



18 September 2012

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 18 SEPTEMBER 2012 COMMENCING AT 6.30PM.

233. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

233.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Admin
Mr J Douglas	Manager Planning Service (To 7.45pm)
Ms J May	Minute Secretary

234. 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.”

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

There were three members of the public in the gallery at the commencement of the meeting.

236. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

237. RECORD OF APOLOGIES

Cr Olson.

238. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

239. PUBLIC QUESTION TIME

Nil.

240. APPLICATIONS FOR LEAVE OF ABSENCE

240.1 Cr Lilleyman

Cr Lilleyman requested Leave of Absence for the Council Meeting to be held on 20 November 2012.

Cr Collinson – Cr Rico

That Leave of Absence be granted to Cr Lilleyman for the Council Meeting on 20 November 2012.

CARRIED

240.2 Cr Wilson

Cr Wilson requested Leave of Absence for the Council Meetings to be held on 16 October and 20 November 2012.

18 September 2012

MINUTES

Cr Collinson – Cr Rico

That Leave of Absence be granted to Cr Wilson for the Council Meetings on 16 October and 20 November 2012. CARRIED

240.3

Cr de Jong

Cr de Jong requested Leave of Absence for the Council Meeting to be held on 16 October 2012.

Cr Collinson – Cr Rico

That Leave of Absence be granted to Cr de Jong for the Council Meeting on 16 October 2012. CARRIED

241.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

241.1

Council Meeting – 21 August 2012

Cr Nardi – Cr de Jong

That the Minutes of the Council Meeting held on 21 August 2012 be confirmed with the following correction to MB Ref 227.1 Redevelopment – East Fremantle Oval Recreation Precinct:

That the recording of voting at the bottom of page 26 read:

“Crs Nardi, Martin, Collinson, de Jong, Wilson and the Mayor voted in favour of the recommendation with Cr Rico having voted against the motion.”

CARRIED

242.

ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

242.1

Kirsten Marwick

The Mayor read a card from Kirsten Marwick thanking Janine May and the Council for providing her and her family with a memorable citizenship evening.

242.2

Painted Bus Shelters

The Mayor read the following emails from:

Siobhan Rollinson

“As residents of Dalgety Street we have greatly enjoyed seeing the ‘beautification’ of nearby bus stops on Marmion Street, the artists have done a fantastic job in transforming these areas into something really quite unique. The Town of East Fremantle is to be commended on fostering such creativity. We really hope that further bus stops will be ‘made over’, not only would it brighten up the neighbourhood, but it could even be made into a great walking trail!”

Sadie Malcolmson

“I look at the new bus stops outside the Sharks ground, Dalgety Street and Fortescue Street every day and always find something else to admire. I think they are a great idea and they lift East Fremantle citizens’ spirits everyday.

I hope you can do more bus stops so we can get even more smiles around East Fremantle. It is also good because it encourages people to go on the bus rather than using petrol in their car which helps the environment.”

243.

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

Nil.

18 September 2012

MINUTES

244. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**244.1 Cr Wilson - Dog Exercise Areas**

"That the CEO prepare a report that considers an increase in designated off lead dog exercise areas."

Cr Wilson – Cr Martin

That the CEO prepare a report that considers an increase in designated off lead dog exercise areas. CARRIED

244.2 Cr Martin – 88 George Street

"The CEO and Manager Planning Services organise a site visit with Ian Ricciardi to assess the degree of overlooking which the completed development will give rise to, and to discuss relevant modifications in that regard, with advice on the outcome to be provided to Council once negotiations are concluded."

Cr Martin – Cr Nardi

The CEO and Manager Planning Services organise a site visit with Ian Ricciardi to assess the degree of overlooking which the completed development will give rise to, and to discuss relevant modifications in that regard, with advice on the outcome to be provided to Council once negotiations are concluded. CARRIED

245. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

246. TOWN PLANNING & BUILDING COMMITTEE**246.1 Philip Street No. 12B (Lot 2 on Survey-Strata Plan 51146)**

Applicant: Shane Le Roy Designs

Owner: F Abrusci

Application No. P110/12

The Mayor noted that a site inspection had been conducted by elected members earlier this evening.

Ms Rachel Feldhusen (architect for proposed development at 12A Philip Street) and Mr Shane Le Roy (designer for the project) advised the meeting that discussions were still taking place between the parties and requested the application be deferred.

Cr de Jong – Cr Collinson

That the development proposal for 12B Philip Street be deferred to allow the applicant to submit amended plans for assessment by Council. CARRIED

Cr Wilson made the following impartiality declaration in the matter of 73A Dalgety Street: "As a consequence of having served on Council with Mr Jim O'Neill, neighbour at 72 Allen Street, 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".

