



15 November 2011

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 NOVEMBER, 2011 COMMENCING AT 6.31PM.

294. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

294.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 8.30pm)
Ms J May	Minute Secretary

295. 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.”

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

There were 14 members of the public in the gallery at the commencement of the meeting.

297. RECORD OF APPROVED LEAVE OF ABSENCE

Cr de Jong

298. RECORD OF APOLOGIES

Nil.

299. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

300. PUBLIC QUESTION TIME

Nil.

301. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

302. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

302.1 Council Meeting – 18 October 2011

Cr Martin – Cr Nardi

That the Minutes of the Council Meeting held on 18 October 2011 be confirmed with the following correction to MB Ref 289.1(A) Election of Town Planning & Building Committee (Private Domain):

“That Cr Lilleyman did not nominate, nor was appointed to the Town Planning & Building Committee (Private Domain).”

CARRIED

303. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.



15 November 2011

MINUTES

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

Nil.

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

305.1 Cr Collinson

“That the Town of East Fremantle:

1. *Demonstrate its support for the use of rail to transport grain to port and the retention of the “Tier 3” railway lines in particular by joining the Wheatbelt Rail Retention Alliance and contributing \$1,000 to its trust fund.*
2. *Encourage all metropolitan councils to join the alliance.*
3. *Convey its position to WALGA and encourage WALGA to lobby for the retention of the “Tier 3” lines and the use of rail as the best means of transporting grain to port regardless of State Government expenditure on roads.”*

Cr Rico – Cr Lilleyman that this matter be held over until town planning applications had been considered. CARRIED

306. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

306.1 T132.4 Staton Road No 57 (Lot 2)

K Powell: Advising she would attempt to resolve for herself what may be seen from 57 Staton Road into her residence with the door off the courtyard open. If she was unable to do this satisfactorily she would contact the Town Planner to take photos.

Cr Nardi – Cr Rico

That the correspondence from Ms Powell be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 311.5). CARRIED

306.1 T133.6 Preston Point Road No 136 (Lot 4954)

F Caputi: Seeking support for a revised proposal that would see a portion of the main building line being brought forward in line with the proposed garage line at 136 Preston Point Road.

Cr Nardi – Cr Rico

That the correspondence from Mr Caputi be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 311.4). CARRIED

307. 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

308. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

308.1 Draft Local Planning Policy – Town Centre Redevelopment Guidelines

Ms Lowe (resident) addressed the meeting seeking clarification on a number of issues, including:

- Were parking levels calculated a part of the eight storeys?
The Manager Planning Services advised that parking levels were included in the eight storey limit however advised that services located on the roof could intrude above eight storeys.
- Was Council in a position to request that the developers assist existing tenants?



15 November 2011

MINUTES

The Manager Planning Services advised that Council had no control of the relocation of existing tenants during the construction stage of any new development

Considerable discussion took place on the issue of height restrictions on plant and external structures.

Cr Wilson sought the inclusion of a statement regarding the development as a neighbourhood activity centre as determined by the State Planning Policy.

Cr Rico advised that she considered some of the objectives contained in the Policy to be weak, unspecific and loose and requested Council defer the matter pending further consideration of the wording of the Policy.

309. ADJOURNMENT

Cr Wilson – Cr Collinson

That the meeting be adjourned at 7.10pm for a short break.

CARRIED

310. RESUMPTION

Cr Rico – Cr Martin

That the meeting be resumed at 7.20pm with all those present prior to the adjournment, in attendance.

CARRIED

311. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) (CONTINUED)**311.1 Draft Local Planning Policy – Town Centre Redevelopment Guidelines (Continued)**

Cr Nardi – Cr Olson

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

That:

1. *pursuant to clause 2.4.2 of the Town of East Fremantle Town Planning Scheme No 3, Council adopt the amended Local Planning Policy – Town Centre Redevelopment Guidelines.*
2. *CRG members, submitters and attendees at the Public Forum be advised by open letter of Council's determination and changes to the LPP.*

Amendment

Cr Wilson – Cr Martin

That Element 3 "Acceptable Development Standards" of the Local Planning Policy – Town Centre Redevelopment Guidelines be amended to include a notation after the second dot point:

"Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area."

CARRIED

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

Crs Nardi, Martin, Lilleyman, Olson, Wilson and the Mayor voted in favour of the recommendation with Crs Rico and Collinson having voted against the motion.

Amendment

Cr Wilson – Cr Olson

That Element 3 of the Local Planning Policy – Town Centre Redevelopment Guidelines be amended to include the following words after the dot point relating to regional hierarchy:

" – fulfil the function of neighbourhood activity centre as determined by the State Activities Centres Policy."

CARRIED

The motion as amended was submitted.



