



17 April 2012

MINUTES

## MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 17 APRIL 2012 COMMENCING AT 6.40PM.

### 67. DECLARATION OF OPENING OF MEETING

The Deputy Mayor (Presiding Member) declared the meeting open.

#### 67.1 *Present*

Cr A Wilson	Presiding Member
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 7.50pm)
Ms J May	Minute Secretary (To 9.30pm)

### 68. 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.”*

### 69. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

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

### 70. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Collinson

### 71. RECORD OF APOLOGIES

Mayor Ferris  
Cr Olson.

### 72. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

### 73. PUBLIC QUESTION TIME

Nil.

### 74. APPLICATIONS FOR LEAVE OF ABSENCE

#### 74.1 *Cr Lilleyman*

An application for leave of absence was submitted from Cr Lilleyman for the Council Meeting on 15 May 2012.

**Cr Rico – Cr Nardi**

**That leave of absence be granted to Cr Lilleyman for the Council Meeting to be held on 15 May 2012.** CARRIED

#### 74.2 *Cr Olson*

A request for leave of absence was submitted on behalf of Cr Olson for the Council Meeting on 15 May 2012.

**Cr Rico – Cr Nardi**

**That leave of absence be granted to Cr Olson for the Council Meeting to be held on 15 May 2012.** CARRIED

**75. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**75.1 Council Meeting – 20 March 2012**

**Cr Martin – Cr Nardi**

**That the Minutes of the Council Meeting held on 20 March 2012 be confirmed with the following corrections:**

**MB Ref 56.3 Royal George Hotel – Concept Proposal**

**That the following words be added at the end of the second paragraph on page 9:**

***“Mr Matthews also expressed some concerns regarding the content of the officer’s report”.***

**MB Ref 62.1(ii) Updates from CEO – Request for Noise Barriers**

**That “Cr Wilson” be replaced with “Cr Martin” in the declaration of interest (on page 24) pertaining to this item. CARRIED**

**76. ANNOUNCEMENTS BY DEPUTY MAYOR WITHOUT DISCUSSION**

**76.1 Red Cross Calling**

The Deputy Mayor read correspondence from the Australia Red Cross thanking Council for its generous donation of \$600 to the March Appeal of Red Cross Calling 2012.

**76.2 East Fremantle Junior Football Club**

The Deputy Mayor read the following correspondence from Mr French and Mr Dundon of the East Fremantle Junior Football Club:

*“Dear Stuart*

*On behalf of the players and parents of the East Fremantle Junior Football Club we would like to express our sincere thanks for the support the Council has provided the Club in upgrading the training lights at Henry Jeffery Oval.*

*The upgrade will provide a safer environment for training for many years to come and is greatly appreciated by the kids.*

*We especially acknowledge the support shown by the Council in accepting the need for the upgrade and importantly in allocating the funds to enable us to complete the upgrade in time for this season.*

*Please also note the assistance and guidance in preparing the grant application and planning applications by the Council staff was fantastic. Special mention to Ken Dyer for his efforts and enthusiasm for the duration of the project.”*

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

Nil.

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

Nil.

**79. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

**79.1 T29.6 Woodhouse Road No 5 (Lot 2)**

**A & J Robertson:** Submitting complaint regarding Council’s consultation process in relation to the development at 5 Woodhouse Road and the fact the amended plans were not circulated to them as adjoining owners.



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Cr Lilleyman – Cr Martin

That the correspondence from Mr & Mrs Robertson be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 81.5). CARRIED

**80. ORDER OF BUSINESS**

Cr Nardi – Cr Rico

That the order of business be changed to allow members of the public to address planning issues. CARRIED

**81. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**

**81.1 T29.3 Oakover Street No. 14 (Lot 344)**

*Applicant: S & J Lawson*

*Owner: S & J Lawson*

*Application No. P26/12*

Mr Lawson (applicant) addressed the meeting advising that he supported the Committee's recommendation.

Cr Martin – Cr Nardi

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

- (a) Vary the roof form requirements of the Local Planning Policy 66 Council Policy on Roofing to permit a dominant roof pitch of 27 degrees;
- (b) Vary the front setback requirements of the Local Planning Policy 142 Residential Development to permit the location of the carport 1.2m forward of the main building line;
- (c) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback from the southern wall of the carport to the southern boundary;
- (d) Vary the building height requirements of the Local Planning Policy 142 Residential Development to permit maximum wall height of 8.22m and maximum ridge height of 9.85m as depicted on the approved plans; and
- (e) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the northern wall of the Sitting Room to intrude 0.3m over the northern boundary for the construction of extensions at No. 14 (Lot 344) Oakover Street, East Fremantle, in accordance with the plans date stamped received on 21 February 2012 subject to the following conditions:
  1. The carport is to remain open-faced at all times.
  2. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
  3. That the zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
  4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
  5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  6. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  7. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
  8. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately



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controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

9. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. *(refer footnote (i) below)*
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (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

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**81.2 T29.4 Staton Road No. 46A (Lot 2 on CT 1149/606) – Proposed Boundary Wall**  
**Applicant/Owner: Aaron & Melissa Titelius**  
**Application No. P22/2012**

Mrs Broadhurst (neighbour) addressed the meeting reiterating her objections to the development proposal and thanking those elected members who had attended her property to ascertain there would be no overlooking to the subject property.

**Cr Nardi – Cr Martin**

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

That Council refuse the application for the construction of a building wall at No. 46A (Lot 2 on CT 1149/606) Staton Road, East Fremantle, as described on the plans date stamped received 3 February 2012 for the following reasons:

1. The proposed development does not comply with Design Element 6.3 Boundary set-back requirements of the Residential Design Codes of Western Australia (Clause 5.2.2 refers).
2. The proposed development does not comply with Part 3 – Side and Rear Boundary Setback Variations of the Local Planning Policy 142 Residential Development (Clause 10.2(g) also refers).
3. The proposed development does not comply with Part 4 – Views of the Local Planning Policy 142 Residential Development (Clauses 10.2(g), (j), (o) & (p) also refer).
4. The proposed development is not in keeping with the ordered and proper planning of the area (Clause 10.2(c) refers).

CARRIED

**81.3 T29.7 Philip Street No. 19 (Lot 80)**  
**Applicant: Savvy Construction Pty Ltd**  
**Owner: Robert & Karen Walker**  
**Application No. P190/11**

Mr Cole (builder) addressed the meeting supporting the Committee's recommendation.

**Cr Rico – Cr Nardi**

That the applicant be advised that Council has determined that the application for alterations and extensions at No. 19 (Lot 80) Philip Street, East Fremantle, in accordance with the plans date stamped received on 30 January 2012, shall be approved after satisfaction of the following conditions:

1. The Heritage Assessment being resubmitted to address errors and image quality, to the satisfaction of the Chief Executive Officer;
2. A detailed schedule of external materials and finishings (including paint colours) to be submitted and accepted, to the satisfaction of the Chief Executive Officer;
3. A landscape plan incorporating mature plantings to mitigate the impact of the development on the Clayton Street streetscape;

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

- (a) Vary the rear setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1.0m to the Store at the southern boundary;
- (b) Vary the front setback requirements of the Residential Design Codes of Western Australia to permit a setback of 7.2m to the Porch and Balcony at the northern boundary;
- (c) Vary the building height requirements of the Local Planning Policy 142 to permit maximum wall height of 7.3m, maximum wall height (concealed roof) of 8.1m and maximum ridge height of 10.1m as depicted on the approved plans;
- (d) Vary the site works requirements of the Residential Design Codes of Western Australia to permit fill greater than 500mm above Natural Ground Level as depicted on the approved plans;
- (e) Vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the western wall of the Porch to intrude 3.0m over the western boundary; and
- (f) vary the side (west) setback requirements of the Residential Design Codes of Western Australia to permit a nil setback for the alfresco

for the construction of extensions at No. 19 (Lot 80) Philip Street, East Fremantle, in accordance with the plans date stamped received on 30 January 2012 subject to the following conditions:

1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (*refer footnote (i) below*).
8. 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.
9. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (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

**81.4 T29.8 Pier Street No. 49B (Lot 2 on Strata Plan 40181)**

**Applicant: Brad Ladyman Architects**

**Owner: A & S Farfan**

**Application No. P4/12**

The following additional information from Carly Pidco Town Planner was considered:

*"The Town Planning & Building Committee at its meeting held on 10 April 2012 after having given due consideration to an application for a single residence resolved:*

*"That the application for a new residence at No. 49B Pier Street, East Fremantle be deferred pending the receipt of additional plans which also include clarification in relation to the provision of a rendered wall to the neighbouring property at 51A Pier Street."*

*The applicant has subsequently lodged plans date stamped 16 April 2012 (drawings dated 15/04/12) therefore point (1) of the officer's recommendation is not required.*

*It should be noted that the extent of visual privacy variation has increased due to lowering of the parapet wall against the pool. Apparently this has been designed in cooperation with the neighbour; I have some reservations. There is not time at this stage to amend the report, but I have prepared an amended recommendation should Council wish to approve the application."*

Ms Lee (adjoining owner) addressed the meeting advising that following consultation with the owners and architect for this project she was supportive of the amended plans dated 16 April 2012. She was unsure of the Town Planner's reservations however considered that if it was not possible to sit on the edge of the proposed swimming pool and look into her property, she was now generally happy with the development. Ms Lee thanked her neighbours for the opportunity to work through her concerns.

Mr Farfan (owner) addressed the meeting in support of his proposal, confirming that it would not be possible to sit on the edge of the swimming pool abutting 51A Pier Street and thanked Ms Lee for the compromises she had made to provide support for this application.

Elected members congratulated both parties in their willingness to work together to achieve an amicable solution.

**Cr Martin – Cr Nardi**

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

- (a) vary the roof form requirements of the Local Planning Policy 66 Council Policy on Roofing to permit a concealed roof form;**
- (b) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the eastern wall of the dining/living to intrude 2.3m over the eastern boundary;**
- (c) vary the visual privacy requirements of the Residential Design Codes of Western Australia the cone of vision from the major opening to the eastern wall of the swimming pool to intrude 6.0m over the eastern boundary;**
- (d) vary the building height requirements of the Local Planning Policy 142 to permit maximum wall height of 11.0m, maximum wall height (concealed roof) of 9.4m and maximum ridge height of 11.3m as depicted on the approved plans;**
- (d) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback to the dwelling at the western boundary; 1.5m setback to the gym, bar and pool deck at the western boundary; a nil setback to the parapet wall at the eastern boundary; 1.2m setback to the undercroft at the eastern boundary; and 2.3m setback to the dwelling at the eastern boundary;**

**for the construction of single dwelling at No. 49B (Lot 2092) Pier Street, East Fremantle, in accordance with the amended plans date stamped received on 16 April 2012 and subject to the following conditions:**

- 1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 2. A detailed schedule of external materials and finishings (including paint colours) to be submitted and accepted, to the satisfaction of the Chief Executive Officer.**
- 3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.**
- 7. 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.**
- 8. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.**
- 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without**





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limitation any works associated with the proposal) which are required by another statutory or public authority.

10. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (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

**81.5 T29.6 Woodhouse Road No. 5 (Lot 2)**

**Applicant: D Delahunty**

**Owner: N Miller & S Gevers**

**Application No. P47/2011**

The email from Mr & Mrs Robertson, referred from Correspondence (MB Ref 79.1) was tabled.

The following additional information from Carly Pidco, Town Planner, was considered:

*"Refer late correspondence from Andrew and Julie Robertson, received 16 April 2012, in relation to P47/2011. Please find following the officer's comments.*

- *The amended plans were not circulated to us. We were not aware of the amended plans and therefore had no opportunity to make a submission. To provide email notice to us a mere 6 hours prior to the Town Planning & Building Committee meeting is preposterous.*

The amended plans involve no substantial change to those previously approved by Council. As detailed in the officer's report, the amended plans have been submitted in response to a detailed survey of the site being undertaken, identifying that the existing side setback is 1.0m as opposed to the 1.5m noted on the approved plans. Public consultation letters were sent to the neighbour along this side boundary only, as this is the only property directly affected by the proposed setback variation. As the amended plans do not incorporate any changes to the approved plans resulting in variations that affect other neighbours (eg building height, streetscape) it was not deemed necessary to undertake wider consultation.

- We consider that any increase in wall height and decrease in eastern setback simply make our case in regards to loss of river view stronger.

Note that the amended plans propose no substantial change to those previously approved. The building height is the same as recorded in the officer's report to Council on 19 July 2011, being 7.7m. The current report to Council does not provide a detailed assessment of height as there has been no change to proposed height, nor have the relevant policies changed since July 2011.

It is acknowledged that a reduction to building setbacks may lead to a greater imposition on a neighbouring property's view corridor. However, when the development was initially assessed, perception would have greatly relied on the understanding that the proposed second storey would sit in line with the existing eastern building wall. The amended plans reflect a correction to address accuracy rather than a material increase in the eastern side setback. The officer's assessment of 19 July 2011 discussed views at length, and determined that there was no unreasonable loss of views because:

- Relative height between properties (due to natural topography) would allow the owners of No. 8 View Terrace to access views over the development at No. 5 Woodhouse. This is a vertical measure, and the horizontal eastern setback will not change this.
  - No. 8 View Terrace enjoys 180 degree views and a reasonable extent of these would be retained. The actual width of the building has not changed and the upper storey is sited as always intended, that is, in line with the existing eastern setback. There is no unreasonable net increase/decrease to views.
- We believe that the problem was and still is that no proper assessment of the impact of the development on our river views has been undertaken. Our subjective assessment remains that the previous design will result in a loss of 70% of our river view.

The July 2011 report to Council incorporated detailed discussion on the matter of views, repeated below for Council's information:

The proposed application is largely R Code compliant with the exception of the height and setback discretion which are being sought. The most significant issue is the impact on views. Under clause 10.2(p) of the Scheme, this issue must still be considered, regardless of R Code compliance.

It is important to note that it is not a sufficient ground to reject the application simply on the basis that there is some loss of neighbour's views. Whilst a subjective issue as to how "significant" and "significance" are to be measured, the usual tests involve firstly whether the views are significant or not (e.g. river views, views of ocean, harbour etc); secondly where the views are obtained or lost from (e.g. loss of a view from a living room would be more significant than a loss of a view from a laundry); thirdly the extent of the loss of views (e.g. minor, moderate, severe); and fourthly the reasonableness of the proposal that is causing the impact.

The applicant contends there is no major loss of significant views. This assessment is supported by the Town Planner based on a site visit, consideration of the plans and a view impact analysis being undertaken.

**View Impact**

The submission received from the owners of No. 8 View Terrace suggests that 70% of their views will be lost as a result of the upper floor addition. An assessment of potential view impact has been undertaken as described below:

- Site level and finished floor level information has been collected from the approved plans for No. 6 and No. 8 View Terrace and has been interpolated to refer to the Australian Height Datum information available to the Council.
- Based on the approved plans for 8 View Terrace and interpolation using 1 metre contour data from Landgate (2011), the finished floor level of the upper floor balcony at 8 View terrace is measured to be 46.02 metres AHD. In a standing position on the balcony, the owners of No. 8 View Terrace will look over the proposed upper floor additions.
- The proposed upper floor additions will not result in a loss of 70% of the rear neighbours view.
- There are numerous opportunities available to the owners of No. 8 View Terrace to increase their views including increasing the area of the small rear balcony in order to have direct access to the ocean and harbour views to the west and to increase the size of the west facing high light window to capture a larger view.