Mayor Ferris made the following impartiality declaration in the matter of 73A Dalgety Street: "As a consequence of having served on Council with Mr Jim O'Neill, neighbour at 72 Allen Street, 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".

Cr Nardi made the following impartiality declaration in the matter of 73A Dalgety Street: "As a consequence of Mr Jim O'Neill, neighbour at 72 Allen Street, having been a work colleague and friend, 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".

18 September 2012

MINUTES

Cr Rico made the following impartiality declaration in the matter of 73A Dalgety Street: "As a consequence of having served on Council with Mr Jim O'Neill, neighbour at 72 Allen Street, 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".

246.2 Dalgety Street No. 73A (Lot 2)**Applicant: Karine Lucas****Owner: Karine Lucas****Application No. P123/2012**

The Mayor noted that Crs Wilson, Collinson and Lilleyman had attended an arranged site visit on 12 September. Other elected members had previously visited the site.

Cr Nardi – Cr Lilleyman

That Council approve the construction of a boundary retaining wall at 73A (Lot 2) Dalgety Street, East Fremantle in accordance with the plans date stamp received on 12 July 2012 subject to the following conditions:

1. a site survey and survey diagram to be prepared by a Land Surveyor which determines the lot boundaries and the position of the retaining wall and any proposed dividing fences in relation to these boundaries. A survey diagram is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
2. 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.
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, 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.
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.
6. 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED**246.3 T80.6 Pier Street No. 20 (Lot 232)****Applicant: Solar Dwellings****Owner: K Elks & D Watson****Application No. P112/12****Cr de Jong – Cr Nardi**

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

That the application for a single dwelling at No. 20 (Lot 232) Pier Street, East Fremantle be deferred to allow the applicant to address the concerns of the officer



18 September 2012

MINUTES

and Town Planning Advisory Panel with regard to the number of discretions sought. CARRIED

Cr de Jong declared an interest in the following item as he is the owner of 126 Preston Point Road being the property to rear of the subject lot and left the meeting at 7.10pm.

246.4 **T80.7 Locke Crescent No. 32 (Lot 4983)**
Applicant: Summit Home Improvements
Owner: S Lee
Application No. P104/2012
Cr Wilson – Cr Nardi

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

That Council exercise its discretion in granting approval for a variation to the western side boundary setback pursuant to the Residential Design Codes from 1m to a parapet wall with a nil setback for the construction of alterations and additions at No. 32 (Lot 4983) Locke Crescent, East Fremantle in accordance with the plans date stamp received on 26 June 2012 subject to the following conditions;

1. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)*
2. a landscape plan which shows a sufficient level of 'soft landscaping' to be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to the issue of a Building Permit.
3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. with regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. the proposed extensions is not/are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
8. 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. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
10. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal,

modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

11. 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.
12. 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.
13. if requested by Council within the first two years following installation, the zincalume 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.
14. the proposed studio/laundry is not to be occupied for residential purposes.
15. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
16. 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 Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*
- (d) *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).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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

Cr de Jong returned to the meeting at 7.12pm. It should be noted that Cr de Jong, neither spoke nor voted on the foregoing item.

246.5 T81.1 Residential Design Guidelines - Adoption

The Manager Planning Services advised that Cr Rico had raised some typographic and referencing issues which would be incorporated into the final version of the guidelines.

18 September 2012

MINUTES

Cr Wilson – Cr Rico

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

That:

- A. pursuant to clause 2.4 of the Town of East Fremantle Town Planning Scheme No.3, the Council resolves to adopt the draft Local Planning Policy – "Residential Design Guidelines, September 2012" subject to the deletion of the following sentence on Page 51:
"Garages and carports are discouraged in the Woodside Precinct but are compatible with the Richmond Precinct."
 and that a notice of the adopted Policy be publicly advertised.
- B. pursuant to clause 2.5 of the Town of East Fremantle Town Planning Scheme No.3, the Council resolves to revoke the following Local Planning Policies be revoked and that notice of the revocation be publicly advertised:
- No. 012 .. Pergolas;
 - No. 023 .. Use of reflective metal roofing material;
 - No. 024 .. Demolition permits – properties on Heritage List;
 - No. 043 .. Television Reception Antennae;
 - No. 047 .. Design Precinct No. 5 Surbiton;
 - No. 058 .. Issue of Demolition Permits – Places of Heritage Value & Places Deemed to be of Heritage Value;
 - No. 064 .. Richmond Raceway Area 7 – Design Guidelines Policy & Policy Plan;
 - No. 066 .. Roofing;
 - No. 116 .. Conservation of trees in the private domain;
 - No. 123 .. Footpaths and Crossovers;
 - No. 126 .. Heritage – Burra Charter reference documents;
 - No. 135 .. Domestic satellite dishes, microwave antennae, air conditioners & tower masts;
 - No. 140 .. Fremantle Port Buffer Development Guidelines;
 - No. 142 .. Residential Development;
 - No. 143 .. Fencing;
 - No. 144 .. Rainwater Tanks;
 - (No No.) .. Guidelines for Solar Collectors.
- C. A Public Information Programme including all relevant website changes be formulated and completed prior to the implementation and release of the Residential Design Guidelines.

