

- Strategic Direction “*Fostering a range of recreation and physical activities*”.
- Social Initiative 1.11 “*Continue to support community organisations and sporting and recreational organisations operating in the Town*”.
- Environmental Initiative 2.7 “*Continue to develop innovative children’s playgrounds and upgrading of sporting and recreational facilities*”.

Financial/Resource/Budget Implications

Budget implications would be \$38,000

As there has been no provision for this item in the current budget and as the project would need to be acquitted by 15 June 2012, the expenditure could only be approved in the mid year budget review.

It should be noted that the proposal also gives rise to these increased ongoing costs:

- (i) increased cost of electricity.
- (ii) increased cost of lighting maintenance.
- (iii) increased cost of grounds maintenance

These costs are difficult to estimate although it is roughly calculated the costs associated with the increased lighting would be approximately \$1,800pa.

Since the current lighting was installed approximately 10 years ago, and this lighting is giving rise to increasing maintenance requirements, the new lighting maintenance costs would be offset to some extent by reductions in current maintenance costs.

Discussion

The Club advises in its application that it has almost 800 playing members and uses additional facilities at several parks in Fremantle for both training and competitions. Wauhop Park is the only venue used by the Club that offers clubroom facilities.

The Club is a successful club and has done much to foster the growth of junior soccer in the Town.

Conclusion

It is recommended the application is supported.

Whilst consideration was given to a condition that the Club pay for the increased electricity costs involved, it has been decided that this issue (and the other increased costs this application gives rise to) would be more appropriately considered at the time ground fees are next set.

The issue of fees is always a difficult decision for local governments.

On the one hand there are the actual and increasing costs of maintaining ovals, clubrooms etc (Council’s ground fees meet only a very small portion of these costs) and thus an argument to increase ground fees, reflecting a degree of user-pay principles.

On the other hand local governments wish to encourage community participation, particularly by juniors in sport and recreation and must factor in a consideration of the affordability of fees and in particular a recognition that some fees (bearing in mind there are also Club fees, Association fees etc) may be sufficient to exclude participation by some children.

16 August 2011

MINUTES

The CSRFF application guidelines state that Council must provide a project ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with respect to any other grant application received, however this is the only application received at this stage.

RECOMMENDATION(S)

That the Town of East Fremantle support the CSRFF grant application by the East Fremantle Tricolore Soccer Club for a maximum of \$114,000 for the lighting upgrade project (Council's requested contribution being a maximum of \$38,000), with a project rating of B and a priority rating of 1, subject to:

1. Funds being made available pursuant to the 2011/12 mid year budget review.
2. Council's contribution not exceeding 1/3 of the total financial cost of the project
3. Any lighting installation to be optimally energy efficient and with minimal light spill
4. No tender for the works is to be awarded without the approval of the Council, with this decision delegated to the Chief Executive Officer, in consultation with the Operations Manager.
5. The Club to submit an application for planning approval and associated building licence for the installation of the proposed lights and poles with no works to commence without such approvals
6. Any night games by East Fremantle Tricolore Soccer Club are to be finished by 9.30pm unless otherwise approved by Council.

Cr Martin – Cr de Jong

That the Town of East Fremantle support the CSRFF grant application by the East Fremantle Tricolore Soccer Club for a maximum of \$114,000 for the lighting upgrade project (Council's requested contribution being a maximum of \$38,000), with a project rating of B and a priority rating of 1, subject to:

1. Funds being made available pursuant to the 2011/12 mid year budget review.
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3. Any lighting installation to be optimally energy efficient and with minimal light spill
4. No tender for the works is to be awarded without the approval of the Council, with this decision delegated to the Chief Executive Officer, in consultation with the Operations Manager.
5. The Club to submit an application for planning approval and associated building licence for the installation of the proposed lights and poles with no works to commence without such approvals
6. Any night games by East Fremantle Tricolore Soccer Club are to be finished by 9.30pm unless otherwise approved by Council.
7. Fees be reviewed during subsequent budget considerations to take into account any additional costs associated with this work.

CARRIED
ABSOLUTE MAJORITY

223.2 Local Government Reform

The CEO discussed various aspects of this issue pursuant to a memo on the topic which had been circulated with the agenda. The CEO noted he was attending a WALGA organised forum on the issue the next morning.

Cr Nardi entered the meeting at 8.10pm.

223.3 38 Wolsely Road

The CEO advised that Mr Johnston had appealed against the SAT decision regarding works at 38 Wolsely Road on the grounds it was determined by a non lawyer and Council was currently in the process of the initial stage of defending SAT's decision through written submissions.

The CEO expressed some surprise at SAT's practice in this regard, suggesting a logical, and arguably more appropriate alternative, would be for SAT to fully defend its own decisions.

The CEO noted that although the appeal was a "Class 1" appeal which means lawyers cannot be involved, Mr Johnston's submission had clearly been prepared by a lawyer.

223.4 East Freo Farm Inc

The CEO read correspondence from East Freo Farm Inc advising that it was now intended to provide a portion of its community garden behind 9 Seed Café in Marmion Street Fremantle for private plots, contradictory to its original advice to Council. The Group assured Council that no portion of the \$3,000 Council grant provided to the group would be utilised on these private plots.