15 November 2011

MINUTES

Cr Nardi – Cr Olson

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

That:

1. pursuant to clause 2.4.2 of the Town of East Fremantle Town Planning Scheme No 3, Council adopt the amended Local Planning Policy – Town Centre Redevelopment Guidelines with the following further amendments:
 - That Element 3 "Acceptable Development Standards" of the Local Planning Policy – Town Centre Redevelopment Guidelines be amended to include a notation after the second dot point:
"Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area."
 - That Element 3 of the Local Planning Policy – Town Centre Redevelopment Guidelines be amended to include the following words after the dot point relating to regional hierarchy:
" – fulfil the function of neighbourhood activity centre as determined by the State Activities Centres Policy."
2. CRG members, submitters and attendees at the Public Forum be advised by open letter of Council's determination and changes to the LPP. CARRIED

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

Crs Nardi, Martin, Lilleyman, Olson, Collinson, Wilson and the Mayor voted in favour of the recommendation with Cr Rico having voted against the motion.

A member of the gallery who identified herself as having previously distributed flyers to residents expressing concerns regarding the proposed Guidelines stated that she did not consider Council had given enough consideration to the many submissions received in response to the issues raised in the flyer.

**311.2 T132.1 Canning Highway No 231 & Irwin Street No 5 (Lots 500 and 1852 respectively)
Proposed 10 dwellings
Applicant: Paintessa Developments Pty Ltd
Owner: Peter Paino
Application No. P58/2011**

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

Cr Martin – Cr Nardi

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

That Council grant approval for the construction of eight grouped dwellings at 231 Canning Highway and two, single dwellings at No. 5 Irwin Street, East Fremantle in accordance with the amended plans date stamp on 5 October 2011, by exercising discretion in respect to the following variations and subject to the following conditions:

- (a) variation to the R-Codes to allow:
 - (i) for cut and fill of material in excess of 1 metre in depth,
 - (ii) lack of communal rubbish bin storage for units 1-3 and Units 6-8 (inclusive)
 - (iii) boundary wall setbacks for Units 1-10 (inclusive).
 - (b) variation to LPP 66 – roof pitch is less than 28 degrees for the dominant elements.
 - (c) variation to LPP 143 – front fencing to Canning Highway exceeds the maximum height of 1.8 metres by 100mm and is not visually permeable above 1.2 metres
 - (d) variation to LPP 123 – crossovers to allow the shared accessway to have a crossover width of 3.5 metres and the removal of 3 street trees (Absolute majority of Council required).
1. prior to the installation of any externally mounted air conditioning plant, a development application, which demonstrates that noise from the air



15 November 2011

MINUTES

- conditioner will comply with the Environmental (Noise) Regulations 1997 (see footnote (i) below) is to be lodged and approved by Council
2. prior to the issue of a Building Licence, a landscape plan, prepared by a qualified landscape architect, shall be submitted and approved by the CEO. The landscape plan shall include details of all plant species to be introduced and retained, a management plan for the installation and maintenance of all landscaped areas inclusive of adjacent street verge and road widening areas and an irrigation plan. The landscape plan shall also address the practicality and detail the method, for the relocation of existing street trees as identified on the Planning Application as to be removed and relocated and specify the means and location for the installation of any replacement new street trees and their ongoing maintenance. "Any new street trees planted pursuant to this application shall be mature stock with a minimum bag size of 300 litres.
 3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. the proposed dwellings are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 7. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 8. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 9. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 10. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost is to be borne by the applicant.
 11. any new crossovers which are constructed under this approval are to be at the applicant's expense and have a maximum width of 3.0m except for the shared accessway which shall have a maximum width no greater than 3.5m. The footpath is to continue uninterrupted across the width of the site and the crossovers are to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers. Any modifications to the footpath resulting from this planning approval to be at the applicant's expense,
 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.



15 November 2011

MINUTES

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 owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the 'alfresco' areas may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED
ABSOLUTE MAJORITY

Cr Collinson made the following impartiality declaration in the matter of 12 Silas Street: "As a consequence of the applicant being known to me, as my doctor operates from the East Fremantle Medical Centre, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

311.3 T132.3 Silas Street No. 12 (Lot 594)

Applicant: John Kirkness

Owner: Desert Storm Pty Ltd

Application No. P146/11

Dr Fine (owner) answered queries from elected members.

Cr Martin – Cr Olson

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

That Council grants approval for a variation to Car Parking Standards in Schedule 11 of Town Planning Scheme No 3 from 26 onsite bays to 19 onsite bays for the construction of alterations and additions to the medical practice offices at 12 Silas Street comprising:

- enclosure of undercroft car parking area to create 111m² of floor space
 - development of 18 on site car spaces and a service vehicle/ambulance bay
- in accordance with the plans date stamp received on 27 September 2011 subject to the following conditions:
1. if it is intended to install air conditioning, prior to the installation of externally mounted air conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997. (refer footnote (i) below)



15 November 2011

MINUTES

2. the maximum number of consulting rooms to be used by Health Care Professionals (doctors and nurse specialists) to treat patients at any one time shall not exceed six.
3. the applicant shall amalgamate of Lots 594 and 621 as shown on the Proposal Plan and will meet all conditions of subdivision and have attained a new Title for the amalgamated Lot on or before twelve months from the date of this approval.
4. prior to the issue of a Building Licence, a Landscape Plan, prepared by a qualified Landscape Architect, shall be submitted and approved by the CEO. The Landscape Plan shall include details of all plant species to be introduced and retained and a management plan for the installation and maintenance of all landscaped areas inclusive of adjacent street verge. No trees on the subject property or the adjacent street verge are to be removed prior to receipt and approval of the landscape plan.
5. any crossovers constructed pursuant to this approval shall be at the applicant/s expense and shall not exceed 3 metres in width and shall comply with Councils Local Planning Policy LPP 123- Crossover Policy
6. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
7. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
8. with regard to the plans submitted with respect to the building 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.
9. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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.
11. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *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