Based on the above, the application has been assessed as having only a minor impact on the existing views of No. 8 View Terrace.

The officer also provided the following comment in relation to submissions received during public consultation:

The Town Planner has visited the property at No. 8 View Terrace which is not directly adjacent to the site and is located to the south east of the site and assesses that a peripheral view to the northwest may be lost as a result of the upper floor additions but that this does not equate to 70%. The site visit confirms that a 180 degree view to the north, east and west is available from 8 View Terrace. The views available from 8 View Terrace consist of ocean views, river views, vegetation and existing roofs in the foreground.

The plan view sketch provided by the applicant demonstrates that from the centre of the balcony the main view line will not be interrupted by the upper floor additions. The applicant advises that because the proposed upper floor additions at the rear of the site (objected to by the owners of No. 8 View terrace) are compliant in terms of building height and well within the setback requirements of the R-Codes and because the repositioning of the upper floor additions would have no benefit to the owners of No. 8 View Terrace that amendments were not undertaken."

**Cr Nardi – Cr Martin**

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

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

- (a) Vary the site works requirements of the Residential Design Codes of Western Australia to permit excavation to a maximum of 0.8m within 1.0m of the side (west) boundary;
  - (b) Vary the form requirements of the Local Planning Policy 66 Roofing to permit a concealed roof form;
  - (c) Vary the maximum height requirements of the Local Planning Policy 142 Residential Development to permit a maximum wall height (concealed roof) of 8.5m, as depicted in the plans date stamped received 16 January 2012; and
  - (d) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback at the garage on the western boundary, and a 1.0m side setback to the dwelling on the eastern boundary.
- for the construction of additions to an existing dwelling at No. 5 (Lot 2) Woodhouse Road, East Fremantle, in accordance with the plans date stamped received on 16 January 2012 subject to the following conditions:
1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
  2. 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



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- received planning approval, without those changes being specifically marked for Council's attention.
3. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
  5. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
  6. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (*refer footnote (i) below*)
  7. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
  8. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
  9. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
  10. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

- (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

**81.6 T29.5 Fraser Street No. 36 (Lot 1 on Strata Plan 61319)**

**Applicant: D & S Cornwell**

**Owner: D & S Cornwell**

**Application No. P27/12**

**Cr Nardi – Cr Martin**

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

That Council refuse the application for the construction of additions and extensions at No. 36 (Lot 1 on Strata Plan 61319) Fraser Street, East Fremantle, as described on the plans date stamped received 27 March 2012 for the following reasons:

1. The proposed development is not consistent with the objectives of the residential zone as provided in clause 4.2 of the Town Planning Scheme No. 3.
2. The proposed development does not comply with Design Element 6.3 Boundary set-back requirements of the Residential Design Codes of Western Australia.
3. The proposed development does not comply with Part 3 – Side and Rear Boundary Setback Variations of the Local Planning Policy 142 Residential Development.
4. The proposed development does not comply with Part 2 – Streetscape of the Local Planning Policy 142 Residential Development.
5. The proposed development does not comply with Local Planning Policy 66 Council Policy on Roofing.
6. The proposed development is inconsistent with Clauses 1.6(a) and (b) of the Scheme (Clause 10.2(a) refers).
7. The proposed development is in conflict with LPP 142 (Clause 10.2(g) refers).
8. The proposed development is in conflict with Clause 10.2(o) of the Scheme.
9. The proposed development is in conflict with Clause 10.2(p) of the Scheme by virtue of its bulk, scale and appearance. CARRIED

**81.7 T31.1 Canning Highway No 91 (Lot 418) – Application for Removal of 91 Canning Highway from the Municipal Inventory**

**Cr Nardi – Cr Rico**

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

That Council:

1. not support the application to remove 91 Canning Highway from the Municipal Heritage List.
2. modify the Management Category attributed to the subject site (and described in the Heritage Survey 2006) from Category ‘B’ to Category ‘C’.
3. advise the applicant that Council is supportive of appropriate redevelopment of the subject site and will apply the following provisions of Management Category ‘C’ (refer below and described in the Heritage Survey 2006) in respect to the impact on the site’s heritage significance in the determination of any development proposal.

*“Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Planning Scheme and associated design guidelines; a Heritage Assessment/ Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative*

*significance of the individual place is marginal but where a collective significance is served through retention and conservation.”* **CARRIED**

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

Crs Nardi, Rico & Wilson voted in favour of the recommendation with Crs Martin & Lilleyman having voted against the motion.

## **82. EN BLOC RECOMMENDATION**

**Cr Nardi – Cr Rico**

**That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 10 April 2012 in respect to Items MB Ref 82.1 to 82.5. **CARRIED****

**82.1 T28.1 Planning & Development Services – Status Report**  
That the report be received.

**82.2 T28.2 Access and Parking Management Plan, George Street Precinct**  
That the report on the preparation of the Access and Parking Management Plan, George Street Precinct be received.

**82.3 T28.3 Review of – TPS No. 3 and Local Planning Strategy**  
That the report be received and the accompanying Draft Local Planning Strategy 2012 be considered by Elected Members for endorsement at the May Council meeting following comments from the Town Planning Advisory Panel.

**82.4 T30.1 Hillside Road No. 8 (Lot 4)**  
**Applicant: Jennifer Mullen**  
**Owner: Jennifer Mullen (Administrator for the Estate of Michael Johnson)**  
**Application No. P15/12**  
That Council approves the demolition of the existing dwelling and carport at No. 8 (Lot 4) Hillside Road, East Fremantle, subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. All waste is to be removed from the site and the site is to be continuously maintained to the satisfaction of the Chief Executive Officer.
3. 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.
4. 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.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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



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- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) 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) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

**82.5** T30.2 George Street No. 133 (Pt Lot 2 of SP41827) – Georgio's Pizza  
 Owner/Applicant: Enrico Dalessandro  
 Application P44/2011

That the application received on 21 February 2012 for signage at No. 133 George Street, East Fremantle be refused for the following reasons:

1. The proposed signage would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (a), (i), (j), (o), (p) as it is:
  - incompatible with adjoining development
  - detrimental to the heritage significance of the site
  - detrimental to the visual amenity of the area and the streetscape
2. The proposed signage does not meet the Local Planning Policy – Design Guidelines Signage performance criteria for a 'roof sign'.
3. The proposed sign does not meet the 'General Requirement For Signage' (4.12) in the Local Planning Policy – Design Guidelines Signage since it will detract from the heritage value of the building which is contained on the Municipal Inventory and Heritage List.

*The Manager Planning Services left the meeting at 7.50pm.*

## **83. FINANCE**

**83.1** *Monthly Financial Activity Statement for Period Ending 29 February 2012*  
 By Bill Bond Acting Executive Manager Finance & Administration on 20 March 2012

### **PURPOSE**

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

### **BACKGROUND**

The monthly Financial Activity Statement for the period ending 29 February 2012 is appended and includes the following:

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

### **ATTACHMENT**

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

**REPORT****Introduction/Comments**

The following is summary information on the attached financial reports:

The February 2012 year to date Financial Activity Statement report shows an overall actual surplus of \$2,801,949 compared to the year to date budget of \$1,269,926 a favourable variance of \$1,532,023.