CARRIED
ABSOLUTE MAJORITY

246.6 ***T81.2 Town of East Fremantle Town Planning Scheme No. 3
Scheme Amendment 9 – Demolitions and Exemptions***

Cr Wilson – Cr de Jong

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

That the officer's report be received.

CARRIED

246.7 ***East Fremantle Oval Recreation Precinct Redevelopment***

By Jamie Douglas, Manager Planning Services on 13 September 2012

PURPOSE OF THIS REPORT

To provide an update of project activity subsequent to Council's adoption of the Concept Plan at its meeting on 21 August 2012 and seek endorsement for the formation of a Project Working Group.

PROGRESS REPORT

In the period since Council's last meeting the Concept Plan and rezoning process have been discussed with senior staff of the Department of Planning. Following a meeting with DoP staff, a letter requesting in principle support for rezoning (on the basis of the draft Concept Plan which was enclosed) was sent to the Director General of the DoP, Eric Lumsden.

The Mayor announced Council's approval of the Concept Plan at a pre-game luncheon at the East Fremantle Football Club on Saturday 8 September 2012 and the attached Media Statement was released. **ATTACHMENT**

Simon O'Brien MLC has requested the Mayor and relevant officers provide a briefing on the project to himself and the Minister for Sport and Recreation Terry Waldron and a representative of the Planning Minister John Day. It is envisaged this briefing will occur within the next two weeks.

Preparation of the Structure Plan has commenced and it is envisaged that Part 1 of the document will be completed by the end of September subject to other work commitments of the Manager Planning Services.

PROPOSED WORKING GROUP

At its last meeting Council requested suggestions in respect to the composition and function of a Project Working Group. Accordingly the following is proposed:-

Functions:-

The functions of the Working Group would be to;

- Engage with stakeholders and public representatives and provide a forum for discussion of competing views and aspirations
- To provide feedback and advice to the Project Manager and specialist consultants
- Monitor project progress and disseminate information to club members and ratepayers.
- Input into the generation of development guidelines and the design process for the redevelopment

The Working Group is not a decision making body and does not remove the need for more general public consultation.

Composition:-

It is suggested that the Group be comprised of the following members;

- Mayor and Deputy Mayor
- Representative of East Fremantle Football Club
- Representative of the WAFL
- Representative of the Croquet Club
- Representative of the Bowls Club
- Representative of East Fremantle Play Group
- Two representatives of the general public chosen by ballot from an invitation advertised in the Local Press and Council's website
- Manager Planning Services

Admin support to be provided by Town Planning Administration Officer

Meeting Frequency:-

Monthly from 4:30pm to 6pm either prior to TP & B Committee or Council meetings.

PUBLIC RELEASE OF CONCEPT PLAN

The Concept Plan was considered in confidence by Council so that the timing of the public release could be made once stakeholders had been informed. It is therefore recommended that Council authorise the release of the Concept Plan to stakeholders with their invitation to be represented on the Working Group and that the public release of the document should then follow.

RECOMMENDATION

It is recommended that this report be received and that the proposals for formation of a Project Working Group and public release of the Concept Plan be endorsed.

18 September 2012

MINUTES

The Manager Planning Services advised that a meeting had been arranged between the Mayor, Simon O'Brien MLC, Minister for Finance, Hon Terry Waldron MLA, Minister for Sport and Recreation a representative from Hon John Day MLA, Minister for Planning's Office and himself on 27 September 2012 to brief all parties on the concept plan and how the project was proposed to be progressed. The MPS also advised that correspondence had been sent to Eric Lumsden, Director General Department of Planning seeking in principle support for the future rezoning of some of this reserve.

General discussion took place on the membership of the working group and the process for public release of the Concept Plan. Both Crs Nardi and Rico sought membership of the working group given the impact of this large scale redevelopment on the Woodside Ward.

