



Council Meeting 16 July 2013

MINUTES



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 16 JULY 2013 COMMENCING AT 6.32PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 16 JULY 2013 COMMENCING AT 6.32PM.

123. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

123.1 Present

Cr A Wilson	Acting Mayor/Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr S Martin	
Cr R Olson	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Services (To 9.03pm)
Ms J May	Minute Secretary (To 11.20pm)

124. 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.”

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

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

The Mayor introduced elected members and staff.

126. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Lillleyman.
Cr Nardi

127. RECORD OF APOLOGIES

Nil.

128. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

129. PUBLIC QUESTION TIME

Nil.

130. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

131. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

131.1 Council Meeting – 18 June 2013

Cr Rico – Cr Collinson

That the Minutes of the Council Meeting held on 18 June 2013 be confirmed.

CARRIED

132. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

132.1 Mr G Giles

The Acting Mayor read an email from Mr Gavin Giles, Manager Community Infrastructure

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Planning at the City of Armadale advising that he had recently taken his family to Glasson Park and went on to say that the park was packed with families and people of all ages and commended the Town on the upgrade works which had created such a “usable, vibrant and evidently popular park”.

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

Nil.

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

Nil.

135. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

135.1 T78.6 Preston Point Road No 126 (Lot 4959)

Shayne Le Roy Design: Providing grounds for Council determining the planning application for 126 Preston Point Road at this Council Meeting rather than supporting the Committee’s deferral recommendation.

Cr Martin – Cr Rico

That the correspondence from Mr Le Roy be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 136.1). CARRIED

136. TOWN PLANNING & BUILDING COMMITTEE

Cr de Jong having declared an interest in the following item as he is the owner of 126 Preston Point Road, the proposed development site, left the meeting at 6.38pm.

136.1 T78.6 Preston Point Road No. 126 (Lot 4959)

Applicant: Shayne Le Roy Design

Owner: B De Jong

Application No. P38/13

The letter from Mr Le Roy, referred from Correspondence (MB Ref 135.1), was tabled.

The CEO advised that Mr & Mrs Gray (owners of 34 Locke Crescent) had emailed Council on 15 July requesting that the matter be deferred as they were overseas and wished to be in attendance at the meeting. The CEO further advised that whilst he had discussed the correspondence with the Manager Planning Service, the decision to hold the matter over would need to be a decision of elected members. Nevertheless the officers had agreed that in the interests of orderly and proper planning, it would not be recommended to hold over the planning application on these grounds.

A further email had been received today from Mr & Mrs Gray advising that in the absence of any advice regarding this matter, they had appointed Mr Jeremy Hofland as their representative at the meeting. The CEO advised that he had emailed Mr & Mrs Gray apologising for the oversight in responding to their original request, however, explaining that this would need to be a Council decision.

No elected member indicated a wish to hold the matter over.

Mr Jeremy Hofland (Rowe Group representing owners of 124 Preston Point Road/36 Locke Crescent & 34 Locke Crescent) addressed the meeting in support of the Committee recommendation to defer the matter pending a revised application.

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Mr Shayne Le Roy (applicant) addressed the meeting in support of the development and the officer's recommendation, and provided reasons for approving the proposal in its current form.

Crs Wilson, Rico, Martin, Olson & Collinson made the following impartiality declaration in the matter of 126 Preston Point Road: "As a consequence of the applicant being known to us as a fellow elected member, 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".

Cr Martin – Cr Rico

That the application for a new residence at No. 126 (Lot 4959) Preston Point Road, East Fremantle be deferred to allow the applicant the opportunity to amend the design in order to meet the height and setback provisions of the R-Codes and LPP Residential Design Guidelines as outlined in the officer's report. CARRIED

Reasons for not Supporting the Officer's Recommendation

The design does not meet the requirements of LPP residential design guidelines and the bulk and scale impacts on the streetscape and amenity of neighbours.

Cr de Jong returned to the meeting at 6.57pm and it should be noted that he neither spoke nor voted on the foregoing item.

136.2 Duke Street No. 36-42 (Lots 601 & 602)
Applicant: The Buchan Group - Architects
Owner: Manotel P/L
Application No. P53/13

By Andrew Malone, Senior Planning Officer on 11 July 2013

PURPOSE OF THIS REPORT

This report assesses proposed amendments to two Development Approvals for the development of a mixed use residential, arts and entertainment venue granted on 22 March 2011 and 12 February 2013. This current amendment - Stage 2 seeks approval for the addition of two levels to be erected on top of the proposed performance space and existing heritage building comprising a penthouse apartment and four commercial offices at the former Lauder & Howard building, 36-42 Duke Street. This report recommends partial approval of the application subject to conditions.

BACKGROUND**Description of Site**

The subject site is:

- a 1440m² freehold lot
- zoned Mixed Use
- Warehouse/ Industrial site.
- located in the Plympton Precinct
- Building located on the Town's Municipal Heritage Inventory as a category A[^]. The building is list as a property within the George Street Heritage Precinct and is located on the Schedule included as Amendment 4 to the Town Planning Scheme No.2. Clause 7.1.7 of Town Planning Scheme No 3 states:

Notwithstanding the provisions of clauses 7.1.2 to 7.1.3, the local government may establish the Heritage List by adopting any or all of the places that were incorporated in Appendix v – Schedule of Places Heritage Value in Town Planning Scheme No. 2 shall after the revocation of that scheme have the status for all relevant purposes of a Heritage List.

Therefore it is considered the property is listed on the Town's Heritage List pursuant to Clause 7.1.7 of Town Planning Scheme No.3

Description of Proposal

Stage 2 in its current proposal differs from the original design in the following ways, listed in point form for clarity:

- Reduced building heights with two instead of three levels
- Larger floor plates which extend over the heritage building
- In addition to commercial spaces a two storey penthouse is included
- The NLA of the commercial tenancy is reduced from 375m² to 360m²
- The NLA of the Penthouse is 193sqm
- The architectural geometry and fabric is simplified to rectilinear forms with sharp contemporary detailing to contrast against the masonry heritage fabric.
- Residential parking, penthouse parking and commercial parking

The current proposal incorporates two storeys of offices and a two storey penthouse. The commercial office space was part of the original development approval submitted on 26 October 2011 (then withdrawn). During the original application process, the proposal was modified to delete the proposed commercial tower due to community and Town Planning Advisory Panel and Council's concerns regarding the proposed height and scale of the commercial component.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy – Residential Design Guidelines (RDG)

Documentation

Plans and relevant forms date stamp received on 26 April 2013.
Plans and further information date stamp received on 15 May 2013.
Further information date stamp received on 24 May 2013.
Justification letter from applicant date stamp received on 28 June 2013.
Further information date stamp received on 10 July 2013

Date Application Received

26 April 2013

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

1897	Building at 36 Duke Street starts use as a 'Brush Factory';
20 May 1983	Council approves the use of 36 Duke Street for restoration and sale of furniture;
14 June 1983	Council approves use of the building at 42 Duke Street for the manufacture of decorative glass (Freedom Glass);
21 November 1983	Council grants conditional approval for the erection of two signs at 36 Duke Street;
16 April 1984	Council advises Lauder & Howard that it has no objections to repainting the exterior of the building at 36 Duke Street;
16 July 1984	Council approves signs on the façade of 36 Duke Street;
24 April 1986	CEO advises Lauder & Howard that signage on the east wall of the building at 36 Duke Street is approved;
19 June 1995	Council endorses a proposal for an opening to the front wall of the building at 42 Duke Street;
10 July 1995	Building Permit 100/2309 approved for installation of new door frame, doors and side-lights at 42 Duke Street;
24 July 1996	Building Surveyor approves removal of a chimney and portion of a parapet wall from the building at 36 Duke Street;
19 August 1996	Council decides to advise the WAPC that it supports the subdivision and amalgamation of Lots 1, 2 & 3;
10 December 1996	WAPC grants conditional approval to the subdivision & amalgamation;