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

The overall favourable variance of \$1,532,023 can be analysed as follows:

- The YTD actual Operating Revenue is \$7,555,483 compared to the YTD budget of \$7,564,170, a unfavourable variance of \$8,687. The total is in line with budget estimates for this period, however there are still variances associated with capital grants..
- The YTD actual Operating Expenditure is \$4,865,526 compared to the YTD budget of \$4,899,390, a favourable variance of \$33,864. This total is in line with budget estimates for this period, although there are still variances within various programs
- The YTD actual Capital Expenditure is \$1,060,090 when compared to the YTD budget of \$2,566,936 a favourable variance of \$1,506,846. The variance is due to the timing of undertaking road and building works.

**Statutory Requirements**

Local Government Act 1995 (As amended)

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

**Relevant Council Policies**

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

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The February 2012 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2011 to 29 February 2012 is presented to the Council for information.

**RECOMMENDATION**

That the Financial Activity Statement for the period ending 1 July 2011 to 29 February 2012 be received.

Elected members raised the following issues which the CEO undertook to follow up and provide information on:

- when the swimming pool inspections are scheduled to be carried out and was there any liability if they are not completed within the four year mandatory inspection period
- when the Irwin Street footpath near Marmion Street would be completed



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- whether the disability standard upgrades to some bus shelters within the district would eventually include all shelters.
- whether officers could investigate the bus shelters being installed/upgraded in relation to seating material and protection from the weather.

Cr Martin remarked that the new shelters on Riverside Road were proving very popular.

**Cr Nardi – Cr Lilleyman**

**That the Financial Activity Statement for the period ending 1 July 2011 to 29 February 2012 be received.** CARRIED

83.2

**Monthly Financial Activity Statement for Period Ending 31 March 2012**

*By Bill Bond Acting Executive Manager Finance & Administration on 11 April 2012*

**PURPOSE**

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

**BACKGROUND**

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

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

**ATTACHMENT**

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

**REPORT**

**Introduction/Comments**

The following is summary information on the attached financial reports:

The March 2012 year to date Financial Activity Statement report shows an overall actual surplus of \$2,266,684 compared to the year to date budget of \$580,945 a favourable variance of \$1,685,739

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

The overall favourable variance of \$1,685,739 can be analysed as follows:

- The YTD actual Operating Revenue is \$7,811,941 compared to the YTD budget of \$7,804,479, a unfavourable variance of \$7,462. The total is in line with budget estimates for this period, however there are still variances associated with capital grants.
- The YTD actual Operating Expenditure is \$4,263,687 compared to the YTD budget of \$5,471,657, an unfavourable variance of \$207,970. \$59,000 of this variance is due to increased HACC expenditure and \$106,000 is due to a payment being made to the City of Fremantle in April, whereas the payment had been budgeted for May.

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- The YTD actual Capital Expenditure is \$1,202,188 when compared to the YTD budget of \$3,022,002 a favourable variance of \$1,819,814. The variance is primary due to the timing of undertaking road and building works.

**Statutory Requirements**

Local Government Act 1995 (As amended)

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

**Relevant Council Policies**

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

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The March 2012 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2011 to 31 March 2012 is presented to the Council for information.

**RECOMMENDATION**

That the Financial Activity Statement for the period ending 1 July 2011 to 31 March 2012 be received.

**Cr Rico – Cr Martin**

**That the Financial Activity Statement for the period ending 1 July 2011 to 31 March 2012 be received.** CARRIED

**84. REPORTS OF THE CHIEF EXECUTIVE OFFICER****84.1 Southern Metropolitan Regional Council**

*By Stuart Wearne, Chief Executive Officer, on 16 April 2012*

**Background**

The Southern Metropolitan Regional Council (SMRC) was established in 1999 with the specific purpose to:

*Plan, coordinate and implement the removal, processing, treatment and disposal of waste for the benefit of the communities of the Participants;  
[Establishment Agreement cl 4 (a)]*

To complete these undertakings the member Councils; Cities of Cockburn; Fremantle; Melville and Rockingham and Towns of East Fremantle and Kwinana, entered into subordinate agreements called 'Projects' for individual waste project and the management of the SMRC. The key project is the Regional Resource Recovery Centre (RRRC), which manages green waste, municipal solid waste (MSW) and recyclable materials waste for East Fremantle, Fremantle, Melville and Cockburn,

In order to operate the RRRC facilities the SMRC requires a Licence from the Department of Environment & Conservation (under the Environmental Protection Act). The normal period is for a 3 year licence to be issued; however, the SMRC had recently been operating with a 6 month licence as a result of the DEC's response to earlier odour management complaints associated with its operations.

The SMRC was required to make a new licence application to the Department of the Environment and Conservation (DEC) and provide the DEC with a number of reports by

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17 March 2012. While these actions were undertaken by the due date, the new Licence subsequently issued by the DEC did not allow the processing of green waste or MSW at the RRRC after 14 April 2012.

This decision has serious consequences for the SMRC, which are outlined in this report, the most pressing of which is whether it can continue to operate.

On April 11 2012 the SMRC Board held a Special Meeting and resolved as follows:

*“Moved Cr Willis Seconded Cr Collinson*

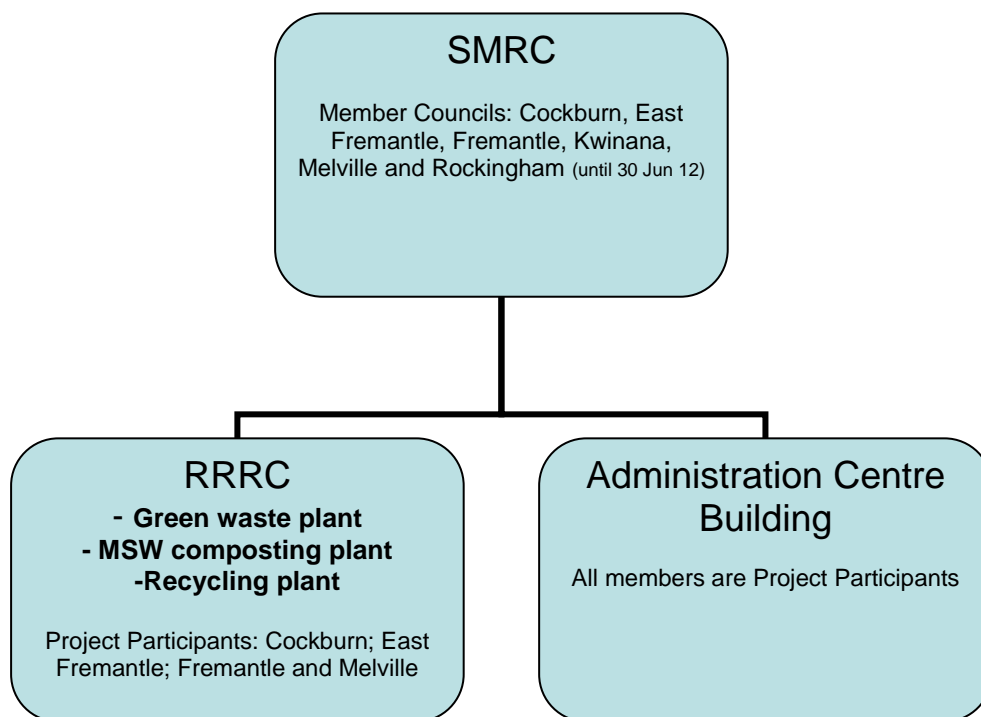
1. *The amended licence application be approved and forwarded to the Department of Environment and Conservation.*
2. *The SMRC write to the RRRC project participants seeking financial support for any waste composting facility shortfall up to the 30 June 2012 to a maximum amount of \$1,965,479 as per the following table:*

<b>Members Contribution of WCF Deficit of Q4</b>		
In the ratio of Member Tonnages up to Q3		
<b>WCF Members</b>	<b>Tonnages</b>	<b>Amount</b>
Cockburn	21,663	791,622
Melville	24,571	897,888
Fremantle	5,588	204,200
East Fremantle	1,964	71,769
Total	53,786	1,965,479