Mayor Ferris – Cr Nardi**That:**

- **this report be received**
- **a Project Working Group be formed comprising of, but not limited to, the following:**
 - **Mayor, Deputy Mayor and a Woodside Ward Councillor**
 - **Representative of East Fremantle Football Club**
 - **Representative of the WAFL**
 - **Representative of the Department of Sport & Recreation**
 - **Representative of the Croquet Club**
 - **Representative of the Bowls Club**
 - **Representative of East Fremantle Play Group**
 - **Manager Planning Services**
- **the Concept Plan be endorsed for public release on 2 October 2012. CARRIED
ABSOLUTE MAJORITY**

The Manager Planning Services left the meeting at 7.45pm.

247. FINANCE**247.1 Monthly Financial Activity Statement for Period Ending 31 August 2012**

By Les Mainwaring Executive Manager Finance & Administration on 14 September 2012

PURPOSE

To provide financial information to Elected Members. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

BACKGROUND

The monthly Financial Activity Statement for the period ending 31 August 2012 is appended and includes the following:

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

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 a summary of information on the attached financial reports:

Revised Budget Forecast

The draft budget forecast for the 30th June 2013 is a \$60,520 surplus.

There have been no revisions to the budget forecast during the period ending August 2012.

Operating YTD Actuals

Operating Revenue 397%; is \$4,717,000 more than the YTD budget. (Favourable)

Operating Expenditure 109%; is \$111,000 more than the YTD budget. (Unfavourable)

After non-cash adjustments, the total operating cash forecast is \$4,631,000 more than the YTD budget (Favourable).

The main reason for the significant favourable variance in Operating revenue is the raising of rates and commercial rubbish charges in August which are budgeted in September, and some early HACC supplementary grants. There are still some unfavourable capital grant revenue items that will not be claimed until completion of the associated projects, which includes the \$825,000 grant for the Leeuwin Launching Ramp project, \$120,000 for the Plympton Parking project and \$92,000 for the Preston Point Road roundabout.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress; hence revenues aligned with capital projects have also been set forward which will present timing differences until projects are completed.

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

Capital Programs YTD Progress Summaries after 17% of the year has elapsed
Land & Buildings 3% expended

Infrastructure Assets 12% expended

Plant & Equipment 0% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,241,000 less than the YTD budget (Favourable) which represents the balance of capital programs to be completed. The report provides details on individual capital works in progress as at 31 August 2012.

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 August 2013 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2012 to 31 August 2012 is presented to the Council for information.

18 September 2012

MINUTES**RECOMMENDATION**

That the Financial Activity Statement for the period ending 31 August 2012 be received.

Cr Collinson – Cr Lilleyman

That the Financial Activity Statement for the period ending 31 August 2012 be received. CARRIED

247.2 Accounts for Payment – August 2012

By Les Mainwaring, Executive Manager Finance & Administration on 11 September 2012

PURPOSE

To endorse the list of payments for the period 1 August to 31 August 2012.

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 periods beginning 1 August and ending 31 August 2012 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 August and ending 31 August 2012 be received, as per the following table:

<i>August 2012</i>		
Voucher Nos	Account	Amount
4405 – 4414	Municipal (Cheques)	\$17,376.50
EFT 16053 – EFT 16179	Electronic Transfer Funds	\$472,665.00
Payroll	Electronic Transfer Funds	\$202,684.66
Loans	Direct Debit	-
	Municipal Total Payments	\$692,726.16

Cr Rico – Cr Collinson

That the List of Accounts for the period beginning 1 August and ending 31 August 2012 be received. CARRIED

248. REPORTS OF ELECTED MEMBERS**248.1 Cr Martin – Fremantle Ports Inner Harbour Community Liaison Group**

Cr Martin, as Council's delegate to this Group, provided an update relating to the following issues:

- Proposed reinforcement works to Fremantle Rail Bridge supports to safeguard against further boat vessel collisions
- A further wind farm proposal at Rous Head which Fremantle Ports was not in support of.
- The consideration of construction of car decking given the increase in import/export activity at the Port.
- The formation of a Victoria Quay working group to look at redevelopment proposals.
- The success of a water spraying system to reduce train noise in the vicinity of the

18 September 2012

MINUTES

Roundhouse in Fremantle.

- The issue of truck traffic in East Street and moves to identify whether it is related to port activity.
- The introduction of a Swan River dolphin tracking program in conjunction with Curtin and Murdoch Universities
- Fremantle Ports sponsorship of East Freo Farm.

Elected members discussed the idea of signage on East Street to limit truck traffic.

The CEO advised that a meeting had been requested with the City of Fremantle regarding a number of East Street traffic issues, including the issue of port related heavy vehicles. Once clarification on the City's position was obtained, it was planned to include Main Roads (noting the East Street/Canning Highway intersection issue and noting any signage would need to be approved by Main Roads WA) and Fremantle Ports.