<p>25 February 1997 June 1997</p>	<p>Council resolves to rezone 36 Duke Street to Residential Area 2; Conservation Plan prepared for Main Roads Department for 36 & 42 Duke Street;</p>
<p>16 December 1997</p>	<p>WAPC endorses for final approval Diagram 94449 for the subdivision & amalgamation;</p>
<p>21 July 1998</p>	<p>Council resolves to reconsider a proposal to convert existing workshop at 42 Duke Street into 2 workshops;</p>
<p>18 August 1998 5 May 1999</p>	<p>Council grants special approval for 2 workshops at 42 Duke Street; Building Licence 93/2833 approved for alterations to the building at 42 Duke Street to form 2 separate workshops;</p>
<p>25 August 1999 3 August 2001</p>	<p>Storm damages building; roof ends up on Stirling Highway; Premier Gallop, MPs, Mayor and CEO & VIP's join in the reopening of Lauder & Howard's antiques;</p>
<p>9 December 2008</p>	<p>Planning Approval granted to redevelop the buildings at 36-42 Duke Street from antique furniture showrooms and workshops to 7 x 1 bedroom apartments, and 5 x 3 bedroom apartments.</p>
<p>15 March 2011</p>	<p>Planning Approval granted to redevelop the buildings at 36-42 Duke Street for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue.</p>
<p>12 February 2013</p>	<p>Planning Approval granted to amendments to a previously approved planning application, date stamped Approved on 15 March 2011 (Application (P199/10) and to extend the previous planning approval P199/10 for a further 2 years. The previously approved application was for a change of use, partial demolition, redevelopment and new construction to accommodate a mixed use residential/arts and entertainment venue.</p>

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 14 May 2013 and the following comments were made:

COMMENTS	APPLICANT RESPONSE	OFFICER COMMENT
<p>Overall bulk and scale of application is inappropriate and overwhelms existing heritage structure of the 'Brush Factory'.</p> <p>To relate the height of this application with the dome of the Royal George is considered an inappropriate relationship, with the mass and scale of this application clearly outweighing the form of the dome.</p> <p>The presentation of the application to George Street overwhelms the articulation and balance of form that the 'Brush Factory' establishes with the Royal George.</p>	<p>From an Urban design perspective, we believe the bulk and scale of the Duke Street aspect of the proposal, with its progressive gently increasing height to the previously approved apartment building shall create an appropriate corner 'bookend' land mark. This will help to balance the large bulk/ volume of the Royal George on the north side of this significant eastern termination of George Street. It is an entirely sound urban design principle to generate more bulk and interest on corner site.</p> <p>The development proposed in this application is situated a minimum of 20 metres from the royal George and does not adversely affect any views to or visual appreciation of the Royal George. The Royal George ultimate height as a landmark would not be compromised by this proposal.</p> <p>From either an Urban Design or heritage point of view it is unclear that there is compulsive evidence of 'articulation and balance' that the 'Brush Factory' establishes with the</p>	<p>It is agreed it is an entirely sound urban design principle to generate more bulk and interest on corner site, however not at the expense of the streetscape, impact to the heritage building and in terms of compliance with TPS3. The propose penthouse has been conditioned to be deleted. The proposed commercial offices are considered appropriately set back from Duke Street so as not to significantly impact on the streetscape or on the original building.</p> <p>It is considered the proposed development would impact both on the Royal George and the 'Brush Factory'. The proposed penthouse has been conditioned to be deleted. The office space is set back a minimum of 10 metres from Duke Street, thereby minimizing any potential impact due to height, scale, and bulk of the development. The proposed development as conditioned is considered appropriate and is considered to</p>

	<p>Royal George. Articulation of form is contestable, given that the Royal George is of Federation Free Classical style with a finely developed façade rhythm and delicately detailed verandahs, whereas the 'Brush Factory's' George Street Elevation is a utilitarian side elevation of a warehouse building. It is noted that the commercial component to this re-development project would add much needed reinvigoration to the currently rather lifeless and neglected termination of the vibrant George Street precinct.</p>	<p>adhere to the orderly and proper planning of the area. This will be discussed in greater detail later in the report.</p> <p>As noted it is proposed to refuse the penthouse. The proposed development of the four commercial offices is considered acceptable. The development as conditioned minimises the impact to Duke Street and to George Street. The commercial offices are located to the rear of the lot located adjoining Stirling Highway. The proposed cupola of the Royal George will remain the landmark feature of the area. It is considered the proposed development can be supported by Council as conditioned. Therefore the commercial units can be supported and will have minimal visual impact to George Street and Duke Street.</p>
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Other Agency/Authority

Heritage Council of Western Australia (HCWA)
Main Roads WA (MRWA)
National Trust of Australia
Fremantle Ports

Main Roads WA

Main Road indicated that the development was acceptable to them subject to relevant conditions. These conditions are included in the Officer's Recommendation.

The State Heritage Office

The Heritage office has advised Council of the following:

The impact on the landmark status of the Royal George Hotel is minor and there is no objection to the proposed Stage 2 development.

The State Heritage Office's comments are noted and have been considered in the assessment of this application.

Fremantle Ports

Fremantle Ports have provided Council with the standard response for Area 2 of the Fremantle Port Buffer Zone. Standard conditions are included in the Officer's Recommendation.

National Trust of Australia

No response was been received from the National Trust of Australia.

Public Submissions

Adjoining landowners from 7 May – 27 May 2013, sign on site, and advertisement in local newspaper for two Saturdays. Advertising for the proposed amendments closed on 27 May 2013. No submissions were received.

Site Inspection

By Senior Planning Officer on 25 June 2013.

ASSESSMENTHeritage

The proposed development has been assessed to require a number of variations to the Town's Planning Scheme. The proposed variations can be considered pursuant with *Clause 7.5 (a) of Town Planning Scheme No. 3 – Variations To Scheme Provisions for a Heritage Place or Heritage Area* - to facilitate the conservation of a heritage place listed on the Heritage List under the Scheme.

The retention and restoration of the original building without substantial alteration will contribute to the George Street Precinct streetscape. External and internal conservation works were recommended for the 1901 building in Section 9.0 *Policies Arising from the Physical Condition of the Place* of the Conservation Plan date stamp received 25 November 2008, submitted with the original planning application approved by Council 19 December 2008. The Conservation Plan was prepared in 1997 by the Heritage and Conservation Professionals on behalf of Main Roads, the then owner of the building. A detailed list of these works is listed as attached. These works are to be implemented in full as per the Officer's Recommendation.

In considering the merit of any variation, Council is required to consider the requirements of Part 7, Clause 5.6.3(b) and Clause 10.2 of the Scheme.

Clause 5.6.3(b) of TPS3 states:

the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

The proposed development (penthouse deleted) is not considered to have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality. The proposed development is considered to improve the amenity of the area and will conserve the original heritage building.

The following sub-clauses to Clause 10.2 are considered of particular relevance:

- (i) *the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;*
- (j) *the compatibility of a use or development with its setting;*
- (l) *the cultural significance of any place or area affected by the development;*
- (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;*

Subject to the relevant Scheme Clauses, the existing building is listed on the Town's Heritage List as a consequence of Clause 7.1.7 of Town Planning Scheme No 3. The applicant is seeking significant Council variations with regard to the proposed development application. For Council to consider such variations, it is required to be satisfied that the proposed development complies with the provisions of Clause 10.2 and Clause 5.6.3 (b). The proposed penthouse is considered excessively bulky and is considered to impact on the building and as such the proposed penthouse is recommended for refusal. The remaining commercial elements of the development have been assessed as per the Scheme requirements and are considered to improve the amenity of the area and merit Council approval subject to conditions.