3. *In the event of no financial support from the RRRC project participants, the SMRC approves the use of funds held in the Plant, Travel & Conference and Contingency & Development Reserve Accounts for the purposes of funding its operational commitments. A notice be advertised in accordance with the Local Government Act.*
4. *In the event of no financial support from the RRRC project participants, the SMRC approves the use of funds held as unspent loans in the RRRC project for funding its operational commitments. A notice be advertised in accordance with the Local Government Act.*
5. *The A/CEO write to the Minister for the Environment and Chairman of the Waste Authority requesting funding assistance from the landfill levy to fund the primary and secondary treatment capital works for the waste composting facility.”*

### Report

The SMRC Establishment Agreement (as amended 1 December 2000) is the overarching legal arrangement between its members for the operation of the Council. This Agreement along with the two Project Participants Agreements (PPA) sees the SMRC undertake its purpose of waste processing in the following way:



The RRRC is the major undertaking of the SMRC. The PPA dated 12 April 1999, which was varied by a Deed of Variation stamped 1 December 2000, covers both the Waste Composting operations (green waste and MSW) and the Materials Recovery Facility (MRF). In order to operate these facilities the Environmental Protection Act (the Act) requires the SMRC to hold a Licence, which is issued by the DEC Chief Executive Officer (CEO).

On 30 March 2012 the DEC CEO issued a new licence that only operates from 1 April 2012 until 9 June 2012. It also required the SMRC to 'cease receiving putrescible waste by 14 April 2012' and to 'ensure all compost whether fully processed or not is removed from the site by 9 June 2012'.

This decision has serious consequences for the financial viability of the SMRC as detailed below.

Financial Viability.

The SMRC's financial position is severely compromised by this outcome. The loss of income from gate fees for the Waste Composting Plant affects the primary source of income for that operation. Since the MRF was destroyed by fire and a new facility is still under construction, that operation generates no income and has a shortfall in funding for its completion. That shortfall was provisioned for by the SMRC use of reserve funds, but this outcome is problematic if the SMRC itself ceases to exist.

Without alternate income the RRCC and in turn the SMRC will become insolvent. As this is a realistic prospect, the question of wind-up must be considered. Clause 8.20 of the Establishment Agreement states:

*The members of the Council appointed by the Project Participants of a Project may resolve, by absolute majority, to wind up the Project.*

While in the first instance this is a decision for the SMRC Board, the Town of East Fremantle's member (Cr Collinson) would be expected to accept guidance from Council as to whether this course of action should be considered.

The insolvency question relates to the income guarantee of the Participants. While the PPA requires the preparation of an annual budget for the RRRC in accordance with the

Local Government Act, the two direct income streams for operating expenses are an 'annual contribution' to operating expenses (mainly covering fixed administration expenses) and 'gate fees' for each tonne of waste delivered to the plant.

Legal advice received by the SMRC indicates the PPA did not specifically address the circumstances where an operating deficit for the project existed. While this could be accommodated year to year by way of variance to the quantum of the annual administrative contribution or the gate fees, the PPA did not contemplate a circumstance where the RRRC could not 'receive' waste, as has been conditioned in the new licence.

The capacity for the SMRC to charge a gate fee for a service it cannot perform is, in the view of the CEO, questionable. There is also a precedent when the SMRC was unable to perform a recycling service due to the MRF fire, it advised its members that in these circumstances it could not; arrange an alternative service, receive material or charge a gate fee for alternative services.

Insolvency would follow if the SMRC could not meet its financial liabilities. This is not a question for repayment of the capital debt as the PPA requires participants to make contributions for this liability regardless. But with a shortfall in operating income, insolvency is an inevitable consequence.

Clause 8.23 of the Establishment Agreement states that:

*If a Project is wound up pursuant to clause 8.20 the Project Participants shall indemnify the Regional Local Government ... with respect to that liability or debt*

Thus, in the event of these circumstances, the Town of East Fremantle and other participants would remain liable for all costs incurred by the SMRC. But as the insolvency would only follow from the RRRC not being able to receive waste and there is a process by which the SMRC can appeal the conditions imposed by the DEC on the RRRC's Licence allowing it to re-open, the question must be asked "do the participants really want the project to wind-up at this point in time?"

With all future liabilities of the SMRC ultimately guaranteed by its members, it is also open to the members to provide funding support to the SMRC for other short term contingencies. If the members continue to guarantee income for the SMRC it would be able to meet its operating liabilities and appeal the licence conditions imposed by the DEC.

It is the view of the CEO that the original intent of the Establishment Agreement remains unchanged. The Town still seeks to have the SMRC receive and process its waste and does not support returning to disposal of MSW into landfill. This position is not a financial one as it would be cheaper to use landfill, however it has always been the environmental position of the Town that land-filling is not sustainable, hence its key role in the establishment of the SMRC's forerunner in the first place and ongoing support for the SMRC. The RRRC did minimise the amount of waste going into landfill and without this there is no alternative available to the Town, other than landfill.

As an interim financial arrangement it is proposed that the participants continue to make payments to the SMRC for waste that will be diverted to landfill. This would be based on a modified SMRC gate fee, being the current gazetted fees less disposal costs directly incurred by participants. It would be a payment as an 'operating contribution', until such time as the SMRC could again receive waste. There is a precedent for this arrangement as participants have previously paid the SMRC in the circumstances where waste had to be diverted from its facilities, with this based on the gate fees for the type of waste diverted (ie green or MSW).

Licence.

The CEO believes the decision of the DEC CEO with respect to the RRRC's new Licence was harsh and did not properly take into account the financial and other implications for the SMRC and its members.

Its harshness is reflected in the timelines imposed in the conditions. A two week period for the RRRC to stop receiving waste and a 10 week period for the removal of all waste by-products (ie compost) from site, left the participants to find alternative disposal sites to commence land-filling almost immediately. (The two other waste diversion plants operating in the Perth metropolitan area are both operating at capacity and are not available to SMRC members – as the DEC was either well aware of or should have been aware of.) As well, the removal of part-processed compost may well see this also need to be disposed of at landfill, as it won't be sufficiently processed to go to the contracted processors of the finished compost. Both outcomes of this decision have poor environmental consequences.

Contrast this position to what the DEC would have been required to follow if an 'amended, revoked or suspended' licence was proposed. In these circumstances section 59B (2) of the Act would have required the CEO to provide the SMRC with a written notice prior to having invoked his decision, with such notice to:

- (a) *state the details of the proposed action; and*
- (b) *invite the holder to make representation to the CEO to show why the action should not be taken; and*
- (c) *state the period (at least 21 days after the notice is given to the holder) within which representations can be made.*

In other words, the SMRC would have been allowed a reasonable period in which to respond to the conditions being proposed and make some representation on the impact that they would have.

While the licence process allows the licence holder to initiate an appeal on the decision through an appeal to the Minister for Environment, this is a time consuming outcome and may not lead to resolution for at least six months. Meanwhile the SMRC would effectively have become bankrupt. The SMRC Board has nevertheless resolved to proceed down this path and it is recommended that the Town support this position, albeit with consideration of the discussion included in the Odour Management section of this report.

In the interim the SMRC has proposed seeking to use the section 59B provisions of the Act to seek an amended licence be issued by the DEC CEO. It is open to the DEC to consider varying the new licence to allow re-processing of MSW, most probably under stringent conditions, but such an outcome would support the financial position of the SMRC in the interim, allowing it to continue trading while addressing concerns raised by the DEC.

Odour Management.