15 November 2011

MINUTES

311.4 T133.6 Preston Point Road No. 136 (Lot 4954) – Alterations inc. Balcony
Owner/Applicant: Virgilio & Regina Ferreira
Application No. P118/2011

The following additional information prepared by the Town Planner was considered:

Committee considered an Application for alterations/additions to an existing 2 storey residence at No. 136 Preston Point Road, East Fremantle and resolved to adopt the Officer's recommendation which included Condition No. 1 which reads as follows:

"Prior to the issue of a building licence amended plans shall be submitted and approved to the satisfaction of the CEO which incorporate the retention of the existing alignment of the garages."

The applicants and their builder have met with Council's planning staff in the week between Committee and Council and have submitted a letter of justification outlining why approval is sought for the garages to extend forward of the main building line. In addition, the applicants have submitted a revised plan with an alternative proposal for Council consideration. The applicant's letter and revised plans are attached to this memo.

The revised plans propose to retain the alignment of the western most garage and to pull forward the front wall of the eastern garage by 1.23 metres. The revised plans also propose to pull forward the front wall of the house to line up with the front of the garage in an effort to reduce the streetscape impacts. The revised plans propose to articulate the front elevation which will also assist in providing visual interest to the frontage of the residence by staggering the front wall of the residence and by constructing a feature wall on the western side of the portico to provide for a protected entry and to provide visual interest to the west.

The revised plans are considered to be a better design outcome for the following reasons:

- *The applicant's are undertaking additions to an existing and dated residence which already contains two garages that are forward of the main building line.*
- *The increase in the length of the garage addresses the applicants desire to allow for the parking of his vehicles in a secure location.*
- *The application proposes to comply with all other requirements of the R-Codes and Council Policies.*
- *The revised design is a better design outcome to the existing situation and the initial proposal because it will assist in articulating the frontage of the residence by stepping back the western garage element and by pulling forward a new portico entry at the front of the residence.*

Based on the above, it is considered that Council could consider an alternative recommendation which would reword Condition No. 1 as follows.

"Prior to the issue of a building licence amended plans shall be submitted and approved to the satisfaction of the CEO which incorporate the retention of the existing alignment of the western garage and which pulls forward the front wall of the residence (east of the proposed portico) to align with the proposed alignment of the eastern most garage."

The letter from Mr Caputi, referred from Correspondence (MB Ref 306.2) was tabled.

Mr Caputi addressed the meeting in support of the revised proposal submitted.

Cr Martin – Cr Wilson

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

- (a) variation to the setback requirements to allow an upper floor setback of 2.8 metres to the western boundary in lieu of the 3.5 metres required under the Policy.**



15 November 2011

MINUTES

- (b) variation to the privacy requirement to allow an existing unscreened balcony to be located closer than 7.5 metres to a boundary.
- for the construction of alterations and additions and a side fence to the residence at No. 136 Preston Point Road in accordance with the plans date stamp received on 12 and 19 August 2011, subject to the following conditions:
1. Prior to the issue of a building licence amended plans shall be submitted and approved to the satisfaction of the CEO which incorporate the retention of the existing alignment of the western garage and which pulls forward the front wall of the residence (east of the proposed portico) to align with the proposed alignment of the eastern most garage.
 2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 5. 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 and clear of all boundaries.
 7. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
 8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (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 owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

311.5 ***T132.4 Staton Road No. 57 (Lot 2)***
Application No. P91/09
Owner: W & C Zalewski
Applicant: Kim Stirling Architects

The email from Ms Powell, referred from Correspondence (MB Ref 306.1) was tabled.

**Cr Nardi – Cr Martin**

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

Council exercises its discretion to allow a sitting room window that is only partially screened to be closer than 6 metres to the boundary and grants approval for modifications to the existing approval at No. 57 Staton Road, East Fremantle, as shown on plans date stamped 4 October and 2 November 2011 and subject to the following conditions, which are in addition to the requirements of the Planning Approval dated 26 November 2009, 20 July 2010 and the 15 February 2011:

1. If it is intended to install air conditioning, prior to the installation of externally mounted air conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997. (*refer footnote (c) below*)
2. Prior to the issue of a Building Licence, revised plans are to be submitted which demonstrate that the screen walls associated with the sitting room meet the screening requirements of the R-Codes.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. 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) *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

312. EN BLOC RECOMMENDATION

Cr Nardi – Cr Lilleyman

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 8 November 2011 in respect to Items MB Ref 312(A) to 312(G).