Heritage Impact Statement

The buildings on the subject site have not been entered on the Heritage Council Register of Heritage Places. The original factory building is included on the Town's Heritage List

by virtue of its inclusion in the George Street Precinct and on the Town's Municipal Inventory with an A⁺ management category.

A Heritage Impact Statement has been undertaken by Rosemary Rosario on behalf of the applicant. The report concludes:

The design of the proposed penthouse respects the significance of the original 1901 building. The facades of the penthouse floors have been setback and are of visually light materials that will not compete with the strong masonry facade of the original building. The use of the fascia that approximately aligns with the parapet of the heritage building provides a design element that visually integrates the old and the new structures.

The design of the commercial building complements the original building and does not dominate the street. The commercial building is located behind the penthouse and is only visible from the northern side. The height of the building is considerably lower than the adjacent Royal George Hotel. The design of the building using glass and structural steel responds in a contemporary manner to the former industrial use of the original building.

Overall the new and the original components form a visually well integrated development that respects the character of Duke and George Street.

Notwithstanding the above, in the Planning Officer's view, the proposed penthouse is considered to negatively impact the old 'Brush Factory' building. The proposed set back to the penthouse from Duke Street noted in the Heritage Impact Statement as '*The facades of the penthouse floors have been setback and are of visually light materials that will not compete with the strong masonry facade of the original building*' is considered to be insufficient to limit the visual impact of the proposed structure on the streetscape. The proposed setback is only 1.4 metres from Duke Street frontage of the existing heritage facade and has a dominating impact on the heritage building.

The proposed height is also considered excessive. The proposed building is 14.4 metres at the Duke Street elevation. The height is considered to add to the overall scale and bulk of the building and therefore visually impacts the heritage character of the building. The penthouse is considered to have a negative impact on the Royal George Hotel. The overall scale of the penthouse will dominate the visual vista as viewed from George Street and it is not considered to 'bookend' the street as submitted. It is considered the proposed penthouse should not be supported. The commercial offices are located to the rear of the lot adjoining Stirling Highway. The proposed cupola of the Royal George will remain the landmark feature of the area, as viewed from Duke Street, Stirling Highway and George Street, if the penthouse is not developed. The proposed development as conditioned (to exclude the penthouse) is considered to have a minimal impact on the Royal George and on the 'Brush Factory'.

The location of the proposed penthouse is inconsistent with the Conservation Plan Policy 3.4, which indicates the location of any new structures should be limited to the eastern part of the site, and even then should complement the existing building. As such, the proposed Conservation Plan supports the Planning Officer's Recommendation, that the proposed penthouse be refused.

It is considered the comments in the Heritage Consultant's report with regard to the commercial offices are accurate and that they will have a suitable street presence. The proposed Tenancy 1 is set back approximately 10 metres from Duke Street with Tenancy 3 setback 12.8 metres. This articulation and set back from Duke Street is considered to integrate the proposal with the heritage building in a sympathetic manner. It is however recommended that if the penthouse is deleted the overall design of the western elevation of the commercial offices should be amended to address Duke Street as well. The glass and steel material of the offices respond in a contemporary manner to the former industrial use of the original building and are considered appropriate. The proposed

commercial offices with regard to proposed setback and height will 'bookend' the street. It is therefore considered the commercial offices can be supported.

**Note: It is noted that an assessment of the proposed penthouse with regard to the requirements under the Town Planning Scheme and R-Codes has not been undertaken, as the proposed penthouse is considered not to comply with the following requirements of the Town Planning Scheme No.3 Clause 10.2 (c), (l) (o), with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality, therefore the penthouse is not supported.*

Height

Clause 5.8.2 of TPS3 specifies that maximum height in the 'Mixed Use Zone' is to be 5.5 metres for walls and 8.0 metres overall.

The proposed building is 14.4 metres to the Duke Street elevation (penthouse) located above the 'Brush Factory' and 16.8 metres on George Street. The building design utilises a concealed roof and consequently the relevant height is assessed at the roof ridge height.

Whilst the applicant has sought to justify the height, scale and bulk of the building, the Panel's comments and the height requirements of Clause 5.8.2 of TPS 3 have been given due regard and it is considered the proposed penthouse has an adverse impact to the heritage character of the Royal George and the 'Brush Factory' and to the streetscapes of George Street and Duke Street. The proposed penthouse does not take into account the significance and character of the existing building and its contribution to the character of the Precinct and is considered to impact negatively on the existing building and on the Royal George. The Heritage Consultants assessment is not supported and as such the proposed penthouse is considered not to comply with the provisions of the Scheme and does not comply with the orderly and proper planning of the area pursuant to Clause 10.2 (c), (o), (l) and (p) of TPS3. Therefore the proposed penthouse is not supported and is recommended to be refused.

It is however considered that the proposed commercial building is set back approximately 9 metres from Duke Street and to a height of 16.8 metres at the rear of the property can be supported. The following supports a variation to the height provisions of Clause 5.8.2 of the Scheme with regard to the commercial use:

- George Street has a considerable fall towards its rear boundary with the Stirling Highway and therefore this fall is required to be considered with regard to any development proposal.
- The proposed commercial element is considered to have minimal impact to George Street and Duke Street. It is noted that the bulk and mass of the building will be located to the rear of the building and therefore views of the building from the Royal George will be impacted. The proposed penthouse is recommended to be refused. The proposed commercial building is set back approximately 9 metres from Duke Street and approximately 20 metres from the Royal George Hotel. The proposed setbacks, height (16.8 metres) and location of the commercial area to the rear of the property are considered to ameliorate the perceived negative visual impact the Royal George may have to the Royal George Hotel.
- The proposed commercial space is setback from Duke Street so as to be significantly below the view from Duke Street. The proposed commercial space is visually in contrast to a contributory building, as per the principles of the Burra Charter. The proposed commercial space is of a scale, bulk and proportion so as to respect the existing heritage building.
- The proposed addition of the commercial space is integrated with the previously approved building and is sympathetic of the massing and building bulk of the previously approved apartment units and existing heritage building element.
- The proposed commercial space is considered to complement the design of the building and provide an enhanced streetscape.

The proposed penthouse is recommended to be deleted from the proposed development, while it is considered the proposed commercial units are designed to a scale and bulk which is sympathetic to the streetscape and the character of the heritage building. It is however considered the western elevation of the commercial space should be redesigned to include windows and to appropriately front/ address Duke Street.

Plot Ratio

Clause 5.8.3 specifies that the maximum Plot Ratio in the 'Mixed Use' zone is 0.5:1. This means that the net floor area (discounting service areas etc.) shall not exceed half the area of the subject site. The subject site is 1440m². The maximum floor area of the development allowable under Clause 5.8.3 is 720m². The previously approved development has an aggregate net floor area of approximately 1563m² and an overall plot ratio of 1.08:1, exceeding by double the maximum allowable plot ratio under the scheme.

The proposed development increases the overall net floor area by 553m² (comprising 360m² commercial and 193m² of residential). The proposed amended development has an aggregate net floor area of approximately 2116m² thereby increasing the overall plot ratio to 1.47:1, exceeding by close to triple the maximum allowable plot ratio.

It is proposed to delete the penthouse from the plans due to scale, bulk and impact to the existing 'Brush Factory' and streetscape. Therefore the proposed development will have an increase in the plot ratio of 360m², approximately 1923m² thereby increasing the overall plot ratio to 1.34:1. This in the context of the overall design is considered to be of a plot ratio that, although substantially in excess of the Scheme requirements can nevertheless be supported in this instance because the scale and bulk of the proposed building is suitable to the surrounding building and locality.