A media statement issued by the DEC Director General, Mr Kieran McNamara, on 30 March included the following statement:

*“a new licence would be considered if the centre installs new primary treatment or enclosure and secondary odour treatment equipment, and improves its quality assurance and monitoring systems.”*

To understand the likely ramifications of this recommendation a brief commentary on the current odour management is included.

The RRRC manages odours in the following ways:

- *Containment.* The plant has engineering systems to maintain negative pressure, a vacuum like operation to contain untreated air within the plant. Failure of negative pressure will allow fugitive emissions from the plant, as occurred in February 2012 when there was a disruption to the fan systems. The plant is also fitted with electronic doors and door alarms to ensure that any opening occurs for limited periods.
- *Processing.* Waste is received at the tipping floor, where larger contaminants are removed before it moves into one of four waste digesters, which breaks the product down through anaerobic action. These are contained systems with their entry and exit points located within the plant enclosure. A ventilation system takes air from the tipping floor through a 'scrubber' before it is passed into biofilters 3 and 4. Neither of these biofilters has been identified as a source of unreasonable odour in any of the previous operational reviews. Following digester action, the waste is screened to remove contaminants and the residual compostable waste moves into a processing shed. A separate ventilation system removes air from the composting shed into biofilters 1 and 2. This part of the operation has high concentrations of dust, which requires additional management. Air is misted in the composting shed to reduce dust and increase humidity prior to it passing into the biofilters. But as this air is not 'scrubbed' prior to biofiltering, maintaining the right amount of humidity can be difficult. Biofilter 1 in particular has recently been identified to have 'hot spots' where the biofilter media has dried out. In these circumstances the biofilter odour breakdown is not as efficient as designed.

Potential modifications to the plant would include additional 'primary' odour treatment of the composting room ventilation, via a scrubbing system similar to that fitted to the tipping floor. This action should also assist to maintain the humidity of the air moving to biofilters 1 and 2, thereby increasing their reliability.

Alternatively, 'secondary' management could be undertaken by enclosure of biofilters, but specifically filter 1, with this vented to improve odour dispersion. The biofilter air can also be better blended with clean air to reduce its concentration prior to venting.

One of the reasons the neighbouring suburbs of Leeming and Melville have a higher concentration of 'odour complaints', is that under certain environmental conditions air circulation and odour dispersion is more limited.

In times of high temperature and low humidity biofilters 1 and 2 have a greater capacity to 'dry out' and operate less efficiently. Under these circumstances where there is a weak south easterly or easterly breeze, any residual odours from the biofilters disperse more slowly and drift towards these suburbs. This was precisely the set of circumstances that occurred in March 2012 when Perth experienced its hottest March on record. It also came on the back of the fan failure in February, these two outcomes resulting in increased odour complaints.

Should the SMRC proceed to install additional primary and / or secondary odour treatment, one sure way to minimise any localised amenity impacts would be for the SMRC to reduce or not receive waste when any of these systems required were off-line. This would help establish the timeline for system modifications as modified systems would have to be in place by mid December 2012, or the plant cease taking waste until at least the end of April 2013, as this is the time period which typically produces the adverse environmental conditions as can be seen in the odour complaints history (attachment 1).

#### Proposed Course of Action.

If the SMRC is to remain viable it needs to return to operations as quickly as possible. Given the environmental conditions that typically impact its operations are largely over, the following 'amendments' to the new Licence are recommended to be put to the DEC:

- The RRRRC reduces its waste input by only receiving the waste of the members. The operation receives 84,000 tonnes of MSW per annum, but only 60,000 tonnes of

which comes from the members. The reduction in throughput will reduce activity in the plant and odour generation.

- The Environmental Improvement Plan initiatives contained in the licence submission to the DEC need to proceed. The SMRC had identified a range of actions that it intended to take to the biofilters and pressure management systems that are crucial to odour management.
- To allow independent scrutiny the SMRC should make operating data from these systems available to the public via its websites. Officers from the SMRC have advised that this is possible. A similar approach was adopted by Cockburn Cement Limited, where live monitoring of the emissions from its kilns was made available via the internet. Such an outcome would allow for community oversight and should reduce distrust between the community action groups and the SMRC.
- Prior to initiating capital improvements odour modelling for each option be undertaken. This data should be shared with the community and project participants so that everyone understands the beneficial improvements and establish measurable baselines for these.

### CONCLUSION

The new Licence issued for the RRRC has serious consequences for the SMRC. The EPA's decision will have the effect of making the SMRC insolvent if the participants don't agree to providing alternative income arrangements for the SMRC.

Paying the SMRC via a 'modified gate fee' would guarantee the SMRC could remain financial avoiding a requirement to seek the RRRC to be wound up at this point in time. This does not mean the Participants would be signing a blank cheque, but it would allow time for the EPA to consider an application for licence amendments, or an appeal against the licence to be determined by the Minister.

Determining what additional odour management systems are required as well as the capital costs of each option, will require detailed engineering design and costing. The project participants will need this information prior to making any further decisions on the future of the SMRC.

Any modifications to the plant will also require approval from the DEC and in some cases also the City of Canning, who are the relevant Local Government Authority for actions required under the Planning and Development Act. Each of these actions will be subject to public scrutiny, a further way the DEC can ensure the public and local community of interest is intimately involved in this review process.

### Budget/Financial Implications

Under the proposed modified waste charges arrangement, it is believed the cost of income support to the SMRC can be accommodated within the current budget.

Proposals for additional capital expenditure will however need to be fully costed and submitted to the participants for future consideration.

### RECOMMENDATION

That Council:

1. not seek to initiate the windup of the RRRC project at this time;
2. endorse the SMRC's application for an amended operating licence for the RRRC;
3. support the lodgement of an appeal to the new licence for the RRRC; and
4. provide ongoing financial support to the SMRC through the provision of income to meet its operating expenses, by way of a modified gate fee contribution.

The Chief Executive Officer circulated an amended Condition 4 which he was proposing and an email from the Mayor outlining updated information he had received from Tim Youe (SMRC Acting CEO) today.





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Considerable discussion ensued.

**Cr Wilson – Cr Martin**

**That Council:**

1. not seek to initiate the windup of the RRRRC project at this time;
  2. endorse the SMRC's application for an amended operating licence for the RRRRC;
  3. support the lodgement of an appeal to the new licence for the RRRRC; and
  4. provide ongoing financial support to the SMRC through the provision of funding to meet its operating expenses, with the arrangements for the payment being delegated to the CEO, but not to exceed the amount of \$71,769 without further Council approval.
- CARRIED UNANIMOUSLY

**84.2 Updates from Chief Executive Officer on Various Items**

**Reform**

Further to advice given in the CEO's memo which accompanied the Agenda, information has been received which indicates the delay in releasing the Metropolitan Local Government Review Panel's Draft Findings, originally scheduled for 13 April, is likely to be approximately two weeks, ie until close to the end of April.

WALGA's originally planned member consultation dates are thus no longer valid.

Advice on the new dates is currently being awaited.

**Royal George**

Pursuant to the recent Council decision to hold a workshop with elected members and relevant staff to confirm its redevelopment options for the Royal George Hotel, the Chief Executive Officer met with the Mayor and Deputy Mayor to discuss the implementation of the decision.

One of the issues discussed was the preferred credentials of the workshop facilitator.

If it was simply a matter of seeking to ascertain, from elected members, their views on:

- what uses they would like to see established in the building
- whether Council funds should (and if so to what extent) or should not be involved, a good "generalist" facilitator is probably all that would be needed.

In fact the Chief Executive Officer believes this task could be done "in house".

However there are also building/architectural/heritage issues involved – which would suggest value in engaging an architect (as suggested by the Mayor) or heritage consultant (as suggested by the Deputy Mayor).

In addition, there are also planning issues involved, since potential uses may range from permitted, to discretionary, to prohibited.