248.2 Cr Collinson – SMRC

Cr Collinson, as Council's delegate to SMRC, provided an update relating to:

- Recent odour complaints
- Installation of scrubbers and biofilters as part of conditions of licence renewal by DEC
- Noise abatement measures
- the Materials Recovery Facility.

249. REPORTS OF CHIEF EXECUTIVE OFFICER**249.1 Town of Kwinana Becomes a City**

The CEO reported that he had attended a function on Monday, 17 September 2012 where the Town of Kwinana was proclaimed a City, by the Governor of WA, Mr Malcolm McCusker, AC CVO QC.

Mayor Ferris – Cr Lilleyman

That the Town of East Fremantle congratulates the City of Kwinana upon achieving City status and wishes the City a long and successful future. CARRIED

250. CONFIDENTIAL BUSINESS**250.1 New Deed of Lease – Swan Yacht Club (Inc)**

Cr Nardi – Cr Collinson

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(d) of the Local Government Act. CARRIED

The meeting was closed to the public at 8.10pm.

Crs Rico, Nardi, Martin, Collinson, Wilson and de Jong and the Mayor made the following impartiality declaration in the matter of the Swan Yacht Club lease: "As a consequence of being an honorary member of the Swan Yacht Club, there may be a perception that my 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".

Cr Lilleyman made the following impartiality declaration in the matter of the Swan Yacht Club lease: "As a consequence of being an honorary member of the Swan Yacht Club and knowing the Vice Commodore Mike Williams socially, 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."

Elected members considered a report from the Chief Executive Officer.

CONFIDENTIAL ATTACHMENT

The CEO provided explanations to various issues raised by elected members.

18 September 2012

MINUTES

General discussion ensued regarding:

- the future removal of the slip facilities
- two particular insurance clauses contained in the lease
- the annual rent proposed in the lease
- the frequency of a market rent review.

Commodore Marc Pittorino, Vice Commodore Mike Williams, Rear Commodore Kim Wilkie AM, Treasurer elect Graham Allen and the Acting Managing Secretary Dennis Nott entered the meeting and commenced by advising that they supported the draft lease and thanked the CEO for his hard work and commitment in bringing this matter to a highly satisfactory conclusion. Representatives answered questions from elected members regarding the following:

- earlier plans for the redevelopment of the clubrooms
- the operation of the slip facilities (stating only East Fremantle Yacht Club and Claremont Yacht Club do not provide slipway facilities) and the Club's plans for their future
- the storage of the outrigger boats on the foreshore adjacent to the Club
- the current situation in relation to the Fremantle Club and the Fremantle Workers' Club
- the Club's current financial situation and their views on the financial arrangements proposed in the new lease.

The Swan Yacht Club representatives left the meeting.

Further discussion ensued.

Mayor Ferris – Cr Lилleyman

That Council approve the proposed Deed of Lease between the Town of East Fremantle and the Swan Yacht Club (Inc) which is the subject of this report, subject to:

- (i) a review by the CEO of clauses 8.4, 14.1 and 14.2; in terms of the protection of Council's interests, including endorsement by Council's solicitor and Council's insurers.
- (ii) written acknowledgement by the Swan Yacht Club that the site may in future be subject to the environmental consequences of sea level rise and in that regard agree to indemnify the Town of East Fremantle from any such consequences.
- (iii) payment by the Swan Yacht Club of \$240,000 to the Town, which represents financial compensation by the Club for the Town's agreement to reduce the originally agreed opening rent of \$50,000pa, to \$40,000pa.
- (iv) the CEO be granted delegated authority to effect any minor changes to the lease, if determined necessary by Council's solicitor to achieve the implementation of the lease and if agreed to by the Swan Yacht Club.
- (v) a Management Plan for the slipway being provided to the satisfaction of the CEO which details best practice methods for the slipping and cleaning of boats:
 - to minimise the impact on the environment
 - to minimise the impact on public access and engagement of the area.

CARRIED UNANIMOUSLY

251. OPENING OF MEETING TO THE PUBLIC

Cr Rico – Cr de Jong

That the meeting be reopened to the public at 10.10pm.

CARRIED



18 September 2012

MINUTES

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

252.1 Cr Collinson – Climate Change Declaration

“That the Town of East Fremantle sign the voluntary climate change declaration as promoted by WALGA.”

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

Nil.

254. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.12pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **18 September 2012**, Minute Book reference **233. to 254.** were confirmed at the meeting of the Council on*

.....

Presiding Member