The scale and bulk of the building is considered to a suitable scale with the streetscape and the plot ratio increase can be supported by Council.

Parking Requirements

The proposed development comprises of the following uses:

Commercial Offices: 360m²

Residential penthouse: 193m²

The following uses have been previously approved by Council:

Jazz Bar

Dance Studio

Performance Art/ Music

Residential

Based on Council's previous planning approval, the total parking generation would be residential – 19 bays and commercial – 42 bays (comprising Jazz Club/ Dance Studio and Performance Space demand). There are 49 car parking bays to be provided on site. Total on site requirement = 61 bays leaving a net parking shortfall of 12 bays of which 5 can be accommodated by immediately adjacent on-street car parking and 9 to be in the form of reciprocal car parking, therefore the proposed development is assessed as complying with the car parking requirements of Council.

The proposal consists of the following uses which generate the indicated parking requirements pursuant with Schedule 10 of TPS 3:

Residential

Two bays are required according to the provisions of the Residential Design Codes. Two bays will be located in the proposed commercial under-croft car park.

It is noted that the penthouse has been recommended for deletion due to the buildings impact to the character of the 'Brush Factory' and Royal George, the streetscape and the overall height of the penthouse as it presents to the street.

Commercial Offices

Schedule 11 of TPS No 3 requires

1 space for every 30m² net lettable area (min 3 per tenancy or office unit).

There is 360m² of office space proposed, comprising 4 tenancies, therefore a total of 12 car parking spaces are required to be provided. The applicant notes:

The 12 bays required for the Offices will be allocated from the 28 off street undercroft bays on a reciprocal time share basis with the jazz Club and the Dance Studio and Performing Arts.

The applicant is required to provide 12 car parking bays.

Clause 5.8.5 *Car Parking and Vehicular Access* of TPS3 states:

Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 11 of the Scheme and the specifications in Schedule 4 of the scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

Furthermore Clause 5.8.7 *On-Street Parking* states:

The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

The development will provide a total of 49 parking spaces on site.

The total parking generation would be residential – 19 bays and commercial – 54 bays (comprising Jazz Club/ Dance Studio /Performance Space and Commercial Office). Total on site requirement = 73 bays leaving a net parking shortfall of 24 bays.

Five spaces can be accommodated by immediately adjacent on-street car parking.

Nine car parking bays have already been approved as reciprocal car parking between the Jazz Club/ Dance Studio /Performance Space. The requirement for 12 car parking bays for the commercial offices has been requested to be considered as reciprocal day/ night time share spaces. The applicant has provided a 'Time Share Analysis' as stated in letter dated 15 May 2013. It is noted that a further 2 car bays can be provided as on-site car parking due to the deletion of the penthouse. Therefore there is only a requirement for 10 additional reciprocal car parking bays (19 total reciprocal car parking bays).

In light of the above and the applicant's 'Time Share Analysis', it is considered that there is provision for reciprocal car parking within the development, however this is based on the 'Time Share Analysis', therefore a condition has been included in the Officer's Recommendation to appropriately control the operating hours of the uses within the development. Based on the appropriate condition it is considered reciprocal car parking can be supported by Council.

Opening Hours

In light of the above and the applicant's 'Time Share Analysis', conditions have been included in the Officer's Recommendation to restrict the opening hours of the various uses to ensure adequate car parking is provided.

- The hours of operation for the commercial office to be between the hours of 7.00am and 6.00pm Monday to Friday.
- The hours of operation for the Dance Studio and Performing Arts to be between the hours of 7.00am and 10.00pm Monday to Friday and between the hours of 7.00am and 1.00pm on Saturday.
- The hours of operation for the Jazz Club to be between the hours of 5.00pm and 11.00pm Monday to Thursday. The hours of operation for the Jazz Club to be between the hours of 5.00pm and 12.00am Friday. The hours of operation for the Jazz Club to be between the hours of 12.00pm and 12.00am Saturday. The hours of operation for the Jazz Club to be between the hours of 12.00pm and 10.00pm on Sunday.

The applicant has provided Council with correspondence requesting:

the Jazz Bar trading closing time on Wednesday and Thursday nights be 12 midnight (previously 11pm) - this is more commercially realistic and consistent with other venues in George St.

While George Street is a mixed 'use zone' and has a variety of uses and various opening times of the cafes, restaurants and the wine bar. The approved Jazz Bar had a previous condition to limit the opening times for Wednesday and Thursday limited to 11.00pm. The proposed condition relating to the Jazz Bar's opening times is a carryover of the previous condition to this development application. It is considered Duke Street is a primarily residential area and as such the condition to limit the opening times of the Jazz Club to 11.00pm is appropriate.

CONCLUSION

The applicant is seeking Council discretion with regard to building height, plot ratio and car parking. As can be seen the proposal represents a substantial 'over development' of the site in terms of the Scheme provisions normally applied standards relating to height, plot ratio and car parking requirements. The proposed variations can be considered pursuant with Clause 7.5 of Town Planning Scheme No. 3. Due regard has been had to all relevant Scheme provisions.

The location of the proposed penthouse is inconsistent with the Conservation Plan Policy 3.4, which indicates the location of any new structures should be limited to the eastern part of the site, and even then should complement the existing building. The proposed penthouse is considered to add to the scale and bulk of the building and subsequently has a negative impact on the streetscape. The proposed penthouse is considered overbearing on the Heritage Building. The proposed height, bulk and scale of the penthouse is considered to dominate the streetscape and negatively impact the streetscape. The proposed penthouse is considered to have an adverse impact to the inhabitants of the locality and the likely future development of the locality. The proposed penthouse does not comply with the following requirements of the Town Planning Scheme No.3 Clause 5.6.3(b) and Clause 10.2 (c), (l) (o), with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality. The proposed penthouse is not considered to complement the existing building and therefore is recommended to be refused.

It is considered the height and plot ratio provisions of the remaining commercial offices are justified based on the nature of design and the proposed conservation of the building. It is noted that the proposed conservation of the building was part of the previous original approval, however it is considered the proposed development (penthouse deleted) consolidates the overall development and the conservation of the building. The development of the offices is considered to present as a stronger presence to the street, "bookending" the development and establishing a suitable scale to the Royal George Hotel. The proposed offices are not considered to negatively impact on the heritage significance of the existing building. The proposed commercial offices are designed to offer a clear distinction between old and new are considered to improve the character

of the area by emphasising and book ending the heritage character of the George Street Precinct.

The car parking has a proposed shortfall of 24 bays based on Schedule 10 of TPS No 3, however further information was provided by the applicant with regard to a car parking 'Time Share Analysis'. It is considered there are appropriate car parking spaces to appropriately manage/ control the uses within the development, with time restrictions being placed on the operating times of the commercial uses.

It is considered the proposed development can be supported by Council with appropriate conditions.

