



# Council Meeting 15 October 2013

# MINUTES

**Town of East Fremantle**

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**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 OCTOBER 2013 COMMENCING AT 6.30PM.**

**INDEX**

- 244. DECLARATION OF OPENING OF MEETING**
  - 244.1 Present**
- 245. ACKNOWLEDGEMENT OF COUNTRY**
- 246. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 247. RECORD OF APPROVED LEAVE OF ABSENCE**
- 248. RECORD OF APOLOGIES**
- 249. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 250. PUBLIC QUESTION TIME**
- 251. APPLICATIONS FOR LEAVE OF ABSENCE**
- 252. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
  - 252.1 Council Meeting – 17 September 2013**
  - 252.2 Special Council Meeting – 1 October 2013**
  - 252.3 Special Council Meeting – 3 October 2013**
- 253. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
- 254. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 255. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 256. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
  - 256.1 T121.4 Hubble Street No 93 (Lot 172)**
- 257. TOWN PLANNING & BUILDING**
  - 257.1 T118.9 Duke Street No. 36-42 (Lots 601 & 602)**  
**Applicant: The Buchan Group - Architects**  
**Owner: Manotel P/L**  
**Application No. P53/13**
  - 257.2 T121.4 Hubble Street No. 93 (Lot 172)**  
**Owner: A, M & V Turco**  
**Applicant: J Chisholm Design**  
**Application No. P112/2013**
  - 257.3 Mixed Use Development Canning Highway No 147 (Lot 18)**  
**Application for Clearance of Conditions**

15 October 2013

MINUTES

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- 257.4 *Assessment of Submissions – Review of Municipal Inventory, Creation of Heritage Areas & Listing of Individual Properties on Council’s Heritage List*
258. **FINANCE**
- 258.1 *Monthly Financial Activity Statement for Period Ending 30 September 2013*
- 258.2 *Accounts for Payment – September 2013*
259. **HEALTH & GENERAL PURPOSES**
- 259.1 *Application by the Left Bank Bar and Cafe for an Extended Trading Permit on 24 December 2013 for their annual Christmas Eve Event* P/RIV 15
- 259.2 *Progress Report on the Waste Authority Grant received through the Engagement in Action: Communications and Promotion Program June 2013* H/HRW5
- 259.3 *SMRC Regional Resource Recovery Centre Co-Mingled Recyclables Composition Audit* H/HRW5
260. **REPORTS OF ELECTED MEMBERS**
- 260.1 *East Fremantle Oval Recreation Precinct Community Reference Group*
261. **REPORTS OF CHIEF EXECUTIVE OFFICER**
- 261.1 *Status Report*
- 261.2 *Sculptures*
- 261.3 *Local Government Reform*
- 261.4 *Elections – 19 October 2013*
262. **CONFIDENTIAL BUSINESS**
263. **NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING**
- 263.1 *Cr Martin*
- 263.2 *Cr Wilson*
264. **MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**
- 264.1 *Cr Wilson Acting Mayor*
265. **CLOSURE OF MEETING**

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 15 OCTOBER 2013 COMMENCING AT 6.30PM.**

**244. DECLARATION OF OPENING OF MEETING**

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

**244.1 Present**

Cr A Wilson	Acting Mayor/Presiding Member
Cr C Collinson	
Cr S Martin	
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Services (To 8.30pm)
Ms S Cocks	Principal Environmental Health Officer (To 9.12pm)
Ms J May	Minute Secretary

**245. 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.”*

**246. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**

There were 7 members of the public in the gallery at the commencement of the meeting.

The Presiding Member introduced elected members and staff.

**247. RECORD OF APPROVED LEAVE OF ABSENCE**

Nil.

**248. RECORD OF APOLOGIES**

Cr de Jong  
Cr Lilleyman.

**249. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**250. PUBLIC QUESTION TIME**

Nil.

**251. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**252. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**252.1 Council Meeting – 17 September 2013**

Cr Rico – Cr Nardi

That the Minutes of the Council Meeting held on 17 September 2013 be confirmed.

CARRIED

**252.2 Special Council Meeting – 1 October 2013**

Cr Nardi – Cr Olson

That the Minutes of the Special Council Meeting held on 1 October 2013 be confirmed.

CARRIED

15 October 2013

MINUTES

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252.3 **Special Council Meeting – 3 October 2013**  
Cr Rico – Cr Olson  
That the Minutes of the Special Council Meeting held on 3 October 2013 be confirmed. CARRIED

253. **ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**  
Nil.

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

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

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

256.1 **T121.4 Hubble Street No 93 (Lot 172)**  
**John Chisholm Design:** Confirming that an independent third party will be engaged to review the current heritage report to seek a more balanced assessment with no conflict of interest regarding the history of people having business dealings with the owners.

Cr Nardi – Cr Olson

That the correspondence from John Chisholm be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 257.2). CARRIED

257. **TOWN PLANNING & BUILDING COMMITTEE**

257.1 **T118.9 Duke Street No. 36-42 (Lots 601 & 602)**  
**Applicant: The Buchan Group - Architects**  
**Owner: Manotel P/L**  
**Application No. P53/13**

The following additional information from the Senior Planner was considered:

**Background**

At the Town Planning Meeting held on 1 October 2013 an application for a two storey penthouse development at the abovementioned property was considered. That report recommended refusal of the application in the following terms:

*That Council:*

1. *Refuse the proposed two storey penthouse development at the former Brush Factory building, 36-42 Duke Street, East Fremantle as the proposed development does not comply with the following requirements of Town Planning Scheme No.3:*
  - (a) *The proposed development conflicts with Clause 5.8.2 Building Height.*
  - (b) *The proposed development conflicts with Clause 5.8.3 Plot Ratio.*
  - (c) *The proposed development conflicts with Clause 5.6.3(b).*
  - (d) *The proposed development conflicts with the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (c), (l), (o) and (p) because it is incompatible with adjoining development and would detrimentally impact upon the amenity of the area.*
  - (e) *The proposed development does not comply with the orderly and proper planning of the area.*

That recommendation was not supported by the Committee. Rather, the Committee moved:

1. *That the application for a proposed two storey penthouse development at the former Brush Factory building, 36-42 Duke Street, East Fremantle be deferred to full Council to allow the officer and applicant to provide a response to preferred material choice for the external 'Mansard' feature including appropriate conditions for the approval of Option 'A'.*

The purpose of this memo is to respond to the Committee resolution regarding this application:

In addition, the report provides a set of appropriate conditions should Council approve of the proposed development.