CARRIED

(A) T132.2 No. 73 (Lot 390) Duke Street, East Fremantle

Owner/Applicant: Jim Lyon

Application No. P153/11

That Council exercise its discretion in approving a boundary wall along the northern boundary of the site and grant approval for the construction of a garage with an upper floor loft in the rear yard of No. 73 Duke Street, East Fremantle in accordance with plans date stamp received on the 30 September 2011, subject to the following conditions:



15 November 2011

MINUTES

1. The loft bedroom above the garage shall not be leased for short stay accommodation or as any form of rental property, cannot be sold independently of the main dwelling and can only be used by a member of the family of the occupiers of the main dwelling.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. all stormwater is to be disposed of on site, clear of all buildings and boundaries.
6. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
7. 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.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(B) T133.1 King Street No. 92 (Lot 1) – Alterations-Additions

Applicant: Graham Kershaw Architect

Owner: Feonagh Campbell Cooke

Application No. P144/2011

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

- variation to the requirements of LPP No. 142 to allow an additional boundary wall that is the second on the property to the southern boundary

for the construction of additions to the residence at No. 92 (Lot 1) King Street in accordance with the plans date stamp received on 26 September 2011, subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without
4. all stormwater is to be disposed of on-site and clear of all boundaries.



15 November 2011

MINUTES

5. prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
6. face by way of agreement between the property owners and at the applicant's expense.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (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 owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*

(C) T133.2 Oakover Street No. 22 (Lot 340)
Owner/Applicant: Rod & Bindi Pavlovich
Application No. P227/2010

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

- variation to Local Planning Policy 143 to allow the boundary fencing (which includes retaining walls) along Millenden Street to extend to a maximum height of 2.25m.
- variation to LPP 143 to allow the pillars associated with boundary fencing (which includes retaining walls) along Oakover Street to extend to a height of 2.2m.

for the construction of a front and side fence at 22 Oakover Street, East Fremantle in accordance with the plans date stamp received on 16 December 2010 (and subsequently amended by correspondence date stamp received on 9 September 2011) subject to the following conditions:

1. The fence to be made visually permeable above 1.2 metres between the western most two pillars on Millenden Street within 60 days of the date of building licence approval.
2. The height of the wall between the fence pillars to be reduced to a height of 1.975 metres with a maximum pillar height of 2.25 metres along the Millenden Street boundary within 60 days of the date of building licence approval.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have



15 November 2011

MINUTES

received planning approval, without those changes being specifically marked for Council's attention.

6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(D) T133.3 Duke Street No. 76 (Lot 497), East Fremantle

Owner: Roderick and Sarah Travis

Applicant: John Chisholm

Application No. 139/2011

That Council exercises its discretion and approve a setback of 1.1 metres to the southern boundary in lieu of the 1.5 metres required under the R-Codes and grant approval for the construction of alterations and additions to the residence at No. 76 Duke Street, East Fremantle in accordance with the plans date stamp received on 8 September 2011 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(E) T133.4 George Street No. 150 (Lot 79), East Fremantle

Owner/Applicant: Rowan & Jill Strong

Application No. 157/2011

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

- (a) a variation to the requirements of LPP No 142 to allow an additional boundary wall on the west/side boundary;
- (b) a variation to the R-Codes to allow site works to exceed 0.5 metres by 0.2 metres;
- (c) a variation to the requirements of LPP No 143 to allow for a dividing fence 1.9 metres high in lieu of the 1.8 metre maximum



15 November 2011

MINUTES

for the construction of additions to the residence at No. 150 George Street (Lot 79), East Fremantle in accordance with the plans date stamp received on 12 October 2011 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. all stormwater is to be disposed of on site and clear of all boundaries.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(F) T133.5 Glyde Street No. 82 (Lot 167) – Retaining Wall

Owner: Steven Bell

Applicant: Tony Cattalini

Application No. P84/2011

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

- variation to the north side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.0m.

for the construction of a limestone retaining wall to the rear of the residence at No. 82 Glyde Street in accordance with the plans date stamp received on 6 October 2011 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. all stormwater is to be disposed of on-site and clear of all boundaries.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



15 November 2011

MINUTES

- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

(G) **T134.1 Assessment of Consultant Proposals – Review of Local Planning Strategy and Town Planning Scheme No.3**

That the report, which concluded that the proposal by Eugene Ferraro of Ferraro Planning & Development Consultancy to undertake a Review of the Local Planning Strategy and Town Planning Scheme No 3 had been accepted, be received.

313. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS (CONTINUED)

313.1 Cr Collinson (Continued)

“That the Town of East Fremantle:

- 1. Demonstrate its support for the use of rail to transport grain to port and the retention of the “Tier 3” railway lines in particular by joining the Wheatbelt Rail Retention Alliance and contributing \$1,000 to its trust fund.*
- 2. Encourage all metropolitan councils to join the alliance.*
- 3. Convey its position to WALGA and encourage WALGA to lobby for the retention of the “Tier 3” lines and the use of rail as the best means of transporting grain to port regardless of State Government expenditure on roads.”*

Cr Collinson circulated information regarding this matter including a copy of the resolution passed by the City of Fremantle at its meeting of 28 September 2011. **ATTACHMENT**

The Chief Executive Officer advised that no written report from him or other advice had been prepared in relation to Cr Collinson’s foreshadowed motion, due to other priorities, not that it was incumbent on officers to do so in a situation such as this.