RECOMMENDATION

That Council:

1. Refuse the proposed two storey penthouse development at the former Lauder & Howard building, 36-42 Duke Street, East Fremantle, as the proposed penthouse is considered to impact on the existing Heritage building and does not to comply with the following requirements of the Town Planning Scheme No.3 Clause 5.6.3(b) and Clause 10.2 (c), (l) (o), with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality.
2. Approve the proposed development comprising of addition of two levels to be erected atop of the proposed performance space comprising four commercial offices at the former Lauder & Howard building, 36-42 Duke Street, East Fremantle date stamp received on 26 April and 10 July 2013 subject to the following conditions
 - (a) The hours of operation for the commercial office to be between the hours of 7.00am and 6.00pm Monday to Friday.
 - (b) The hours of operation for the Dance Studio and Performing Arts to be between the hours of 7.00am and 10.00pm Monday to Friday and between the hours of 7.00am and 1.00pm on Saturday.
 - (c) The hours of operation for the Jazz Club to be between the hours of 5.00pm and 11.00pm Monday to Thursday. The hours of operation for the Jazz Club to be between the hours of 5.00pm and 12.00am Friday. The hours of operation for the Jazz Club to be between the hours of 12.00pm and 12.00am Saturday. The hours of operation for the Jazz Club to be between the hours of 12.00pm and 10.00pm on Sunday.
 - (d) The applicant to submit amended plans which delete the proposed penthouse and amends the overall design of the western elevation of the commercial offices to address Duke Street to the Satisfaction of the Chief Executive Officer in consultation with relevant officers prior to a Building Licence being lodged with the Town.
 - (e) The AC E/X Plant Deck to be appropriately relocated so as not to impact on the Street Elevation of Duke Street to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to a Building Licence being lodged with the Town.
 - (f) The Recommendations as outlined in Section 9.0 *Policies Arising from the Physical Condition of the Place* of the Conservation Plan date stamp received 25 November 2013, submitted with the original planning application approved by Council 19 December 2008 are to be implemented in full to the satisfaction of the Chief Executive Officer in consultation with relevant officers. Plans are to lodged to Council, prior to a Building Licence application being lodged with the Town, demonstrating compliance in full with the recommendations as outlined in Section 9.0 *Policies Arising from the Physical Condition of the Place* of the Conservation Plan. These recommendations as outlined in Section 9.0 *Policies Arising from the Physical Condition of the Place* are to be subsequently incorporated in any relevant Building Licence application lodged with Council.
 - (g) All other relevant conditions relating to the previous approvals dated 22 March 2011 and 12 February 2013 are relevant and are required to be complied with.

- (h) A Waste Management Plan is to be submitted and approved to the satisfaction of the Chief Executive Officer prior to a Building Licence being lodged with the Town.
- (i) The works are to be constructed in conformity with the amended drawings date stamped received 26 April 2013 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.
- (j) 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.
- (k) 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.
- (l) The proposed development 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.
- (m) 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 licence.
- (n) 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.
- (o) 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.
- (p) The applicant to liaise with the Main Roads Western Australia prior to any works being undertaken and to comply the following requirements to the satisfaction of Main Roads Western Australia:
 - (i) Should the proposed signage indicated on the plans as "George' and/ or 'Jazz Club' be illuminated, then a separate application with full details of colours and illumination levels will be required.
 - (ii) No vehicle access shall be permitted onto the Stirling Highway reservation.
 - (iii) The ground levels on Stirling Highway boundary are to be maintained as existing.
 - (iv) No earthworks shall encroach into the Stirling Highway road reserve.
 - (v) No storm water drainage shall be discharged into Stirling Highway reservation.
 - (vi) No construction material, plant or machinery shall be stored within the Stirling Highway reserve.
 - (vii) The applicant to make good any damage to the existing verge vegetation with the Stirling Highway reservation.
- (q) 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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- (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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *no air conditioning units are to be installed other than those referred to in condition 2(e). Additional air conditioning units prior to the installation will require 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.*
- (h) *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".*

Mr Peter Unsworth (owner), Mr Lou Cotter & Ms Lilla Fekete (Buchan Group) and Ms Rosemary Rosario (heritage consultant) each addressed the meeting in support of the proposal and the inclusion of the apartment over the George/Duke Street corner of the building. Ms Rosario advised that an approval of the development would require a change to condition 2(f) in relation to the original Conservation Plan and suggested appropriate wording for this amendment.

137. ADJOURNMENT**Cr Wilson – Cr Collinson**

That the meeting be adjourned at 8.05pm to allow further discussion on the proposal. CARRIED

138. RESUMPTION**Cr Collinson – Cr Rico**

That the meeting be resumed at 8.33pm with all those present prior to the adjournment, in attendance. CARRIED

139. TOWN PLANNING & BUILDING (CONTINUED)**139.1 Duke Street No. 36-42 (Lots 601 & 602) (Continued)****Cr Collinson – Cr Rico**

That the application be refused. LOST

Cr Martin – Cr de Jong**That Council:**

1. **refuse the proposed two storey penthouse development at the former Lauder & Howard building, 36-42 Duke Street, East Fremantle, as the proposed penthouse is considered to impact on the existing Heritage building and does not to comply with the following requirements of the Town Planning Scheme No.3 Clause 5.6.3(b) and Clause 10.2 (c), (l) (o), with respect to the orderly and proper planning of the locality and the preservation of the amenities of the locality.**

2. approve the proposed development comprising of addition of two levels to be erected atop of the proposed performance space comprising four commercial offices at the former Lauder & Howard building, 36-42 Duke Street, East Fremantle date stamp received on 26 April and 10 July 2013 subject to the following conditions
- (a) The hours of operation for the commercial office to be between the hours of 7.00am and 6.00pm Monday to Friday.
 - (b) The hours of operation for the Dance Studio and Performing Arts to be between the hours of 7.00am and 10.00pm Monday to Friday and between the hours of 7.00am and 1.00pm on Saturday.
 - (c) The hours of operation for the Jazz Club to be between the hours of 5.00pm and 11.00pm Monday to Thursday. The hours of operation for the Jazz Club to be between the hours of 5.00pm and 12.00am Friday. The hours of operation for the Jazz Club to be between the hours of 12.00pm and 12.00am Saturday. The hours of operation for the Jazz Club to be between the hours of 12.00pm and 10.00pm on Sunday.
 - (d) The applicant to submit amended plans which delete the proposed penthouse and amends the overall design of the western elevation of the commercial offices to address Duke and George Streets prior to a Building Licence being lodged with the Town.
 - (e) The AC E/X Plant Deck to be appropriately relocated so as not to impact on the street elevation of Duke and George Streets prior to a Building Licence being lodged with the Town.
 - (f) The applicant to submit a schedule of conservation works prepared by a heritage professional and based on, but not limited to, the policies outlined in Section 9.0 of the Conservation Plan, to the satisfaction of the Town of East Fremantle. The applicant to implement these in full to the satisfaction of the CEO in consultation with relevant officers.
 - (g) All other relevant conditions relating to the previous approvals dated 22 March 2011 and 12 February 2013 are relevant and are required to be complied with.
 - (h) A Waste Management Plan is to be submitted and approved to the satisfaction of the Chief Executive Officer prior to a Building Licence being lodged with the Town.
 - (i) The works are to be constructed in conformity with the amended drawings date stamped received 26 April 2013 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.
 - (j) 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.
 - (k) 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.
 - (l) The proposed development 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.
 - (m) 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 licence.
 - (n) 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.
- (o) 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.
- (p) The applicant to liaise with the Main Roads Western Australia prior to any works being undertaken and to comply the following requirements to the satisfaction of Main Roads Western Australia:
- (i) Should the proposed signage indicated on the plans as "George' and/or 'Jazz Club' be illuminated, then a separate application with full details of colours and illumination levels will be required.
 - (ii) No vehicle access shall be permitted onto the Stirling Highway reservation.
 - (iii) The ground levels on Stirling Highway boundary are to be maintained as existing.
 - (iv) No earthworks shall encroach into the Stirling Highway road reserve.
 - (v) No storm water drainage shall be discharged into Stirling Highway reservation.
 - (vi) No construction material, plant or machinery shall be stored within the Stirling Highway reserve.
 - (vii) The applicant to make good any damage to the existing verge vegetation with the Stirling Highway reservation.
- (q) This planning approval to remain valid for a period of 24 months from date of this approval.
- (r) The landowner shall lodge a Notification under Section 70A pursuant to the Transfer of Land Act on the Certificate of Title(s) relating to the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the premises are located within Area 2 of the Fremantle Port Buffer Zone where new development is to meet the built form requirements as specified in the Town of East Fremantle Local Planning Policy – Residential Design Guidelines.