#### Design Option A

The applicant has previously provided the following description and information with regard to the proposed design option A and the use of the white glass Mansard roof:

*Option A expresses the proposed apartment envelope as a traditionally inspired mansard domed roof. In line with the Burra Charter's guidelines, the proposed detailing of this traditional form would be expressed as a contemporary faceted glass skin with LED back lighting for a subtle night glow.*

*This 'mansard style' domed form addresses the historical context of both the Brush Factory and Royal George buildings, but - due to its glass like skin - would also present as a light and contrasting architectural element to the heavy, traditional masonry fabric of the Brush Factory. We note the absolute roof height of this option is 1.5 metres lower than the original design. The receding form of the 'mansard style' dome ensures that the existing brick and limestone heritage facade remains strongly dominant.*

*Another feature of the glassy mansard domed skin - is the new openings are purposely and directly related to the negative spaces between the existing Brush Factory windows. This in turn cradles a 'wrap around' veranda, behind which the proposed apartment envelope is set back. These setbacks are 4.4 metres from the Duke and George Street corners, and an average of 3 metres from the Duke Street lot boundary (i.e. existing Brush Factory building facade)*

The applicant and owner have confirmed their willingness to consider alternative materials, notably copper or zinc to ensure the highest standard of finish is created.

#### Materials

There are 3 materials proposed with regard to Option A 'Mansard roof'. The (3) material options are:

- White Glass ( with edge/back lighting) – as shown on attached plans
- Copper (treated or oxidised)
- Zinc

Traditionally, in Europe (where the Mansard roof originates), Mansard style roof additions were a common way of vertically extending buildings and were commonly finished in copper, oxidising over time to create green roofs, minimising the overall impact of the building.

However, in Australia, additions have more commonly been finished in zinc. Both options are considered to have merit.

#### White Glass

The proposed design uses a mix of galvanised steel, frameless glass and back lit translucent white glass like cladding, for the Mansard roof. This is illustrated in the plans and graphic illustrations provided to Council. The use of glass ensures the addition looks light and contemporary and does not distort the aesthetic value of the original building.

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The white glass finish will be constructed from small white glass panels that will be gradually curved to form the Mansard roof.

### **Copper**

The appearance of copper can complement any style of building, from the traditional to the modern and has been used primarily in European construction for centuries. It portrays a sense of warmth and beauty. The use of copper is based upon traditional practices proven over many years. There are numerous examples of copper roofs which have been in place for centuries and are considered to complement and be part of historical architecture, however in Western Australia it is not a material that has been used extensively on roofs.

The ductility and malleability of copper make it an easy material to form over irregular roof structures and therefore would be a suitable material to for the proposed Mansard roof.

Copper needs no retreatment or maintenance and does not deteriorate with the wear and tear of time, in fact it benefits from the development of the green patina. Through its natural weathering process, the bronze tones can be expected to lead to the green patina finish. This can be achieved by chemically accelerating the weathering process.

It is considered the green patina finish will complement the existing heritage building and will complement the Royal George Hotel. The green patina will ensure a light roof form is created, ensuring a distinct colour finish and provide a contemporary architectural articulation to the building, as copper has not been widely used in Western Australian architecture.

### **Zinc**

Zinc sheet is used extensively in the building industry for roofing, wall cladding, gutters and downspouts, flashing and weathering applications. Architectural zinc alloys generally contain copper and titanium and are produced in the form of sheet, strip, plate or cut and formed to desired shapes, such as gutters, cornices and pipes.

A blend of zinc, aluminium and silicon-coated steel ("Zincalume" or "Colorbond"), is typically used in roofing forms throughout Australia, however the traditional zinc finish has similar material characteristics as copper. The material can be coloured and will patina with weathering and age. While copper has not been widely used in Australian architecture, traditional zinc has been for many years. A zinc finish to the Mansard roof would provide a suitable and appropriate material and would also complement the existing heritage building and will complement the Royal George Hotel. The material would provide the same visual lightness as the copper roof if a suitable colour was used.

### **Architectural Advice**

Advice was sought from Griffiths Architect with regard to the proposed materials for the Mansard roof.

1. *Copper (treated or oxidised) is an expensive option and I would have thought it was not warranted.*
2. *White Glass (with edge/back lighting) would be a bit like the State Theatre fly-tower. This is a good option but more suited to a city centre where the building is competing for attention. In my view, this would be in competition with the George Hotel. If that project is ever revived, it should be the visual focus of the street. Also, this is essentially a residential area with a narrow commercial strip and I think the illumination might be a bit irritating for neighbours.*
3. *Zinc would be a great finish and I prefer this over the others as both a proportionate response to the context and for the nature of the building.*

Griffiths Architects have recommended the preferable material would be zinc.

**Roof Material Recommendation**

Whilst both zinc and copper are considered appropriate materials, it is recommended that should Council approve the proposed Option A, a zinc roof with a suitable colour/ patina weathered treatment (as reflected in Condition 1 below) is the most appropriate material for the roof.

**Recommended Conditions of Approval, in the event of officer's recommendation for refusal not being accepted**

That Council approve the proposed development comprising of penthouse apartment 'Option A' located on top of the former Lauder & Howard building, 36-42 Duke Street, East Fremantle date stamp received on 16 August 2013 subject to the following conditions:

- (1) Option 'A' to be clad in zinc. Final specification and colour of the zinc finish to the Mansard roof to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to the issue of a building licence.
- (2) All other relevant conditions relating to the previous approvals dated 22 March 2011, 12 February 2013 and 16 July 2013 are relevant and are required to be complied with.
- (3) The applicant to submit a schedule of conservation works prepared by a heritage professional and based on, but not limited to, the policies outlined in Section 9.0 of the Conservation Plan, to the satisfaction of the Town of East Fremantle. The applicant to implement these in full to the satisfaction of the CEO in consultation with relevant officers.
- (4) The works are to be constructed in conformity with the amended drawings date stamped received 16 August 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) 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.
- (6) 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.
- (7) The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (8) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
- (9) 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.
- (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) The landowner shall lodge a Notification under Section 70A pursuant to the Transfer of Land Act on the Certificate of Title(s) relating to the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings / premises are located within Area 2 of the Fremantle Port Buffer Zone where new development is to meet the built form requirements as specified in the Town of East Fremantle Local Planning Policy – Residential Design Guidelines.