Accordingly the CEO had suggested the merits of Jamie Douglas acting as facilitator.

The planning situation is that:

- (i) previously existing use rights have lapsed
- (ii) the SAT approved project remains approved although only has 10 months to run.

Since the meeting Jamie Douglas has indicated he would prefer to not take on this role.

The CEO is currently attempting to identify a suitable consultant to take on the role.

**East Fremantle Oval Precinct Redevelopment**

This matter was discussed at the abovementioned recent meeting with the Mayor and Deputy Mayor.

It was agreed that the considerable number of tasks which the “Framing the East Fremantle Oval Precinct” workshop concluded needed to be carried out, were, in practical terms, almost certainly beyond being managed “in house”.

It was resolved that the Department of Sport & Recreation be approached regarding a recommended project leader.

Meanwhile, in discussion with Jamie Douglas regarding the Scheme Review, it is noted the East Fremantle Oval Precinct has been identified as an investigation site for possible development potential (along with the Leeuwin Barracks site) and as a consequence Jamie Douglas has given a preliminary indication he may like to take responsibility for the project. Currently Mr Douglas is reviewing the material before a final decision is made.

**Gazebos**

The three gazebos have been installed and were immediately being well utilised by the general public.

No complaints have been received, including complaints from nearby residents.

Compliments have been received however – example attached.

**ATTACHMENT**

**Outdoor Gym**

Now that the gazebos are installed, a decision needs to be taken on the site for the installation of the next set of outdoor gym equipment.

No responses were received to the article in the last newsletter calling for suggestions.

Now the gazebos are in place, the Operations Manager is reviewing this area as a possible location for the second outdoor gym.

This area appears potentially suitable because it is well used, there are now shade structures, there is a shower in place and there is good access.

Elected members are advised however that Graeme Mackie, one of the objectors to the gazebos, has already written opposing any gym equipment being installed in the area.

**Outdoor Shower**

Elected members are advised that, following representations from Cr Lilleyman on behalf of an informal seniors swimming club, an outdoor shower will be installed in Norm McKenzie Park – with the exact location based on discussions between Cr Lilleyman and the Operations Manager.

The concrete base has already been installed.

Cr Lilleyman is thanked for bringing this matter to Council’s attention and for his advice on the issue.

**Community Perception Survey**

Attached is a copy of a letter recently received from the market research firm, Martketintel.

**ATTACHMENT**

The letter refers to a comprehensive community satisfaction survey of almost all metropolitan local governments in addition to the City of Mandurah and the Shire of Murray, which Marketintel have carried out on an unsolicited basis.

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The only metropolitan local governments not included were the Shire of Peppermint Grove and Shire of Serpentine-Jarrahdale.

In the case of Peppermint Grove, whilst data was collected, the sample size wasn't considered large enough to be reliable.

In the case of the Shire of Serpentine-Jarrahdale, there were other sample issues.

The sample size used in East Fremantle's case was considered reliable within  $\pm 10\%$ .

It was gratifying to note that the Town of East Fremantle was the highest ranked local government in terms of overall community satisfaction.

It was also of considerable interest to note, given the Minister's and Premier's "bigger is best" position, that, broadly speaking, community satisfaction tended to drop off as the size of the local government increased.

I met with Mr Bourne and found no reason to question the validity of his company's research.

The company advises it has previously been contracted to carry out research for the following local governments:

- Cities of Armadale, Fremantle, Nedlands, Gosnells, Perth, Albany, Joondalup, Belmont, South Perth, Cockburn, Melville, Subiaco, Vincent, Mandurah, Kalgoorlie-Boulder, Brisbane and Hurstville (NSW)
- Towns of Bassendean, Claremont and Victoria Park
- Shires of Roebourne, Port Hedland, Collie, Irwin, Victoria Plains and Augusta-Margaret River.

Attached is a copy of the Key Performance Measures which were surveyed and would be individually reported on. **ATTACHMENT**

I resolved to purchase the report, for a negotiated price, because I believe the report would be valuable:

- (i) in the context of responding to the government's reform agenda
- (ii) in terms of informing future service provision
- (iii) in terms of informing future community consultation by the Town.

The report should be received in about 10-14 days.

**Town Centre**

Council is advised finance is secured, such as to allow the development to proceed.

**Staff Appointments**

Attempts are still being made to recruit a new Planning Assistant.

**Manera Building**

The report from Main Roads has still not been received – a message has been left for the Main Roads' officer concerned.

**Communications Strategy/Website Management**

Advice is being awaited from Bluebottle on a revised report, which addresses both of the above issues.

Ethan, Council's current web designer/manager will be in Perth in approximately two weeks. Arrangements are being made for Ethan to meet with Bluebottle (who have already been in touch with him) at that time.

**Community Events**

A report from Cynthia Williamson is currently being awaited.

**Swan Yacht Club**

Council is still awaiting a response from the Club to a draft lease, which they have had for some time and is with the Club's solicitors for review.

**Lo Presti – Heritage Awards**

The CEO has spoken with Mary Lo Presti, who, whilst grateful for the sentiments involved, does not wish Lo Presti's to be the subject of a Heritage Award application at this time.

**Leeuwin Boat Ramp & Car Park***Design and Construction*

In accordance with the TOEF procurement policy, coastal engineers M P Rogers & Associates have been retained to provide assistance with the preliminaries and approvals process and to provide design documentation and engineering assistance during the construction phase. Advanced Design Solutions have been retained to provide design for all car park requirements including landscaping, drainage and car park set out.

*Department of Transport*

Liaison with Department of Transport Officers and MP Rogers, design engineers has been undertaken to optimise the design of the ramp and jetties.

*Swan River Trust Development Application*

An application for Swan River Trust Development approval has been lodged with the Trust and is currently under consideration. Extensive planning and design sessions were held and liaison with Swan River Trust planning officers was undertaken to ensure all design and planning issues would be compliant with the Trust's requirements. The application includes planning and design for the boat ramp, jetties, re-design of the car park, car park drainage, car park landscaping and additional associated works.

**Footpaths Plympton Precinct – King Street**

Works 50% complete. Completion expected late April to early May 2012.

**Petra Street Asphalt Resurface**

Preparation works including drainage, kerbing and new crossovers complete. Town of East Fremantle have also undertaken works on behalf of the City of Melville and will manage the project through to completion. Current value of works undertaken for the City of Melville stands at approximately \$131,000. Re-surfacing works to be completed in early May 2012.

**Riverside Road Anti Hoon Speed Cushions**

Installation works complete and under budget.

**Preston Point Road/Pier Street Roundabout**

Design works for this project required the production of a draft design incorporating Telstra Pit locations to avoid pit re-locations due to cost. The design was then subjected to a Road Safety Audit. The result of the audit required some additional design to satisfy the road safety audit, Public Transport Authority bus turning circle and speed requirements and Main Roads requirements as the Black Spot funding authority. The design has now been approved by all authorities and will be put to tender in April 2012.

**Preston Point Road Parking Embayment**

Works to be undertaken by June 2012.

**Riverside Road – Part Reconstruction**

The budget for these works was reduced to accommodate other more urgent requirements. The remaining budget will be spent to provide re-construction works to

one section of pavement opposite the Red Herring Restaurant. This section of pavement is showing increased signs of pavement failure and is the most urgent in need of re-construction. Works are expected to be undertaken before June 30 2012.

#### **Road Resurfacing Program**

This year's program included the resurfacing, kerbing and drainage works to Parker Street, Hamilton Street and Stratford Street. These works are complete.

#### **Drainage Stratford Street Catchment**

The works have included the installation of drainage pits and pipe work in the Stratford Street catchment area to intercept a portion of the peak storm water flow before it reaches the low point in Clayton Street. The works have resulted in part of the flow from Clayton St, Fraser St, Pier St and Gordon St being intercepted to take the pressure of the recently installed system adjacent to 27a Clayton Street.