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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *no air conditioning units are to be installed other than those referred to in condition 2(e). Additional air conditioning units prior to the installation will require a development application, which demonstrates that noise from the*

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- air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer.*
- (h) *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

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Collinson requested that the voting of Council members be recorded.

Crs Martin, Olson, de Jong & Wilson voted in favour of the recommendation with Crs Rico and Collinson having voted against the motion.

139.2 T79.1 George Street Access and Parking Management Plan

Cr de Jong – Cr Olson

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

That:

1. The George Street Access and Parking Management Plan by GHD dated June 2013 be adopted.
2. The Local Planning Policy – ‘George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking’ should be retained and that contributions received be used to fund the ongoing Implementation Plan contained in the Plan.
3. A programme of works scheduled for commencement in the 2013 / 2014 financial year including implementation dates to be provided to the August meeting of Council.
4. A communication programme shall be undertaken to promote the findings and outcomes of the Plan. CARRIED

139.3 T81.1 Timed Car Parking

Cr de Jong – Cr Maritn

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

That Council give consideration to implementing ‘Timed Car Parking’ on all streets associated with the Town Centre with a report to be prepared for the September round of meetings. CARRIED

The Manager Planning Services left the meeting at 9.03pm.

140. FINANCE

140.1 Monthly Financial Activity Statement for Period Ending 30 June 2013

By Les Mainwaring, Executive Manager Finance & Administration on 12 July 2013

PURPOSE

This report recommends that the Council elect not to receive a June monthly report in accordance with Regulation 34 of the financial management regulations.

BACKGROUND

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires financial reports to be prepared monthly, and such reports must be submitted to Council within two months following the end of the reporting period.

COMMENT

In order to maintain statutory compliance thus avoiding a statutory non-compliance qualification on our annual audit report, Council has the option of electing not to receive a

June monthly activity report in favour of receiving the full final audited accounts in the annual financial report.

The intention of monthly reporting has been to forecast the anticipated carried forward position compared to budget, however the timing of budget preparation is such that the final audited carried forward position will not be confirmed at the time of preparing the budget. In this regard a prudent approach is taken to estimating the carried forward position so as not to create a situation of a budget funding shortfall should the final carried forward be less than anticipated.

With the benefit of time to complete end of year processing, and receive final audited results, there will be a comprehensive analysis of the final carried forward position presented to the next available ordinary council meeting. At this time Council will be able to consider any distribution of the final carried forward position or any budget revisions to existing projects. This may provide opportunities to bring forward non-recurrent projects that were deferred during the budget balancing stage.

STATUTORY REQUIREMENTS

Local Government Act 1995 (As amended)

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

Regulation 34. Financial activity statement report — s. 6.4

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION

That Council elects not to receive a June monthly financial activity report under Regulation 34 of the Financial Management Regulations 1996, until final audited results are presented in the annual financial report.

Cr Olson – Cr Rico

That Council elects not to receive a June monthly financial activity report under Regulation 34 of the Financial Management Regulations 1996, until final audited results are presented in the annual financial report. CARRIED

140.2

Accounts for Payment – June 2013

By Les Mainwaring, Executive Manager Finance & Administration on 10 July 2013

PURPOSE

To endorse the list of payments made under delegated authority for the period 1 June to 30 June 2013.

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 a list of all payments made under delegated authority during the said month. **ATTACHMENT**

REPORT

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996 – Regulation 13

Comments/Discussion

The List of Accounts paid for the period beginning 1 June and ending 30 June 2013 requires endorsement by the Council.

RECOMMENDATION

That the List of Accounts paid for the period beginning 1 June and ending 30 June 2013 be received, as per the following summary table:

<i>June 2013</i>		
Voucher Nos	Account	Amount
4563 – 4577	Municipal (Cheques)	\$9,834.71
EFT 17513 – EFT 17664	Electronic Transfer Funds	\$729,018.25
Loans	Electronic Transfer Funds	64,520.06
Payroll	Electronic Transfer Funds	\$262,039.89
	Municipal Total Payments	\$1,065,412.91



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Cr Olson – Cr de Jong

That the List of Accounts paid for the period beginning 1 June and ending 30 June 2013 be received. CARRIED

141. ADJOURNMENT

Cr Martin – Cr Rico

That the meeting be adjourned for a short break at 9.15pm. CARRIED

142. RESUMPTION

Cr de Jong – Cr Martin

That the meeting be resumed at 9.25pm with all those present prior to the adjournment, in attendance. CARRIED

143. FINANCE (CONTINUED)

143.1 *Integrated Planning Framework and Reporting 2013/2014*

By Les Mainwaring, Executive Manager Finance & Administration 12 July 2013

PURPOSE

To facilitate the adoption of the key integrated planning framework documents, namely the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Asset Management Plan and the Long Term Financial Plan. **ATTACHED SEPARATELY**

BACKGROUND

In August 2011 new regulations were introduced which established a suite of integrated planning requirements under the Local Government Act 1995. Under these regulations, all local governments are required to have developed and adopted two key documents by 30 June 2013; a Strategic Community Plan and a Corporate Business Plan, supported and informed by resourcing and delivery strategies such as a Workforce Plan, Asset Management Plan and Long Term Financial Plan. These plans are designed to drive the development of annual budgets and ultimately help local governments plan for the future of the community.

The legislation requires that only basic standards are met, with the intent that local governments should aspire to intermediate and advanced standards over time, as they strive toward achieving best practice. This is also in the context of fair value asset management requirements for buildings and infrastructure to be finalised by June 2015.

While local governments are required to meet the basic standard of planning by 30 June 2013, the underlying objective of the Department's approach to Integrated Planning and Reporting is to create a process of continuous improvement, not necessarily uniformity. It is anticipated that over time, local governments will progress in their planning maturity from basic to advanced.

With regard to the State Government's amalgamation agenda, which brings into question the usefulness of these Plans in many cases, the Government's claim is that even if a local government were to be amalgamated, all of these plans will still serve to help identify and meet the needs of the local community concerned.

COMMENTStrategic Community Plan

The Strategic Community Plan is a long-term planning document that sets out the Town of East Fremantle's vision, aspirations for the future, and the key strategies we will need to focus on to achieve our aspirations.

The Strategic Community Plan will integrate the expectations and views of the East Fremantle community, and will significantly drive the way we do business. It helps us to

set realistic and achievable goals, and improve the value of the service and facilities we provide.

Corporate Business Plan

The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available. It represents the activation of the Town of East Fremantle's Strategic Community Plan. The Strategic Community Plan articulates the Town's long term vision, aspirations, and strategic priorities around a three key areas of focus:

- Community Identity
- Infrastructure and Services
- Lifestyle.

The Corporate Business Plan follows the Town's key themes and outlines what Council will do over the next four years to work towards the achievement of the community's aspirations and outcomes. For each key area of focus the actions and major projects are supported by a summary of the resource requirements and recognition of supporting strategies and plans.

The Corporate Business Plan will drive the operation of the Town over the short to medium term. It will be reviewed annually where a reprioritisation of activities will take place to ensure that the Town has the resources to meet its short and long term priorities.

Workforce Plan

Workforce planning is defined as "a continuous process of shaping the workforce to ensure that it is capable of delivering organisational objectives now and into the future" (Australian National Audit Office 2004). Workforce planning has become an important part of local government operations as councils need to know they have the capacity and capability to deliver on strategies, plans, programs and key services and anticipate the workforce requirements to meet future strategic goals.