## WORDING FOR 'NOTIFICATION' OR 'MEMORIAL' ON TITLE

*The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.*

- (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 Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) with regard to construction of the crossover the applicant/buildier is to contact Council's Works Supervisor.*
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) no air conditioning units are to be installed other than those referred to in condition 2(e). Additional air conditioning units prior to the installation will require a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer.*
- (h) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

Mr Cotter (architect) outlined the three suggested materials for the Mansard roof and answered questions from elected members regarding lighting etc. Mr Unsworth addressed the meeting advising that his preferred option was white glass.

**Cr Collinson – Cr Olson****That Council approve:**

- 1. the proposed development comprising of penthouse apartment 'Option A' located on top of the former Lauder & Howard building, 36-42 Duke Street, East Fremantle date stamp received on 16 August 2013 subject to the following conditions:**
  - (i) Option 'A' to be clad in white glass.**
  - (ii) All other relevant conditions relating to the previous approvals dated 22 March 2011, 12 February 2013 and 16 July 2013 are relevant and are required to be complied with.**
  - (iii) The applicant to submit a schedule of conservation works prepared by a heritage professional and based on, but not limited to, the policies outlined in Section 9.0 of the Conservation Plan, to the satisfaction of the Town of East Fremantle. The applicant to implement these in full to the satisfaction of the CEO in consultation with relevant officers.**
  - (iv) The works are to be constructed in conformity with the amended drawings date stamped received 16 August 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.**

- (v) 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.
- (vi) 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.
- (vii) The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (viii) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
- (ix) 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.
- (x) 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.
- (xi) The landowner shall lodge a Notification under Section 70A pursuant to the Transfer of Land Act on the Certificate of Title(s) relating to the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings / premises are located within Area 2 of the Fremantle Port Buffer Zone where new development is to meet the built form requirements as specified in the Town of East Fremantle Local Planning Policy – Residential Design Guidelines.  
**WORDING FOR 'NOTIFICATION' OR 'MEMORIAL' ON TITLE**  
*The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.*
- (xii) This planning approval to remain valid for a period of 24 months from date of this approval.
2. the proposed amendment to the operating hours of the Jazz Club 36-42 Duke Street, East Fremantle with regard to the plans date stamp received on 26 April 2013 subject to the following:
- The hours of operation for the Jazz Club to be between the hours of 5.00pm and 11.00pm Monday and Tuesday.
  - The hours of operation for the Jazz Club to be between the hours of 5.00pm and 12.00am Wednesday and Thursday. *Patrons shall not occupy the premises (Jazz Club) after twelve midnight, Wednesday and Thursday.*
  - The hours of operation for the Jazz Club to be between the hours of 5.00pm and 12.00am Friday.
  - The hours of operation for the Jazz Club to be between the hours of 12.00pm and 12.00am Saturday.
  - The hours of operation for the Jazz Club to be between the hours of 12.00pm and 10.00pm on Sunday.

**Footnote:**

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) no air conditioning units are to be installed other than those referred to in condition 2(e). Additional air conditioning units prior to the installation will require a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer.*
- (h) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED

The CEO advised the Acting Mayor that as elected members had not supported the officer's recommendation, they would need to provide reasons for not doing so.

Reason for not Supporting Officer's Recommendation

The Acting Mayor stated that Council was of the view that:

1. the penthouse addition: contributed to the iconic status and streetscape element of the eastern end of George Street.
  2. the Heritage Council and National Trust commented that the penthouse would not compete with the Royal George
- and therefore Council was happy to support the application.

**257.2 T121.4 Hubble Street No. 93 (Lot 172)**

**Owner: A, M & V Turco**

**Applicant: J Chisholm Design**

**Application No. P112/2013**

The letter from John Chisholm Design, referred from Correspondence (MB Ref 256.1), was tabled.

**Cr Olson – Cr Rico**

**That the matter be deferred to the November Town Planning & Building Committee meeting to allow the applicant to have the current heritage assessment reviewed.**

CARRIED

- 257.3**     **Mixed Use Development Canning Highway No 147 (Lot 18)**  
**Application for Clearance of Conditions**  
*By Jamie Douglas, Manager Planning Services on 8 October 2013*

**Purpose of this Report**

This report considers plans and further information submitted to satisfy conditions of approval for a mixed use development at 147 Canning Highway (refer enclosed drawings accompanying agenda papers). This information has been submitted in response to Condition 11, 14 and 20 and Advice Note 4 of the WAPC approval 04-50007-1 dated 06 March 2012. The report recommends that Council accept that the proposed designs satisfy Condition 11, 14 and 20 and Advice Note 4 of the Development Approval and that the design development falls within the context of the existing Planning Approval.

**Background**

Council recommended that the Western Australian Planning Commission approve the development application for a Mixed Use Activity Centre at 147 Canning Highway (Royal George Tavern and adjacent lands) on 13 December 2011 (refer Attachment 1). The WAPC approved the development subject to a number of conditions, including the following

*Condition 11*

*Public art shall be provided (at least) in accordance with the minimum requirements of the LPP Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Council.*

*Condition 14*

*All storm water is to be retained on site. Retained storm water shall be recycled to irrigate planting in public and communal areas. A drainage plan and an irrigation plan shall be submitted to the satisfaction of Council in consultation with the Principal Building Surveyor prior to the issue of a building licence.*

*Condition 20*

*A detailed schedule of external materials, finishes and colours shall be submitted and approved to the satisfaction of the Council prior to the issue of a building licence.*

*Advice Note 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 is approved, the total cost to be borne by the applicant.*

The applicants submitted plans on 23 September 2013 and sought Council's approval with regard to the landscaping and a detailed schedule of external materials, finishes and colours in satisfaction of Condition 11, 14 and 20 and Advice Note 4 of the DA approval.