The CEO noted one option for elected members would be to defer a decision pending written officer’s advice.

Nevertheless, based on what he had read on the issue and factoring in recent developments which had the potential to impact adversely on the Town, the CEO advised that any formal report from him was likely to recommend approval of the motion.

The CEO noted:

- Past decisions in relation to the closure of rail lines by Liberal Governments (eg the Perth to Fremantle line) which has proved shortsighted.
- Strong opposition to the closures by the locally affected communities, with a petition containing more than 4,000 signatures recently presented to Parliament.
- The fact Minister Buswell had refused to guarantee the Perth Metropolitan area would not see an increase in trucks on metropolitan roads following the closure of the lines.
- The lobbying power of the road transport industry.
- A single 30,000 tonne “grain train” would need to be replaced with more than 1,000 truck movements (between 57,166 and 85,362 extra truck movements had been calculated).
- The alarming significant drop in the number of containers being moved from the Port of Fremantle by rail, under the current government (from 17% in 2007 to 11% in 2011) despite the Freight Network Review target of 30%, which Alannah MacTiernan had previously strongly pushed for when in government.
- Concerning transport developments in relation to transport and the Port of Fremantle including the proposed widening of High Street; the mooted widening of the Stirling Bridge and Stirling Highway extension through the Town of East Fremantle and through to High Street and the mooted building of a second bridge, possibly crossing the river near to or in the Town of East Fremantle. All of these developments (involving in the main the concept



15 November 2011

MINUTES

of “freight corridors”) had the potential to adversely impact on the Town and in that context any message that the Town supported rail over trucks may be the best message to send, even though it was acknowledged in this case most of the traffic would involve Cockburn and Kwinana.

- Typically financial comparisons between road and rail failed to properly factor in:
 - ongoing maintenance costs of roads with damage significantly disproportionately due to heavy trucks
 - potential need to upgrade roads or build new roads to cope with extra traffic burden
 - cost of road accidents
 - increased pollution and greenhouse gas emissions.
- Local roads are the responsibility of local government whilst rail is not.

Cr Lilleyman opposed the proposed resolution and circulated information which expressed a contrary view to that of Cr Collinson. **ATTACHMENT**

Cr Collinson – Cr Nardi

That the Town of East Fremantle:

1. **Demonstrate its support for the use of rail to transport grain to port and the retention of the “Tier 3” railway lines in particular by joining the Wheatbelt Rail Retention Alliance and contributing \$1,000 to its trust fund.**
 2. **Encourage all metropolitan councils to join the alliance.**
 3. **Convey its position to WALGA and encourage WALGA to lobby for the retention of the “Tier 3” lines and the use of rail as the best means of transporting grain to port regardless of State Government expenditure on roads.**
- CARRIED**

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

Crs Nardi, Martin, Olson, Collinson and Wilson voted in favour of the recommendation with Crs Lilleyman, Rico and the Mayor having voted against the motion.

The Manager Planning Services left the meeting at 8.30pm.

314. FINANCE**314.1 Minutes of Audit Committee – 3 November 2011**

Cr Olson – Cr Nardi

That the Minutes of the Audit Committee Meeting held on 3 November 2011 be received and adopted. **CARRIED**

314.2 Monthly Financial Activity Statement for Period Ending 31 October 2011

By Bill Bond Acting Executive Manager Finance & Administration on 9 November 2011

PURPOSE

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

BACKGROUND

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

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

The attached Financial Activity Statement is prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; with additional material to

provide Council with easy to understand financial information on Council activities undertaken during the financial year.

REPORT

Introduction/Comments

The following is summary information on the attached financial reports:

The October 2011 year to date Financial Activity Statement report shows an overall actual surplus of \$4,706,336 compared to the year to date budget of \$4,216,466 a favourable variance of \$489,870.

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 \$489,870 can be analysed as follows:

- The YTD actual Operating Revenue is \$6,587,874 compared to the YTD budget of \$6,556,028, a favourable variance of \$31,846. The variance is due primarily to higher than budgeted rate revenue, earlier than anticipated receipt of HACC and Capital grants and a favourable variance in Commercial Waste Service charges.
- The YTD actual Operating Expenditure is \$2,461,738 compared to the YTD budget of \$2,273,587, an unfavourable variance of \$188,151. The variance is due primarily to higher than anticipated expenditure in the HACC program, the second quarterly instalment to Glyde In Community Group of \$21,000, additional road maintenance work on verges, street cleaning and drainage, and as we are behind on capital works the recovery of Public Works Overheads from this area has not been recouped.
- The YTD actual Capital Expenditure is \$344,496 when compared to the YTD budget of \$939,006 a favourable variance of \$594,510. 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 October 2011 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 October 2011 is presented to the Council for information.