Workforce planning identifies the human resources and skills required to deliver on the medium to long-term strategic direction, as outlined in the Strategic Community Plan. This Workforce Plan outlines a number of strategies to be implemented to ensure the appropriate resources are in place, now and into the future.

The Workforce Plan is also an essential component of the Corporate Business Plan (CBP), which identifies workforce requirements and strategies for current and future operations over the next four years.

This Workforce Plan:

- Profiles the current Town of East Fremantle workforce;
- Assesses the impact of the external workforce on the Town of East Fremantle's current and future workforce;
- Identifies the workforce implications the Strategic Community Plan has on the Town;
- Outlines strategies for addressing these implications; and
- Sets out how the delivery of this Workforce Plan will be monitored.

Asset Management Plan

Asset Management is the systematic process of effectively planning for, maintaining, upgrading and operating assets, combining engineering principles with sound business practice and economic rationale, and providing the tools to facilitate a more organised and flexible approach to making decisions necessary to achieve the public's expectations.

The objective of asset management is to meet a required Level of Service, in the most cost effective manner, through the management of assets for present and future customers.

The process of infrastructure management is supported by three core components:

- (i) The Asset Management Policy outlines the principles for undertaking asset management across the organisation in a structured and coordinated way.
- (ii) The Asset Management Strategy provides high level long term objectives and an action plan for managing the assets. The implementation of the Asset Management Strategy is demonstrated in the Asset Management Plans. The Asset Management Strategy will provide direction for the appropriate focus and level of Asset Management practice undertaken by the Town of East Fremantle. It has been developed utilising the International Infrastructure Management Manual (IIMM) framework and the Asset Management Framework and Guidelines. The Asset Management Strategy incorporates the Asset Management Responsibility Framework which defines the roles and responsibility of the position in terms of asset management within the organisation.
- (iii) The Asset Management Plan is a long-term plan for infrastructure assets that outlines the activities for each service area or asset class, and the resources required to provide a defined Level of Service in the most cost effective way. Asset Management Plans for the key asset classes have been developed using the IIMM framework, with the plans populated with information sourced from Council. The Asset Management Plans are "first cut" Asset Management Plans as there are significant information gaps. The program to address the improvement of the information has been incorporated into the improvement plans of each of the Asset Management Plans.

Long Term Financial Plan

The Town of East Fremantle's Long Term Financial Plan (LTFP) details what the Council proposes to do over the next ten years as a means of ensuring the Town's financial sustainability. It is aligned to other core planning documents by which Council is accountable to the community including the Strategic Community Plan and the Town's Corporate Business Plan. Information contained in other strategic plans including the Asset Management Plan and Workforce Plan have informed the LTFP which will be the basis for preparation of the Town's Annual Budgets.

The LTFP is a dynamic tool which analyses financial trends over a ten year period on a range of assumptions and provides the Town with information to assess resourcing requirements to achieve its strategic objectives and to assist the Town to ensure its future financial sustainability.

The LTFP covers the period 2012-13 to 2021-22 which is underpinned by a number of assumptions shown as an overview with reasonable estimates. The Town undertakes a broad review of its Strategic Community Plan every two years and a full review is planned every four years. This LTFP will be reviewed in conjunction with Strategic Community Plan reviews. As Annual Budgets are developed from the LTFP there may be some annual variations between both which will be explained in the Annual Budget.

STATUTORY REQUIREMENTS

Local Government Act 1995

5.56 Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996**19C Strategic community plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
**Absolute majority required.*
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

- (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

19D. Adoption of plan, public notice of to be given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
- (a) *notification that —*
- (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the plan may be inspected;*
- or
- (b) *where a strategic community plan for the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the modified plan may be inspected.*

POLICY IMPLICATIONS

Integrated Planning and Reporting Framework and Asset Management Policy

FINANCIAL IMPLICATIONS

Detailed in the Long Term Financial Plan.

CONCLUSION

Whilst the Town of East Fremantle is required to meet the basic standard of planning by 30 June 2013, the underlying objective is to create a process of continuous improvement.

Whilst this first venture into the Integrated Planning Framework has identified a number of gaps in information availability, it should be recognised that many of these activities are already in progress, with the remainder providing a clear direction for the focusing of future resources.

It is anticipated that given time, the Town of East Fremantle would progress in our planning maturity from basic to advanced as we strive toward achieving best practice, but for the untimely prospect of amalgamation. In fact it must be said that the genuineness of the planning process has been hindered by the clear and present uncertainty.



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Notwithstanding it is recommended that we adopt these plans in order to fulfil our statutory requirements.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council adopts the 2013:

1. Strategic Community Plan
2. Corporate Business Plan
3. Workforce Plan
4. Asset Management Plan
5. Long Term Financial Plan

Elected members worked through each document effecting small changes and highlighting minor typographical errors.

Cr Wilson – Cr Collinson

That Council adopts the 2013:

1. Strategic Community Plan
2. Corporate Business Plan
3. Workforce Plan
4. Asset Management Plan
5. Long Term Financial Plan

as amended.

CARRIED
UNANIMOUSLY

144. ADJOURNMENT

Cr Olson – Cr Collinson

That the meeting be adjourned at 11.20pm to facilitate a budget workshop.

CARRIED

The Minute Secretary left the meeting at 11.20pm.

145. RESUMPTION

Cr Wilson – Cr Olson

That the meeting be resumed at 12.05am with all those present prior to the adjournment, in attendance.

CARRIED

146. FINANCE (CONTINUED)**146.1 Notice of Intention to Impose Differential Rates 2013/2014**

By Les Mainwaring, Executive Manager Finance & Administration 9 July 2013

PURPOSE

This report recommends endorsement by Council for advertising differential rates, as proposed in this report, for the prescribed statutory period of 21 days, prior to Council's formal decision on the level of rates to be adopted.

BACKGROUND

In line with the Town's annual financial cycle for the next financial year, endorsement by Council of differential rates is now required for the purpose of advertising and seeking public submissions.

This year elected members will participate in a budget workshop on 16 July 2013, where the information tabled includes a draft budget summary by program, rates comparisons with relevant local governments, a schedule of fees & charges, a list of budget submissions initiated by elected members and community groups, all draft capital expenditure programs covering buildings, mobile plant, infrastructure and office equipment and account detail of all draft operating income and expenditure.



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The executive staff have sought to implement prioritised objectives within the context of a balanced draft budget, using reasonable funding estimations. The draft budget, as proposed, is based upon a general rate increase in rates of 5%, which compares to the 5% increase from 2012/13.

Differential rates proposed at the general increase of 5% are shown in the following table:

RATE TYPE	Rate in \$	# Of Properties	Rateable Value \$ \$'000	Rate Revenue \$ \$'000	Interim Rates \$ \$'000	Total Revenue \$ \$'000
Differential General Rates						
Residential (GRV)	7.0939	2931	68,306	4,816	15	4,831
Commercial (GRV)	10.2640	104	9,909	1,017		1,017
Sub-Totals		3035	78,215	5,833	15	5,848
Minimum Rates	\$					
Residential (GRV)	834	184	1,842	153		153
Commercial (GRV)	1030					
Sub-Totals		184		153		153
Grand Totals		3406	80,057	5,986	15	6,001

When examining the draft budget and considering adding projects not currently provided for or amending existing projects, elected members should be mindful of the following considerations:

- A 1% movement in rates is the equivalent of \$60,000.

COMMENT

Rating objects of each differential rate category are shown in the attachment.

ATTACHMENTMinisterial Approval

Ministerial approval is not required prior to levying differential rates because no rate is more than twice the lowest differential rate to be imposed.