**Consultation**

The proposed detailed landscape design was referred to 'Plan E' (the landscape designers responsible for the initial landscape concept within the development application). 'Plan E' has provided the following comments for consideration.

*Existing Tree Strategy:*

- *strategy is appropriate.*

*New Tree Planting Strategy:*

- *insufficient tree planting exists in the car park and it is recommended tree planting should be considered in line with the DA;*
- *Bauhinia sp is not supported in the podium area and a 'stronger' feature tree is recommended; and*

- *Canning highway requires a larger scale canopy tree than the *Pyrus sp.* proposed, particularly in light of deletion of façade planters. We recommend *Jacaranda* be considered in line with the DA or *Plane* tree.*

*Features Strategy:*

- *Deletion of the water feature is supported subject to design, scale and quality of proposed sculptural arbours as these will be the primary visual focus within the Podium zone;*
- *Deletion of catenary lighting supported and subject to detail design of public lighting;*
- *Reduction of arbours is supported subject to detail design and scale providing a meaningful sense of canopy enclosure whose success will not largely be reliant on plant material.*

*Pavements:*

- *Canning Highway and Council Place footpaths insitu concrete not supported. We recommend high quality trafficable unit pavement such as 'Urbanstone' be used. Insitu pavements are difficult to repair and replace, and successfully match, when inevitably underground services are attended to and day to day damage occurs.*

*Stormwater and Reticulation strategy:*

- *Appears appropriate.*

The Project Mangers for the development –'NS Projects' has met with staff on numerous occasions during the development of the final designs and the choice of materials and provided the following responses and comments with respect to Condition 11, 14 and 20 and Advice Note 4.

Condition #11 Response:

*From our recent discussions it is understood that the Town would like to understand the scope of the proposed artwork so it can be taken into consideration when assessing the landscape proposal. On this basis, Drawing 10 has been included in the Landscape Design Package which shows the extent of the proposed artwork. We have recently engaged an art coordinator for the project and once an artist is sourced and the artwork progressed a formal submission will be made to clear this condition.*

Condition #14 Response:

*Please refer to Drawing 11 in the Landscape Design Package. This drawing indicatively shows the proposed rain water harvesting system. Full details of the system will be provided with the building licence application.*

Condition #20 Response:

*A separate package of coloured elevations has been produced to address this condition and has been enclosed for your consideration.*

Advice Note #4 Response:

*The enclosed Landscape Design Package details the proposed verge treatment. Approval is being sought to alter the verges accordingly.*

**Consideration**

In light of consultations with the applicants designers the final plans for consideration have been amended to incorporate the following changes:

- *Canning Highway and Council Place footpaths insitu concrete has been replaced by 'urban stone' pavers'. This will allow the pavement to be lifted in future to access underground services. Insitu concrete would have required cutting and patching over time and this would have diminished its visual appeal.*
- *Trees and planters have been included within the above ground car park to provide visual 'softening' and shade.*

- The proposal to delete the central water feature within the plaza is not supported at this time. While it is acknowledged that such features do require ongoing maintenance, it is considered an important element in the overall design and will contribute to the public amenity within the plaza. The applicant has accepted that this feature will be further considered as part of the more detailed public art concept. At that time options for replacement of the feature by a piece of artwork or its retention will be considered. Accordingly, this element will be referred to Council in the future for final determination. The recommendation in respect to conditions clearance reflects this.
- The applicant has provided a detailed description of the external materials and colour schemes to be used. These accord with the development application and it is considered appropriate for the building design and its streetscape presence.
- The design of the proposed lighting in public areas has been included within the Landscape Designs.

### **Conclusion**

The proposed design details are supported subject to further consideration of the central water feature / public art element. Accordingly it is recommended that the conditions of approval nos. 11, 14 and 20 and advice note 4 be cleared subject to further consideration by Council of the plaza central water feature.

### **RECOMMENDATION**

It is recommended that Council advise the proponents of a mixed use development at 147 Canning Highway that the plans and accompanying information date stamp received 8 October 2013 submitted in response to Condition 11, 14 and 20 and Advice Note 4 of the WAPC approval 04-50007-1 dated 06 March 2012 satisfy these conditions subject to;

1. The final design of the central water feature located within the plaza or its replacement by a piece of artwork is to be referred to Council for approval and established prior to occupation of the development.
2. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

Mr Robert Hardy (architect) addressed the meeting in respect to colours and finishes and answered numerous questions from elected members regarding this issue. Elected members expressed concern that the colours and finishes indicated in this latest documentation did not reflect those contained in the earlier planning approval. Mr Hardy advised that it was difficult to represent exact colours with the software required to reproduce the latest detailed plans.

### **Cr Martin – Cr Olson**

**That Council advise the proponents of a mixed use development at 147 Canning Highway that:**

1. **the plans and accompanying information date stamp received 8 October 2013 submitted in response to Condition 11 and 14 and Advice Note 4 of the WAPC approval 04-50007-1 dated 06 March 2012 satisfy these conditions subject to:**
  - (i) **The final design of the central water feature located within the plaza or its replacement by a piece of artwork is to be referred to Council for approval and established prior to occupation of the development.**
  - (ii) **The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
2. **Condition 20 will be referred to the November Town Planning Committee Meeting for consideration following submission of further documentation relating to colours and finishes.**

CARRIED

- 257.4 Assessment of Submissions – Review of Municipal Inventory, Creation of Heritage Areas & Listing of Individual Properties on Council’s Heritage List**  
By Jamie Douglas, Manager Planning Services 3 October 2013

**Purpose of this Report**

This report considers the submissions from consultants to undertake a review of the Municipal Inventory and to make recommendations for the creation of Heritage Areas and listing of properties on the Heritage List. It is recommended that Council endorse the appointment of the preferred Consultant.

**Background**

The existing Municipal Inventory (MI) is based upon a Heritage Survey conducted in 2006. The MI contains some 1,023 properties of varying significance. The MI is somewhat dated and provides limited statutory protection for the listed properties compared with those formally adopted on the Heritage List under the Town Planning Scheme No. 3.