Cr Martin sought advice on the percentage of land that would be offered for private plots. The CEO undertook to obtain this information.

The CEO also referred to correspondence from the WAPC regarding the likely cost of a contamination survey of the former petrol station site in Canning Highway, which has been offered to Council on a peppercorn basis. The WAPC suggested the cost could be between \$25,000 and \$50,000 depending on the situation encountered. The CEO suggested there would be merit in not progressing the petrol station option at this stage, pending the further development and review of the "demonstration" community garden now underway. Elected members expressed agreement with that suggestion.

In response to a query from Cr Collinson regarding Council officers organising a site visit, it was noted the existing site was open and could be visited without any special arrangements needing to be made.

223.5 128 George Street

The CEO advised that the Toy Library's tenure at 128 George Street was coming to an end and sought feedback from elected members on their views in relation to the future of this property. It was noted the Festival Committee had asked that the building be available for the Festival for an environmental display.

A query was raised regarding whether the building and carpark at the rear were part of the same lot as it was considered Council would require the Plympton traffic and parking management study to be in place prior to any question of disposal of this land. The CEO undertook to investigate this matter further.

223.6 New Decking at Glyde-In

The CEO advised that, together with Janine May, Shelley Cocks and Mario Iopollo, he had attended the official opening of the decking at the rear of Glyde-In on Friday, 5 August 2011. Glyde-In volunteers had carried out the work with Fremantle Ports donating the cost of materials and Council's Building Surveyor providing assistance in the preparation of the planning approval/building licence documentation.

223.7 Grant Funds

The CEO advised that he had today signed off funding documentation for a shelter to the disabled ramp installed at the East Fremantle Bowling Club and the Operations Manager was currently working with the East Fremantle Lawn Tennis Club and East Fremantle Croquet Club regarding their lighting projects.

The CEO declared a financial interest in the following item on the grounds that he was a member of the Fremantle Rowing Club.

223.8 Fremantle Rowing Club

The CEO advised of the current critical financial situation of the Fremantle Rowing Club, following recent urgent electrical power based investigations and works carried out at the Club which also involves the Tai Chi facility. These unscheduled works had cost the Club approximately \$12,000 and had left the Club in a very serious situation with respect to whether it was going to continue to be able to operate, unless the money was somehow replaced.

The CEO spoke of the excellent work of the Club, particularly in terms of its fostering of junior rowers and its growth over the last two years.

It was noted that the Club receives no ongoing support from the Council, unlike other sporting clubs such as the East Fremantle Football Club and East Fremantle Bowling Club and community organisations such as Glyde-In.

In response to a query as to whether the Department of Sport & Recreation could assist, the CEO advised the Club had in fact approached the Department re the situation however they had advised that under the CSRFF funding round, maintenance was not covered and these works would be regarded as maintenance.

The CEO apologised for the late and verbal report however said that he had only decided to raise the matter with the Mayor just prior to the meeting, in the context of an urgent fundraising exercise which was to take place 3 days later.

The CEO stated he had not been asked by the Club to approach Council and the request was at his own initiation.

The CEO suggested a donation would be very favourably received by the Club and reflect well on the Town by way of indicating its concern for the future of the Club. In the event the elected members were inclined to make a donation, the CEO suggested an amount of \$1,000 would be appropriate.

Considerable discussion followed.

Mayor Ferris – Cr de Jong

That Council make a donation of \$1,000 to the Fremantle Rowing Club to assist with the cost of urgent electrical work required to their clubrooms. CARRIED

223.9 Council Newsletters

Cr Collinson sought advice on the current status of Council's newsletter.

The CEO advised he had discussed the matter with the PEHO following an earlier query from Cr Collinson and it had also been raised at a recent meeting the Mayor and himself had held with Bluebottle Consultancy. Bluebottle had suggested the newsletter should form part of a broader media strategy and discussions in this regard were continuing.

The CEO asked Cr Collinson to provide him with the material which the Fair Trade Association had given to him, after which he would consider the best means of disseminating that information.

223.10 Cr Rico

Cr Rico addressed the meeting regarding various aspects of the WALGA 2011 Convention and AGM. **ATTACHMENT**

Following a request from Cr Wilson, Cr Rico advised that she had enquired with the History Section of the Fremantle/East Fremantle Library about the possibility of

producing an oral history with some elderly residents of the Town to record their early years in East Fremantle. Cr Wilson had suggested this information be obtained in relation to the residents who normally cut the cake at the Pioneer Lunch who had usually resided in the Town for the longest period. Cr Rico advised that staff at the library were willing to assist in this project.

The CEO stated he would follow up on the issue.

224. CONFIDENTIAL BUSINESS

Nil.

225. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

225.1 Cr Martin

“That Council officers draft a planning policy for consideration by Council at its October meeting in relation to placement of swimming pools in the front setback of residential properties, addressing relevant issues such as front boundary fencing in relation to the streetscape.”

226. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

227. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.25pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 August 2011**, Minute Book reference **206. to 227.** were confirmed at the meeting of the Council on*

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Presiding Member