Growth

Growth in the rateable value of properties during 2012/2013 was estimated at 0.25% has been experienced in recent years that represents about \$14,000 in additional revenue. On this basis interim rate revenue has been estimated at \$15,000 for 2013/14.

Minimum Rate

Minimum rates have received a general increase of 5% to a level of \$834 for residential which is a \$39 increase over last year's \$795, and Commercial \$1,030 which is a \$49 increase over last year's \$981.

Relevant Cost Indexes

When considering the requirements for local government operations we need to consider the impact of existing services and any expansion in services that will impact on the rate

setting equation. There are also various indicators that affect the cost structure of local government.

Relevant indices to consider when comparing the price signal of rate increases are the Wage Price Index (WPI), and Local Government Cost Index (LGCI) as opposed to the Consumer Price Index (CPI). Being a service industry the WPI has a significant impact on budgets, followed by the LGCI which includes a combination of CPI and construction indices to better reflect local government operations than using CPI alone.

As at March 2013 the WALGA forecast indices based on WA Treasury estimates were as follows;

WPI	4.25%
LGCI	3.2%
CPI	3.0%

Note that all indices measure 12 months in arrears. Wages growth is predicted to remain strong in WA, although job vacancy data has been particularly volatile in recent quarters which adds a degree of uncertainty to labour market forecasts.

Domestic Waste Charges Included

It is noted that general rates for 3300 domestic premises are inclusive of the refuse and recycling collection charge \$433, and ratepayers are also provided with a tip pass valued at \$45.

With the advent of weekly recycling, we are estimating collection of 1350 tonnes of recycling, general waste collection of 2050 tonnes and green waste collection of 280 tonnes from kerbside pickups.

There are 110 commercial properties for who the waste and recycling service charge will increase by \$15 to \$433 per annum.

Statutory Requirements

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*
 - (b) *a purpose for which the land is held or used as determined by the local government;*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*

- (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
- (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*

and

- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*

- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

Policy Implications

Nil

Financial Implications

As outlined, the proposed differential rates increase of 5%, plus interim rates of \$15,000 will yield an amount of \$6.001 million, which is calculated to meet the requirements of the current draft budget shortfall.

Conclusion

Differential general rates need to be endorsed for advertising with sufficient time to allow for submissions prior to adopting the draft budget.

It is important to note that Council is not bound to adopt the advertised rates – Council is simply bound to consider any comments received (no comments have been received for about 10 years). If, for example, a residential rate of 7.0939 in the dollar is advertised and Council subsequently adopts a different figure, readvertising does not need to occur.

Voting Requirements

Simple majority

RECOMMENDATION

That Council endorses a general increase of 5% across Residential and Commercial categories and calls for public submissions for the following differential rates under Section 6.36 of the Local Government Act 1995.

Differential General Rate

- Residential rate is 7.0939 cents in the dollar of (GRV)
- Commercial rate is 10.2640 cents in the dollar of (GRV)
- Minimum General Rate for any Residential Property is \$834.00 and any Commercial Property is \$1030.00

Discussion took place, mainly regarding the new fee structure for elected members, and the views of individual elected members regarding the position to adopt and what the effect on the budget would be with respect to various options.

It was agreed that elected members would give further consideration to this issue and the other budget items and provide feedback to the Executive Manager Finance &

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Administration, after which a decision would be taken with respect to holding a further budget workshop prior to the budget adoption meeting.

Cr Wilson – Cr Rico

That Council endorses a general increase of 5.5% across Residential and Commercial categories and calls for public submissions for the following differential rates under Section 6.36 of the Local Government Act 1995.

Differential General Rate

- Residential rate is 7.1277 cents in the dollar of (GRV)
- Commercial rate is 10.3128 cents in the dollar of (GRV)
- Minimum General Rate for any Residential Property is \$839.00 and any Commercial Property is \$1035.00 CARRIED

147. REPORTS OF CHIEF EXECUTIVE OFFICER**147.1 *WALGA South Metropolitan Zone Meetings, CEO as proxy***

The CEO raised the issue of serving as a voting delegate at WALGA South Metropolitan Zone meetings, in the event of one or more elected member representatives not being present, as frequently occurs.

The CEO advised other CEOs in the region had been granted this authority by their councils.

he CEO noted WALGA's current plans to commence debate on the Minister's proposed legislative changes with respect to amalgamations and expressed the view it was important Council's position be heard,

Cr Collinson – Cr Rico

In the absence of any elected member delegate to a meeting of the WALGA South Metropolitan Zone, the CEO is granted authority to participate as a voting delegate. CARRIED

147.2 *Delegated Decision Making – Town Planning & Building Committee*

The CEO raised the issue of the number of elected members currently required in order to exercise delegated decision making on the Town Planning & Building Committee notwithstanding the resignation of the former Mayor.

Elected members indicated support for a reduction in the numbers required from 5 to 4, from now until the October ordinary elections.

The CEO proposed the following motion:

“Pursuant to Council’s decision regarding delegated decision making made on 21 May 2013, in the current circumstances of the Mayor having resigned, it be the decision of Council that from 16 July 2013 until the ordinary Council elections to be held on 19 October 2013, after which the matter is to be reviewed, four Town Planning & Building Committee elected members, instead of the current five as per clause 2(a) of that decision, be sufficient to exercise delegated authority.”

Cr Wilson – Cr Martin

Pursuant to Council’s decision regarding delegated decision making made on 21 May 2013, in the current circumstances of the Mayor having resigned, it be the decision of Council that from 16 July 2013 until the ordinary Council elections to be held on 19 October 2013, after which the matter is to be reviewed, four Town Planning & Building Committee elected members, instead of the current five as per clause 2(a) of that decision, be sufficient to exercise delegated authority. CARRIED

ABSOLUTE MAJORITY



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147.3 Cr Nardi

The CEO read an email from Cr Nardi, sent from the US.

147.4 Former Mayor's Function

At the suggestion of the CEO, Cr de Jong outlined arrangements for the Mayor's farewell function, which he is organising.

147.5 Outdoor Film Events

In response to a query from Cr Martin, the CEO reiterated previous advice regarding the public turnout at the two free film nights (about 150 on each occasion) and the recent Comedy Night (a sell out).

The CEO congratulated Cr Collinson for his suggestion of the Comedy Night, which had, based on much feedback received, been a great success.

148. REPORTS OF ELECTED MEMBERS

Nil.

149. CONFIDENTIAL BUSINESS**149.1 Financial Governance Mechanisms Review July 2013**

Cr Collinson – Cr Rico

That this matter be dealt with on a confidential basis, in accordance with 5.23(2)(a) of the Local Government Act, which involves confidentiality provisions in relation to a matter relating to an employee. CARRIED

A confidential report prepared by the Executive Manager Finance & Administration was considered. **CONFIDENTIAL ATTACHMENT**

Cr Martin – Cr Olson

That:

1. a practice of committed accounting using electronic purchase orders is implemented.
2. the annual materiality in financial reporting statement be amended to read "Adopts a materiality threshold in financial reporting at each program level of 10% or \$10,000, whichever the greater, and that Council approval is required for a material change in capital project scope compared to the originally budgeted capital project plan". CARRIED

150. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING**150.1 Cr Wilson – Status Report**

"That starting in October 2013, an Ongoing Status Report of all Council decisions and requests requiring action by Council officers be submitted in writing to each monthly Council Meeting outlining the status of each decision/request and that all items be reported monthly until Council agrees that their status is 'closed'."

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

Nil.



152. CLOSURE OF MEETING

There being no further business, the meeting closed at 12.45am.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 July 2013**, Minute Book reference **123. to 152.** were confirmed at the meeting of the Council on*

.....

Presiding Member