Council has resolved that the Inventory should be reviewed with regard to the existing building stock and that recommendations be made for inclusions on the Inventory and the designation of Heritage Areas (where appropriate) be made. It is also required that all of the revised MI listings be included on the Heritage List under the TPS No. 3.

At its meeting on 20 August 2013, the Council resolved that a heritage review should be undertaken and determined the following:

That:

*A Heritage Consultant be requested to provide a submission containing a proposed scope of works, personnel and experience and cost contingencies to undertake:*

- *a review of the Municipal Inventory;*
- *designation and establishment of Heritage Areas under clause 7.2 of the Planning Scheme;*
- *All actions necessary to achieve the inclusion of selected properties on the Heritage List under clause 7.1 of the Planning Scheme.*

**Project Brief and Request for Submissions**

A Project Brief and Invitation to provide a submission to undertake the works was distributed by email to five Heritage Consultants on 23 August 2013 with a closing date for submissions on Friday 20 September 2013. The Scope of Works and Submission requirements were as follows.

**Scope of Works**

1. Review existing building stock within the Town of East Fremantle and consider each property’s merit for inclusion or deletion from the ‘Municipal Inventory’.
2. Determine if any areas within the Town warrant designation as a ‘Heritage Area’ pursuant with cl. 7.2 of TPS No. 3. Subject to Council approval undertake the process for designation of a ‘Heritage Area’ pursuant with the provisions of clauses 7.2.1 to 7.2.6 inclusive.
3. Review the ‘Municipal Inventory’ in respect to the properties listed and their management category. Revise/update statements of significance as required.
4. Subject to Council approval, undertake the process for inclusion on the ‘Heritage List’ (ref: cl 7.1.2 of TPS No. 3) all property’s on the revised MI pursuant with the provisions of clauses 7.1.2, to 7.1.5 inclusive, of the Town of East Fremantle Town Planning Scheme No. 3.

**Contents of Submissions**

Submissions shall include at least the following:

- Understanding of the Brief and proposed approach (the tasks identified in the Scope of Works need not necessarily be sequential)
- The experience and qualifications of all personnel to be engaged in the project and their roles, responsibilities and time commitments

15 October 2013

## MINUTES

- Nominated timeframes for commencement and completion of each task identified in the Scope of Works.
- Cost estimates for completion of each of tasks identified in the Scope of Works (it is acknowledged that where consultation is required that consultants may wish to nominate an hourly rate or a lump sum for this component).

The following five submissions and quotes were received

COMPANY NAME	ADDRESS	QUOTATION AMOUNT \$ (GST exclusive)
Palassis Architects	353 Rokeby Road Subiaco WA 6008	128,087.50
TPG Urban Design & Heritage	Level 7 182 St. Georges Terrace Perth WA 6000	88,995
Hocking Heritage Studio	156 Onslow Road Shenton Park WA 6008	65,993.50
Griffiths Architects	177 York Street Subiaco WA 6008	77,660
Stephen Carrick Architects	PO Box 578 Scarborough WA 6922	37,000

**Assessment**

Each submission has been assessed by the Manager Planning Services against the indicated selection criteria (refer Confidential Attachment). Details of the assessments are contained in the Confidential Attachment. The submitters have been ranked (with No. 1 being the most preferred) based on the qualitative selection criteria. Once the submissions were ranked, they were evaluated as to the cost affordability and risk associated with each. A preferred submission was then chosen on the basis of the qualitative selection criteria and cost.

The submissions are ranked as follows on the basis of the qualitative selection criteria without regard to their fee proposal:

RANKING	COMPANY NAME	QUALATIVE CRITERIA SCORE	FEE \$
1.	Griffiths Architects	75%	77,660
2.	TPG Urban Design & Heritage	60%	88,995
3.	Palassis Architects	50%	128,087
4.	Stephen Carrick Architects	49%	37,000
5.	Hocking Heritage Studio	43%	65,993

Given that the top ranked submission (Griffiths Architects) has a lump sum fee which is considerably less than the next two ranked tenders (the price does not include disbursements which are assessed as \$1,000), it is considered to represent the best value for money.

The firms associated with the top ranked submission carry the required insurances, are long established and reputable, have referees in good standing and their proposed methodology is assessed as being appropriate to meet the required project outcomes. Their level of risk in terms of contract performance is therefore assessed as being acceptable.



**RECOMMENDATION**

It is recommended that Council endorse the submission and quotation by Griffiths Architects for a lump sum fee of \$77,660 (GST exclusive) plus disbursements as the preferred consultant to undertake a review of the Municipal Inventory and to make recommendations for the creation of Heritage Areas and listing of properties on the Heritage List.

**Cr Martin – Cr Olson**

**That Council endorse the submission and quotation by Griffiths Architects for a lump sum fee of \$77,660 (GST exclusive) plus disbursements as the preferred consultant to undertake a review of the Municipal Inventory and to make recommendations for the creation of Heritage Areas and listing of properties on the Heritage List. Following appointment, the consultant be requested to submit a communication plan for Council approval.**

CARRIED

*The Manager Planning Services left the meeting at 8.30pm.*

**258. FINANCE****258.1 Monthly Financial Activity Statement for Period Ending 30 September 2013**

*By Les Mainwaring Executive Manager Finance & Administration on 11 October 2013*

**PURPOSE**

To provide timely financial information to Elected Members including a regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

**BACKGROUND**

The report comprises the financial results from the month of September 2013, with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 30 September 2013 is appended and includes the following:

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

**ATTACHMENT**

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

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

The following is a summary of information on the attached financial reports:

Revised Budget Forecast

The current budget forecast for the 30 June 2014 indicates a surplus of \$8000, noting that this was the position adopted as at the Ordinary Council Meeting (OCM) 17 September 2013.

The history of the budget forecast is as follows;  
Original Budget adopted with a projected surplus of \$0

At the OCM 17 September 2013 amendments resulted in an increase in closing funds of \$8,000.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 98%; is \$110,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 92%; is \$162,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$81,000 more than the YTD budget (Favourable).

Operating Revenue is 2% unfavourable with year to date budget.

The significant unfavourable variance within operating revenue is the transfer of the contribution for the Plympton Parking project which is yet to commence, whereas the most favourable variances have come from the early grant payment of the Home and Community Care program, early timing of rate instalment income and an early increase from building activity.