The works are complete.

#### **Glasson Park Upgrade**

Initial design was subject to public consultation. Park design has received general acceptance with play equipment design subject to further consultation by Council with East Fremantle Primary School.

Works to be commenced on receipt of final play equipment design.

#### **Parks Irrigation Upgrades**

Irrigation upgrades complete on Cricket Lacrosse Club.

#### **Ulrich Park Fence**

Fence installation to Ulrich Park complete.

#### **Buildings**

##### *Old Police Station:*

1. New roof and roof tie downs, gutters, downpipes and veranda posts including new stirrups to be installed during May 2012.
2. Painting and redecoration to timber to be done.
3. Garden equipment shed constructed behind bus garage to take place of old asbestos laundry. Old laundry was used by HACC gardener. Old laundry to be demolished as per structural report recommendations.

##### *Town Hall*

1. New fire escape stairs ordered and to be installed before June 30 2012.
2. Rising damp works undertaken during April and to be completed in May.
3. Works package to investigate aircon loads and repair requirements issued to consultant engineers.
4. A request for quotation to carry out Town Hall exterior redecoration works and crack repair works has been issued to Westplan Design & Construction Pty Ltd. An initial quotation for the works has been received from Adco Services Pty Ltd.

#### **Sporting Clubs Grants**

##### *East Fremantle Tennis Club*

The following is in response to a request to Peter Field, (President East Fremantle Lawn Tennis Club) for an update on progress of the works:

*Ken, ref our telecom this morning confirm that delays of starting work with the WHRCP have occurred as follows:-*

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The original proposed start date of early/mid February was confirmed at 6th March 2012. Just prior to the 6th March advice was received from the contractor Tiger Turf that their bitumen sub- contractor had under quoted. After consultation with SportDev Australia it was pointed out to Tiger Turf that a price had been quoted and accepted plus the need for finishing before end of June. As a result Tiger turf obtained another quote and start of work was re-scheduled for Thursday 12th April with completion estimated to be 21st May 2012.

On the Thursday before Easter Tiger Turf then reverted that on checking with the drainage sub-contractor the specifications from the tender had not been met. In response Tiger Turf were informed that EFLTC had obligations to the Swan River Trust and Town of East Fremantle to conform with in respect to the drainage. Tiger Turf requested a further extension of time to obtain optional drainage quotes, which was agreed with by SportDev Australia and EFLTC.

Currently we are waiting on news from Tiger Turf.

Regards Peter F

*East Fremantle Junior Football Club*

The works to install new floodlighting to Henry Jeffrey Oval have been completed. The lights have been commissioned and early comments are very positive. See also attached letter received from Football Club today. **ATTACHMENT**

*East Fremantle Croquet Club*

This project is under construction. The light poles cross arms and light fittings are on site. Footings have been excavated, conduits installed and cables run. There has been a concern in regard the procedures to install concrete to 3 of the 4 footings due to the contractors (reporting to the Croquet Club) not following proper installation procedures. The Operations Manager has asked for an engineer's structural approval before light poles are installed. .

*East Fremantle Tricolore Soccer Club*

This project is at public consultation stage. The Club advises works are ready to proceed as soon as approvals are received. The Club has been advised that Department of Sport and Recreation may not approve extensions of time for completion of the works. The Operations Manager has advised the Club to ask their electrical contractor if it is possible to install the replacement lights on the existing poles and any other works which could be undertaken and which are not affected by the public consultation process. This will give the Club the opportunity to commence works sooner and identify any issues which may affect the installation of the 3 new poles.

*East Fremantle Cricket Club*

A new synthetic wicket has been installed prior to the 2011 – 12 season.

General discussion took place on the CEO's report with the following items being raised:

- **Reform**  
The CEO advised that it appeared some CEOs/Mayors were privy to advanced information regarding the contents of the Draft Findings.
- **Royal George**  
Cr Martin suggested a potential facilitator for the Royal George workshop, in addition to the facilitator the Town Planner had recommended. The Chief Executive Officer undertook to make enquiries.
- **Outdoor Gym**  
Comments were made regarding the suitability of the "gazebo area". It was suggested consideration also be given to non river areas, such as Lee Park. The CEO to follow up with Operations Manager.

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- **Bluebottle Consultancy**  
Cr Martin sought further information on the progress of the communications audit, which the CEO responded to.
- **Special Events**  
Cr Martin sought information on the progress of the special event which had been planned to take place this financial year.  
  
The CEO advised that Cynthia Williamson had subsequently raised with him her concerns regarding the timing of this event, which was an outdoor concert planned for Locke Park, from a weather point of view. In that context Cynthia proposed submitting a revised program, which the CEO said he would forward to elected members for their consideration when this was received. However the revised program had not yet been received. The CEO stated he would follow up on this.
- **Glasson Park Upgrades**  
In response to a query from Cr Lillyman regarding who was managing the East Fremantle Primary School consultation process, the CEO advised this was in the hands of the Mayor, as per Council's decision.

*The Minute Secretary left the meeting at 9.30pm.*

**84.3 Mermaid Sculpture**

Following discussion, elected members expressed a unanimous view that the offer regarding this sculpture not be taken up.

**84.4 ANZAC Day Service**

The CEO reminded elected members of this service which will take place at the Memorial Rose Garden in Preston Point Road, commencing at 9.20am on Wednesday, 25 April 2012.

The CEO advised a memo on the matter will be forwarded to elected members.

**84.5 KidSport**

The CEO outlined Council's involvement in this program, which had recently been initiated by the Department of Sport & Recreation, and which allows eligible youth in the Town, aged between 5-18 years, to apply for financial assistance to contribute towards club fees.

The CEO had sought Council's involvement in the Program, which had initially only been offered to selected local governments.

A number of residents in the Town have already received funding under the program.

**84.6 Reduction in Penalty for Overdue Council Rate Payments**

The CEO outlined the background to this issue, which had recently been imposed on all local governments by the Minister and his Department, with almost no consultation (and certainly none in the Town's case).

**84.7 SRT Senior investigations Officer**

The CEO advised this officer had offered to make a presentation to Council officers and asked if elected members would also be interested in receiving a presentation. Elected members indicated agreement with the proposal.

**84.8 Dog Petition**

Cr Martin raised this issue.

The CEO advised competing issues had meant an officer's report had not been finalised, whilst noting the Senior Ranger had prepared a draft report.

The CEO advised he had however given the issue some consideration, and believed there may be merit in seeking advice from a canine behaviourist, as decisions related to potential interactions between dogs and members of the public and in particular children, needed to be soundly based.

Elected members indicated support for this.

Cr Wilson mentioned information she had noted in respect of how a Victorian local government, Port Phillip, managed the issue, apparently, using in part designated times and seasons.

Cr Wilson undertook to provide the CEO with further advice on this.

**84.9 "Zephyr island"**

Issues were raised as to whether this erosion control measure was working. The Chief Executive Officer undertook to follow up again with the Operations Manager, having already done so once in response to complaints from Wendy Wisniewski at which time the Operations Manager advised the measure was working exactly as intended.

**84.10 Wauhop Park Lights**

The CEO advised he would follow up with the Manager Planning Services with respect to the status of the public consultation.

**84.11 Weekly Recycling**

The Chief Executive Officer undertook to follow up on this.

**85. CONFIDENTIAL BUSINESS**

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

Nil.

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

Nil.

**88. CLOSURE OF MEETING**

There being no further business, the meeting closed at 10.32pm .

*I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 17 April 2012, Minute Book reference 67. to 88. were confirmed at the meeting of the Council on*

.....

\_\_\_\_\_  
*Presiding Member*