RECOMMENDATION

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



15 November 2011

MINUTES

Cr Olson – Cr Nardi

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

314.3**Accounts for Payment – October 2011**

By Bill Bond, Acting Executive Manager Finance & Administration on 9 November 2011

PURPOSE

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

BACKGROUND

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

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

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

RECOMMENDATION TO COUNCIL

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

<i>October 2011</i>		
Voucher Nos	Account	Amount
4231 - 4248	Municipal (Cheques)	\$16,580.61
EFT 14560 – EFT 14681	Electronic Transfer Funds	\$516,484.41
Loans	Electronic Transfer Funds	-
Payroll	Electronic Transfer Funds	\$154,340.23
	Municipal Total Payments	\$687,405.25

Cr Collinson – Cr Lilleyman

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

314.4**Review of Purchasing Policy F8.4**

By Bill Bond Acting Executive Manager Finance & Administration & Terry Paporone, Chief Clerk on 26 October 2011.

BACKGROUND

As part of Council's ongoing Policy review process it would be of benefit to review the thresholds placed on obtaining quotations for Council purchases.

The Local Government Act (Functions and General) Regulations, 1996, as amended in March 2007, was published in the Government Gazette on 2 February 2007. The amendments to the Regulations were as follows:

- An increase in the current tender threshold from \$50,000 to \$100,000; and
- The requirement for local governments to prepare or adopt and implement a Purchasing Policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, **or is expected to be**, \$100,000 or less.

COMMENTS

Based on Council's current Purchasing Policy F8.4 - Thresholds section (1.6), it would be of assistance if the thresholds for quotations were amended to alleviate the problems currently being experienced by Council officers in obtaining extra quotations for daily ongoing operational purchases, creating unnecessary extra workload. Amending this requirement would also simplify Council's annual audit whilst maintaining best practice.

Set out hereunder is considered an appropriate course of action to improve workflow whilst ensuring best practice is kept to a maximum amongst Council's workforce.

Current Purchasing Thresholds:

Amount of Purchase	Model Policy
Up to \$1,000	Direct purchase from supplier requiring only two verbal quotations.
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Proposed New Purchasing Thresholds:

Amount of Purchase	Model Policy
Up to \$500	Direct purchase from supplier requiring only one verbal quotation.
\$501 - \$1,500	Obtain at least two verbal or written quotations.
\$1,501 - \$5,000	Obtain at least three verbal quotations.
\$5,001 - \$40,000	Obtain at least three written or verbal quotations.
\$40,001 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process

POLICY IMPLICATIONS

Amendment to Purchasing Policy – Finance F8.4,- Thresholds section 1.6, as per officer's recommendation shown below.

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

That the Purchasing Policy – Finance F8.4, be amended to read as follows:

**1.1 OBJECTIVES**

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Town of East Fremantle.
- To ensure consistency for all purchasing activities that integrates within all the Town of East Fremantle operational areas.

1.2 WHY DO WE NEED A PURCHASING POLICY?

The Town of East Fremantle is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- provides the Town of East Fremantle with a more effective way of purchasing goods and services.
- ensures that purchasing transactions are carried out in a fair and equitable manner.
- strengthens integrity and confidence in the purchasing system.
- ensures that the Town of East Fremantle receives value for money in its purchasing.
- ensures that the Town of East Fremantle considers the environmental impact of the procurement process across the life cycle of goods and services.
- ensures the Town of East Fremantle is compliant with all regulatory obligations.
- promotes effective governance and definition of roles and responsibilities.
- upholds respect from the public and industry for the Town of East Fremantle's purchasing practices that withstands probity.

1.3 ETHICS & INTEGRITY

All officers and employees of the Town of East Fremantle shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Town of East Fremantle.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Town of East Fremantle policies and code of conduct;
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Town of East Fremantle by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

1.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Town of East Fremantle. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements,



quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

1.5 SUSTAINABLE PROCUREMENT

Sustainable procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

Town of East Fremantle is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Town of East Fremantle's sustainability objectives.

Practically, sustainable procurement means the Town of East Fremantle shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary.
- demonstrate environmental best practice in energy efficiency and/or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- demonstrate environmental best practice in water efficiency.
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- as a priority, can be refurbished, reused, recycled or reclaimed, and are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- in the case of motor vehicles, feature the highest fuel efficiency available, based on vehicle type and within the designated price range;
- in the case of new buildings and refurbishments, use, where available, renewable energy and technologies.

1.6 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-



Amount of Purchase	Model Policy
Up to \$500	Direct purchase from supplier requiring only one verbal quotation.
\$501 - \$1,500	Obtain at least two verbal or written quotations.
\$1,501 - \$5,000	Obtain at least three verbal quotations.
\$5,001 - \$40,000	Obtain at least three written or verbal quotations.
\$40,001 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

1.6.1 Up to \$500

Where the value of procurement of goods or services does not exceed \$500, purchase from the supplier requiring only one verbal quotation is permitted.

The general principles for obtaining verbal quotations are:

- to ensure that the requirement/specification is clearly understood by the Town of East Fremantle employee seeking the verbal quotations.
- to ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- for the details to be read back to the supplier contact person to confirm their accuracy.

This purchasing method is suitable where the purchase is relatively small, low risk and is required at short notice.

1.6.2 \$501 to \$1,500

This category is for the procurement of goods or services where the value of such procurement ranges between \$501 and \$1,500.

At least two verbal or written quotations are required. The general principles for obtaining verbal quotations are:

- to ensure that the requirement/specification is clearly understood by the Town of East Fremantle employee seeking the verbal quotations.
- to ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- for the details to be read back to the supplier contact person to confirm their accuracy.
- written notes detailing each verbal quotation must be recorded.



Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

1.6.3 \$1,501 to \$5,000

For the procurement of goods or services where the value of such procurement ranges between \$1,501 and \$5,000, it is required to obtain at least three verbal quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The general principles for obtaining verbal quotations are:

- to ensure that the requirement / specification is clearly understood by the Town of East Fremantle employee seeking the verbal quotations.
- to ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- for the details to be read back to the supplier contact person to confirm their accuracy.
- written notes detailing each verbal quotation must be recorded.

1.6.4 \$5,001 to \$40,000

For the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$40,000, it is required to obtain at least three written or verbal quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased. It would be recommended that at least one written quotation is received containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The general principles for obtaining written or verbal quotations are:

- to ensure that the requirement / specification is clearly understood by the Town of East Fremantle employee seeking the verbal quotations.
- to ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- for the details to be read back to the supplier contact person to confirm their accuracy.
- written notes detailing each verbal quotation must be recorded.

1.6.5 \$40,001 to \$99,999

For the procurement of goods or services where the value of such procurement ranges from \$40,001 and \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

**NOTES:**

The general principles relating to written quotations are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - Written Specification
 - Selection Criteria to be applied
 - Price Schedule
 - Conditions of responding
 - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

1.7 REGULATORY COMPLIANCE**1.7.1 Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

1.7.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

1.7.3 Anti-Avoidance

The Town of East Fremantle shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

1.7.4 Tender Criteria

The Town of East Fremantle shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.



The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For requests with a total estimated (Ex GST) price of:

- between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
- \$100,000 and above, the panel must contain a minimum of 3 members.

1.7.5 Advertising Tenders

Tenders are to be advertised in a state wide publication eg “The West Australian” newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **full** days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;
- detailed information shall include;
 - such information as the Town of East Fremantle decides should be disclosed to those interested in submitting a tender;
 - detailed specifications of the goods or services required;
 - the criteria for deciding which tender should be accepted;
 - whether or not the Town of East Fremantle has decided to submit a tender; and
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

1.7.6 Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication are required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Town of East Fremantle not to compromise its duty to be fair.

1.7.7 Tender Deadline

A tender that is not received in full in the required format by the advertised tender deadline shall be rejected.

1.7.8 Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the tender deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Town of East Fremantle. Members of the public are entitled to be present.



The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Town of East Fremantle Officers present at the opening of tenders.

1.7.9 No Tenders Received

Where the Town of East Fremantle has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$40,001 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

1.7.10 Tender Evaluation

Tenders that have not been rejected shall be assessed by the Town of East Fremantle by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

1.7.11 Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Town of East Fremantle may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

1.7.12 Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Town of East Fremantle and tenderer have entered into a Contract, a minor variation may be made by the Town of East Fremantle.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

1.7.13 Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- the name of the successful tenderer
- the total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

1.7.14 Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- tender documentation;
- internal documentation;
- evaluation documentation;
- enquiry and response documentation;
- notification and award documentation.

For a direct purchasing process this includes:

- quotation documentation;
- internal documentation;
- order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Town of East Fremantle's internal records management policy. **Absolute Majority Resolution Required**

Considerable discussion took place on this Policy.

Cr Lилleyman proposed that the "fourth tier" ie, \$5,001 - \$40,000 be deleted and combined with the "fifth tier" ie \$5,001 - \$99,999.

The CEO stated that in the absence of the Acting Executive Manager Finance & Administration at the meeting, or this proposal having been raised beforehand with either of the authors of the report it was his recommendation that the matter be deferred to the 13 December meeting of Council.

Cr Olson – Mayor Ferris

That the matter be referred back to the Chief Executive Officer for further review.

CARRIED

Cr Martin raised the issue of whether the Annual Report would be presented to the 13 December meeting.

The CEO advised it was planned to present the report at the December 13 meeting and that the document had been prepared, other than reports from the Mayor and CEO, which were still awaited.

Cr Martin asked if these reports would be done. The Mayor stated his report would be provided in time for the meeting.

315. REPORTS OF THE CHIEF EXECUTIVE OFFICER

315.1 *Appointment of SMRC Delegate*

By Stuart Wearne, Chief Executive Officer, on 11 November 2011

Elected members will recall that at the point of a tied vote between Cr Olson and Cr Collinson at the last meeting, rather than the Mayor exercising a casting vote, it was resolved to hold the matter over to this meeting, on the basis this would allow all elected members to vote (Cr Nardi was absent at the last meeting).

Unfortunately Cr de Jong will not be in attendance at the meeting on 15 November 2011.

From an equity viewpoint it is therefore recommended that the matter be held over to the 13 December 2011 Council meeting.

Whilst in the hands of elected members, I advise I have spoken with Cr Collinson and Cr Olson and they are both supportive of holding the issue over to the December meeting.

In discussion with the Mayor, it is considered that in the event of any absences at the December meeting, it may be best to simply proceed with a vote, regardless.

Nevertheless this would be a decision for elected members.

It was noted Cr Lилleyman would not be in attendance at the 13 December meeting. The CEO advised he had not been aware of that when he wrote his report.