Operating Expenditure is now 8% favourable to year to date budget.

The main area of favourable variation is sanitation household refuse with the timing of monthly charges, and favourable parks and gardens maintenance and governance expenditure. Home and Community Care have experienced unfavourable timing in employee costs from early termination payments.

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

The current year's capitals works programmes were just commencing at reporting date.

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

Capital Programs YTD Progress Summaries

Annual Timeline 25% of year elapsed

Land & Buildings 0% expended

Infrastructure Assets 1% expended

Plant & Equipment 12% expended

Furniture & Equipment 0% expended

Capital expenditure is \$3,336,000 less than the YTD budget (Favourable) which represents the value of capital programs to be completed. The report provides details on individual capital works in progress as at 30 September 2013.

**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 an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The September 2013 Financial Activity Statement shows variances in income and expenditure when compared with year to date budget estimates.

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2013 to 30 September 2013 is presented to the Council for timely information, and includes the current annual forecast of \$8,000 which is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

**RECOMMENDATION**

That Council receives the Financial Activity Statement for the period ending 30 September 2013.

**Cr Olson – Cr Rico**

**That Council receives the Financial Activity Statement for the period ending 30 September 2013.** CARRIED

**258.2 Accounts for Payment – September 2013**

*By Les Mainwaring, Executive Manager Finance & Administration on 1 October 2013*

**PURPOSE**

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

**BACKGROUND**

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by; electronic funds transfer, cheque or credit card. Attached is a list of all payments made under delegated authority during the said month. **ATTACHMENT**

**REPORT****STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996 – Regulation 13

**Comments/Discussion**

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

**RECOMMENDATION TO COUNCIL**

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

<i>September 2013</i>		
Voucher Nos	Account	Amount
4603 – 4617	Municipal (Cheques)	\$25,208.07
EFT 18002 – EFT 18161	Electronic Transfer Funds	\$724,159.68
Loans	Electronic Transfer Funds	12,366.03
Payroll	Electronic Transfer Funds	\$179,497.78
	<b>Municipal Total Payments</b>	<b>\$855,196.13</b>

Elected members sought clarification on EFT18112 and EFT18121 which the Executive Manager Finance & Administration undertook to follow up.

**Cr Olson - Cr Nardi**

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

## 259. HEALTH & GENERAL PURPOSES

- 259.1 Application by the Left Bank Bar and Cafe for an Extended Trading Permit on 24 December 2013 for their annual Christmas Eve Event** **P/RIV 15**  
*By Shelley Cocks – Principal Environmental Health Officer on 3 October 2013*

### BACKGROUND

Correspondence has been received from Ben Rasheed of the Marlin Group seeking Council approval to host their annual Christmas Eve event in the car park adjacent to the Left Bank Bar & Cafe. An application has also been submitted to the Department of Racing Gaming and Liquor for an Extended Trading Permit to permit the event area to be licensed. Department of Racing Gaming and Liquor require Council approval to proceed with this application.

Further, an application for a Regulation 18 exemption to permit a sound level which will exceed permissible sound levels has also been sent to Council. This application is made under the Environmental Protection (Noise) Regulations 1997 and the particular applicable Regulation is as follows:

*Reg 18 (3) where the Chief Executive Officer is satisfied that a proposed sporting, cultural or entertainment event that is to be open to the public-*

*(a) Is likely to result in the emission of noise in contravention of the standard prescribed under regulation (7);and*

*(b) would lose its character or usefulness if it were required to comply with that standard,*

*the Chief Executive Officer may approve the event, subject to such conditions as the Chief Executive Officer thinks fit, for the purposes of this regulation.*

This exemption was granted last year, based on various conditions, which were met.

Council received no complaints in relation to last year's event, Department of Racing, Gaming & Liquor (inspectors from which were present during the Christmas Eve event) received one complaint, which was dismissed.

### REPORT

Under the abovementioned regulations, the CEO may approve the holding of 2 approved non-conforming events in or at a particular venue in a given period of 12 months. All applications for non-conforming events must be accompanied by an application fee of \$500. (Council has also received a Reg 18 application to hold a second non-conforming event on New Year's Eve which will be held in the existing licensed premise and will not involve an Extended Trading Permit.)

In addition the Left Bank pays Council \$3210 per event, under settlement arrangements agreed in relation to an earlier legal dispute.

The Left Bank Bar and Cafe has held this event for the last 13 years. Last year, a new formula was applied in relation to the set up of the event, to minimise noise emissions and it was found to be an improvement from previous years. The Left Bank Bar and Cafe accordingly propose to utilise the same layout and configuration with the following key factors:

- Stage area to face parallel to the embankment dividing the Left Bank from its nearest residential neighbours to the east;

- Dance floor and main speakers covered with a 20x15m marquee;
- Marquee containing acoustic dampening materials to reduce the emission of sound;
- Acoustic curtains on the eastern side of the extended area and behind the stage area to reduce sound emissions;
- Use of proven noise cancelling technology installed behind speakers and on the embankment
- Use of specialised sound monitoring equipment at the mixing desk to ensure compliance with the conditions placed on the Regulation 18 approval.

The planned event is to be the annual Left Bank Christmas Eve Party which is scheduled to take place on Tuesday 24 December 2013 utilising the existing licensed area of the Left Bank plus the leased adjacent car park area. The extended area comprises 1,100 square metres, with a publically accessible area of 800 square metres. The event will commence at 11am and finish at midnight.

The following measures have been proposed by the Left Bank to ensure compliance with the Health (Public Building) Regulations 1992, to minimise disruption to neighbouring residents and to facilitate the smooth operation of the event:

- The extended area will be enclosed by a temporary 1.8m chained mesh fence to delineate the extended area. Entry and exit points will be signed and manned. Additional temporary toilet facilities will be provided. The setup of the area will commence on Wednesday 18 December 2013, with the marquee remaining in position until after the event. Parking will not be compromised by the marquee being in position ahead of time.
- Responsible service of alcohol will be ensured and RSA officers will patrol the crowd throughout the event. Food will be available at the extended area, comprising wood fired pizzas. The regular menu will also be available. A range of alcoholic, mid-strength and non-alcoholic beverages will be for sale. Packaged alcoholic products will be available in the extended area, with all other refreshments to be sold in plastic drinking vessels. Free drinking water will be available at all times. St John's Ambulance will be present to provide First Aid.
- Security personnel and crowd control will be provided at the ratio of 1 per 100 patrons. Mobile security patrols will be deployed in the surrounding neighbourhood to ensure the maintenance of amenity.
- Courtesy buses will be available from 11 pm to connect with other public transport services, and will be extensively advertised.
- The relevant insurance policies will be in place and available for perusal, if required.
- Complaints procedure will be in effect on the night. All residents within 200 metres will be informed of the event and telephone numbers issued for residents to call either beforehand or on the night to the venue manager Gary Appel.

### **RECOMMENDATION**

That Council:

1. approve the Extended Trading Permit to allow the Left Bank Bar and Cafe to hold their annual Christmas Party on Christmas Eve 2013.
2. notify Department of Racing Gaming and Liquor and the Left Bank Bar and Cafe of this decision.
3. endorse the Chief Executive Officer approving the two Reg 18 applications for non-conforming events subject to the following conditions:
  - (i) Music to be limited to 95 dB(A) at the mixing desk (assumed to be at the front of house).
  - (ii) The function is to finish at midnight.
  - (iii) Notice given to the neighbouring premises of the intended date and duration of events, with a contact number during the running of the event.
  - (iv) Monitoring to be conducted throughout the duration of the event to ensure the music noise limit at the mixing desk is not exceeded for the duration of the event.

**Cr Olson – Cr Nardi****That Council:**

1. **approve the Extended Trading Permit to allow the Left Bank Bar and Cafe to hold their annual Christmas Party on Christmas Eve 2013.**
2. **notify Department of Racing Gaming and Liquor and the Left Bank Bar and Cafe of this decision.**
3. **endorse the Chief Executive Officer approving the two Reg 18 applications for non-conforming events subject to the following conditions:**
  - (i) **Music to be limited to 95 dB(A) at the mixing desk (assumed to be at the front of house).**
  - (ii) **The function is to finish at midnight.**
  - (iii) **Notice given to the neighbouring premises of the intended date and duration of events, with a contact number during the running of the event.**
  - (iv) **Monitoring to be conducted throughout the duration of the event to ensure the music noise limit at the mixing desk is not exceeded for the duration of the event**
  - (v) **No obstruction to public footpaths.**
  - (vi) **All surrounds be cleared of rubbish and debris by 7am the following morning.**

**CARRIED**

**259.2**     ***Progress Report on the Waste Authority Grant received through the Engagement in Action: Communications and Promotion Program June 2013***     ***H/HRW5***  
*By Shelley Cocks, Principal Environmental Health Officer on 3 October 2013*

The Town of East Fremantle has recently received grant funding of \$40,000 from the Office of the Waste Authority to address the issue of bulk waste going to landfill. At least 75% of the waste collected from verges during our annual bulk waste collection ends up in landfill and there is significant scope to increase recovery and reuse of this material, and that derived from construction and demolition waste.

This funding will be used to carry out two projects:

- Project 1. A pilot home renovators program aimed at increasing recycling of construction and demolition waste.
- Project 2. A community based recovery program to generate and promote local solutions to the recovery and diversion of timber, mattresses and e-waste and other household items currently disposed of and/or put out for bulk verge collections.

The aim is to understand attitudes, barriers and benefits to the desired behaviour we are seeking to encourage through both programs, ie how to engage home renovators/home renovations companies so they consider alternative ways of dealing with renovation waste rather than leaving it on the verge or take it to landfill; and how to engage with community groups and the broader East Fremantle community to increase their participation in generating initiatives to recycle reusable or recoverable materials such as mattresses, bikes, toys, wood etc.

The initial research phase of the project has now been completed by Catalyse which comprised a series of targeted stakeholder interviews. The information derived from the interviews was used to inform the attached report "Developing effective communication to reduce the amount of bulk waste going to landfill."  
**ATTACHMENT**

The authors found that there is a lack of awareness about services and options for recycling and reusing waste among local community groups, home renovators and builders. Generally the community believes reducing the amount of waste going into landfill is of high importance and is open to assisting with suitable initiatives.

The next stage of Project 1 is to generate case studies based on two renovation projects which are at the demolition stage, and to work with those projects to record the following:

- What C&D waste materials are generated and in what volumes

- What was able to be recovered/reused/recycled, and how this was done – where did it go, what was the cost, how far away?
- What wasn't able to be recovered/reused/recycled, and the reasons for this
- Recommendations for how to make the process of recovery/reuse/recycling easier
- How these findings could present a case for a pilot study to follow which trials a local drop-off facility for C&D waste, or some other viable solution.

Based on those findings it is proposed to develop a resource kit which contains information about the various places where C&D waste can be taken.

To progress Project 2 it is proposed to hold a structured workshop with strategic partners and waste receiver agencies to generate ideas and further progress the recommendations of the research report, and to develop a communications strategy to effectively promote receiver services in and around the local area.

#### RECOMMENDATION

Council endorse the progress report on the Waste Authority grant received through the Engagement in Action: Communications and Promotion Program June 2013.

#### Cr Collinson – Cr Rico

**That Council endorse the progress report of the Waste Authority grant received through the Engagement in Action: Communications and Promotion Program June 2013.**

CARRIED

#### 259.3

#### **SMRC Regional Resource Recovery Centre Co-Mingled Recyclables Composition Audit**

**H/HRW5**

*By Shelley Cocks, Principal Environmental Health Officer on 3 October 2013*

In March 2013 the SMRC undertook to carry out an audit on a sample of recycling bins taken from residential areas within the Cities of Melville, Cockburn and Fremantle and the Town of East Fremantle.

One hundred bins were selected from within each of the three local governments.

The combined results were encouraging in that the total recyclables comprised 89% of bin contents. East Fremantle total recyclables comprised 92% of bin contents. Contaminants comprised 8% of contents and most commonly consisted of organic waste, textiles, sand, disposable nappies. To a significantly lesser extent, contaminants have included pharmaceutical waste such as syringes and hazardous waste such as batteries and chemicals.