In response to a query from the Mayor, all elected members present advised they would be in attendance at the 29 November meeting.

RECOMMENDATION

The election of Council's delegate to the SMRC be held over to the Council Meeting on 13 December 2011.

Cr Martin – Cr Nardi

That the appointment of the SMRC delegate be determined at a Special Council Meeting which is to be held on Tuesday, 29 November 2011 at 6.30pm. CARRIED

315.2

Container Deposit and Recovery Scheme Bill 2011

By Stuart Wearne, Chief Executive Officer, on 11 November 2011

The attached information is self explanatory.

ATTACHMENT

To save paper I have not attached a copy of the Bill however a copy will readily be provided to any elected member wishing it.

I have discussed the system, which is based on the South Australian model, with the new Chair of the Waste Authority, Peter Fitzpatrick who advises the system is working very well in South Australia.

WALGA supports the concept.

It is recommended Council advise Mr Ripper the Town is in support of the proposed legislation.

RECOMMENDATION

That Council advise the Leader of the Opposition, Eric Ripper MLA, that it supports the proposed Container Deposit and Recovery Scheme Bill 2011.

The CEO discussed the basis of his recommendation, noting in particular the longstanding opposition of the beverage and packaging industries against deposits on containers and packaging controls.

The CEO noted that whilst kerbside recycling had been a significant success, with high levels of community engagement and awareness, these collections did not deal with "away from home" disposal of containers and packaging which now accounted for up to 50% of packaging waste.

The CEO advised the Town should support container deposits for a number of reasons including the fact it would help with the removal of contamination of domestic recycling (eg glass fragments in paper and organics) and potentially generate additional income to support kerbside recycling.

Unlike kerbside recycling which is funded by ratepayers, it is brand owners and consumers who would fund the container deposit system.

A good container deposit system would help finance the next generation of recycling infrastructure such as "drive through" recycling centres and recycling depots.

Cr Nardi – Cr Olson

That Council advise the Leader of the Opposition, Eric Ripper MLA, that it supports the proposed Container Deposit and Recovery Scheme Bill 2011. CARRIED

315.3

Information Briefing – East Fremantle Shopping Centre Development Proposal & Other Matters

The Chief Executive Officer noted that, given in the inability of some elected members to attend the briefing on the 24 November, alternative arrangements had been made to hold the briefing on Tuesday, 29 November. This complemented Cr Rico's advice that the Fremantle Library could not accommodate Council's previously agreed visit on the 29



15 November 2011

MINUTES

November (suggesting Tuesday, 28 February 2012 as an alternative). Cr Martin drew attention to the scheduled Finance Committee meeting on that date.

It was agreed that the Chief Executive Officer, after consultation with Library staff, would provide suggested dates in the new year for elected members to visit the Library.

315.4 Newsletter

The CEO advised that it had been arranged that a Council newsletter be produced before the end of the year, involving both Bluebottle (editorial role) and the "Fremantle Herald" (printing and distribution role).

A list of articles had already been produced which the CEO had brought to the meeting and elected members were invited to examine the list at the end of the meeting. Elected members were also invited to contribute ideas or articles of their own, prior to the deadline, which was 25 November.

In that regard the Mayor had already agreed to contribute a "Message from the Mayor", suggestions by Cr Martin re an article on airconditioners needing planning approval had already been implemented (in fact with swimming pools/pumps and solar panels added) as had a suggestion from Cr Wilson re fences needing planning approval and the proposed Residential Design Guidelines.

It was further noted there would be an article on oral histories although still being decided who would write this.

315.5 Gazebos

The Chief Executive Officer advised that following enquiries with the Department of Indigenous Affairs, Council should expect a decision on the erection of the gazebos in Riverside Road by 30 December 2011.

315.6 Cr Rico – Oral History

The Chief Executive Officer advised that Cr Rico had sought permission to speak briefly on this item.

Cr Rico outlined in considerable detail the progress on the oral history currently being compiled by Fremantle/East Fremantle Library staff with local resident, John O'Byrne, which is proposed to be presented at the Pioneer Christmas Lunch to be held on Monday, 5 December 2011.

ATTACHMENT

Cr Rico also discussed the administrative arrangements which she wished to see applied on the day.

Cr Collinson declared a proximity interest in the following item as his property abuts 128 George Street and left the meeting at 9.24pm.

316. CONFIDENTIAL BUSINESS**316.1 128 George Street****Cr Martin – Cr Nardi**

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) and 5.23(2)(e)(iii) as it relates to commercial dealings with a third person.

CARRIED

Elected members considered a report from the Chief Executive Officer regarding the use of property 128 George Street.

CONFIDENTIAL ATTACHMENT**Mayor Ferris – Cr Martin**

That the matter be deferred pending a report from the CEO on options for 128 George Street, including its possible sale, to the February 2012 Council Meeting.

CARRIED



Cr Collinson returned to the meeting at 9.30pm and it was noted he had not spoken or voted on the previous motion.

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

Nil.

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

Nil.

319. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.32pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **15 November 2011**, Minute Book reference **294. to 319.** were confirmed at the meeting of the Council on*

.....

Presiding Member