The full report is attached for your perusal

**ATTACHMENT**

The Waste Authority of WA has released funding to the Municipal Advisory Waste Committee, chaired by WALGA which has recently formed a Waste Education Steering Committee to inform expenditure of these funds. We are about to embark on a metropolitan wide educational campaign on putting the right thing in the recycling bin.

The Committee has agreed to use the existing SMRC brand Recycle Right which has just been approved as a registered trademark and is in the process of being licensed so that it may be used by WALGA for this campaign. The overall intention of the campaign is to focus on consistent and simple messaging ie all paper, all glass, all plastic and all metal. This has evolved during consultation with the Material Recovery Providers and as a result of community attitudes surveys undertaken by both the SMRC and the Waste Authority. The campaign is due to be launched during National Recycling Week 11-17 November 2013.

15 October 2013

## MINUTES

It is hoped that this will reach the wider community, reduce the amount of contaminants in recycling bins, and improve recyclable tonnages in the metropolitan area, which will benefit all residents.

**RECOMMENDATION**

Council endorse the Report on Co-mingled Recyclables Composition Audit by the RRRC on March 2013.

**Cr Collinson – Cr Rico**

**Council endorse the Report on Co-mingled Recyclables Composition Audit by the RRRC on March 2013.** CARRIED

*The Principal Environmental Health Officer left the meeting at 9.12pm.*

**260. REPORTS OF ELECTED MEMBERS****260.1 East Fremantle Oval Recreation Precinct Community Reference Group**

Cr Martin reported on the last meeting of the East Fremantle Oval Recreation Precinct Community Reference Group. RECEIVED

**261. REPORTS OF CHIEF EXECUTIVE OFFICER****261.1 Status Report**

**Cr Rico – Cr Collinson**

**That the report be received.** CARRIED

**261.2 Sculptures**

Following an earlier request from Cr Martin for an update on when Council could expect finalisation of the installation of the two sculptures, the CEO had circulated the following information:

*“With regard to “Our Common Condition”, to be installed in John Tonkin Park, following earlier delays which initially involved three site visits and discussions with staff and elected members on a preferred site and preferred installation arrangements, and later were largely related to unanticipated personal circumstances encountered by the sculptor, the sculptor recently advised he is currently waiting for four clear days of guaranteed dry weather in order to be able to effect the installation.*

*With regard to “Wild Women’s Scent”, which was installed very quickly however remains to be lit, after a very long delay a response to a request to Western Power regarding specifications and a quote for an electricity supply, was recently received.*

*(The CEO is advised only Western Power can carry out this work.)*

*The total cost would be about \$12,000. This compares with the sculpture cost of \$18,000. The cost considerably more than the estimate previously advised to the CEO.*

*The Chief Executive Officer has now sought quotes for having the installation solar powered. Initial indications are this cost could be \$4,000-6,000.”*

**Cr Olson – Cr Rico**

**That the report be received.** CARRIED

**261.3 Local Government Reform**

The following information had previously been circulated by the CEO to elected members:

*“A report issued by the Department yesterday, which is attached, suggested the Town’s submission, which had been hand delivered to the Board prior to the deadline, had been*



15 October 2013

## MINUTES

*rejected by the Board as an invalid proposal. On that basis I presumed it may simply have been discarded.*

*I spoke today with the Executive Officer of the Board, Ross Earnshaw, who advised that, based on the Board's criteria for a valid proposal, the Town's submission had not been accepted as "a proposal".*

*When I asked whether, if we had simply countersigned the Fremantle proposal, that would have been accepted as a valid proposal, after some thought Mr Earnshaw said "yes". When I pointed out we had effectively done just that (leaving aside references to the Town's first preference and various caveats) he said that "was a good point".*

*I said that rather than make no submission, as a number of local governments had done, we had given the Minister and Board, together with our neighbouring local governments, the courtesy of our comments on their proposals – which would presumably be helpful to the Board.*

*In the process, a copy of the Fremantle submission (which had met the Board's criteria for a valid proposal) had been attached and endorsed in-principle ie effectively countersigned.*

*I advised in that context I considered the Board's position unfair and publicly misleading, noting the receipt of the Town's submission had not even been acknowledged.*

*In response Mr Earnshaw assured me the Town's submission would be carefully considered and reviewed, particularly in the context of the Fremantle and Melville proposals."*

The following information was then subsequently circulated to elected members:

*"Further to the attached memo dated 8 October 2013, elected members are advised Mr Earnshaw's advice that the Town's submission would be fully considered, has been confirmed in a letter sent to the Mayor, following that conversation."*

**Cr Olson – Cr Rico****That the information be received.**CARRIED**261.4 Elections – 19 October 2013**

The CEO sought feedback from elected members on when they wished to hold a Special Council Meeting to swear in newly elected members and appoint Standing Committees and members/delegates to other Committees and bodies.

The CEO noted the two meetings need not be on the one night and further noted that if the appointment of members/delegates to Committees were delayed, it gave any newly elected members, in particular, more time to educate themselves on the various committees and external bodies and to make contact with fellow elected members beforehand if they chose.

Most elected members indicated they wished to carry out both functions on the same night, this being Tuesday, 22 October 2013.

**Cr Martin – Cr Collinson****That a Special Council Meeting to swear in new council members and appoint Committees and delegates be held on Tuesday, 22 October 2013.**CARRIED**262. CONFIDENTIAL BUSINESS**

Nil.

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

**263.1 Cr Martin**

*That Council give consideration to introducing a standard agenda item headed "Declarations by Members who have not Read and Given Due Consideration to all Matters Contained in the Business Papers Presented Before the Meeting"*

**263.2 Cr Wilson**

*That Council conduct an independent professional review of the condition and status of the river foreshore, running from East Street to Petra Street, that results in a documented long-term management plan for the area.*

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

**264.1 Cr Wilson Acting Mayor  
Cr Martin – Cr Collinson**

**That the Acting Mayor be thanked for her work over the past three months during this very busy period. CARRIED**

Cr Wilson thanked elected members, the CEO and staff for their support during her time as Acting Mayor.

**265. CLOSURE OF MEETING**

There being no further business, the meeting closed at 10.30pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **15 October 2013**, Minute Book reference **224. to 265.** were confirmed at the meeting of the Council on*

.....

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**Presiding Member**