



17 November 2009

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 17 NOVEMBER, 2009 COMMENCING AT 6.35PM.

322. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

322.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr R Olson	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr R Doust	Acting Town Planner
Mrs P Cooper	Minute Secretary

323. ACKNOWLEDGEMENT OF COUNTRY

Mayor Ferris 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."

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

There were (12) members of the public in the gallery at the commencement of the meeting.

325. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

326. RECORD OF APOLOGIES

An apology was submitted on behalf of Cr Rico as she was attending the 60th Anniversary of the Fremantle Library.

327. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

328. PUBLIC QUESTION TIME

Nil.

329. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

330. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

330.1 Council Meeting – 20 October 2009

Cr de Jong – Cr Nardi

That the Minutes of the Council Meeting held on 20 October 2009 be confirmed.

CARRIED

331. ANNOUNCEMENTS BY ACTING MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

334. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**334.1 335.4 Hubble Street No. 67 (Lot 184)***Submission from adjoining neighbour at 69 Hubble Street.***Cr Wilson – Cr Martin****That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 335.4).**CARRIED**335. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****335.1 Order of Business****Cr Martin – Cr Nardi****The order of business be altered to allow members of the public to speak to relevant agenda items.**CARRIED**335.2 T102.3 Philip Street No. 13 (Lot 77)****Application No. P112/09****Owner: A Brims & L Jenke****Applicant: Highline Pty Ltd**

By Rohan Doust, Acting Town Planner, 13 November 2009

Ms Beth Colgate (adjoining neighbour at 64A View Terrace) addressed the meeting on the following issues:

- loss of view if shed constructed with ridge height at 4.6m;
- would ground below shed be built up; and
- concern with the reflective nature of proposed custom orb and asked that a reflective coating be used.

Mr Alan Brims (owner) addressed the meeting in support of his proposal and thanked councillors for visiting his property. Mr Brims advised the following:

- the open roofed lean-to structure in the south west corner to be dismantled;
- elevations showing location of doors and windows will be submitted;
- a ridge height of 4.2m in lieu of 4.6m would be acceptable.

Amendment**Mayor Ferris – Cr Lilleyman****That the officer's recommendation be amended to allow a wall height of 3.6m and ridge height of 4.2m with a condition that the existing open roofed lean-to structure be demolished.**CARRIED**Mayor Ferris – Cr Lilleyman****That Council exercise its discretion in granting planning approval for:**

- outbuilding wall height being 3.6m in lieu of the 2.4m wall height required by the Acceptable Development provisions of the R-Codes;
- combined floor area of outbuildings being 84.8m² in lieu of the 60m² required by the Acceptable Development provisions of the R-Codes;

for a shed to the rear of the existing single-storey single house at Lot 77 (No. 13) Philip Street, East Fremantle, as shown on plans received 24 August 2009 and subject to the following conditions:



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1. Prior to the issue of a building licence revised plans be submitted showing a wall height of 3.6m and an overall building height of 4.2m for the proposed outbuilding to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The open roofed lean-to structure in the south west corner of the subject lot be demolished.
3. Details of the style and colour of the proposed garage door and corrugated metal cladding to the roof and walls of the shed are to be provided to, and endorsed by, provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
4. That the corrugated metal roof cladding be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
5. All storm water resulting from the development is to be retained on site.
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 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.
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 shed 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.
10. 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.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (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 rear boundary 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.*

CARRIED



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335.3 T102.5 Locke Crescent No. 21
Applicant: De Pledge Design
Owner: Pietro & Rosanna Pietroniro
Application No. P60/2009

Mr Peter Webb (Town Planning Consultant) and Mr Brent de Pledge (Designer) addressed the meeting in support of the proposal.

Cr Wilson – Cr de Jong

1. That having considered the development application as it relates to Survey Strata Lot 1, 21 Locke Crescent, East Fremantle that Council exercises its discretion in refusing the development application for Lots 1 & 2 on the basis of an opinion that there would not be an improvement in the overall amenity of Habgood Street and Locke Crescent as a result of the proposed development.
2. The basis of the conclusion referred to in (1) above is as follows:
 - the proposed development is not seen to be contributing to the streetscape of both Locke Crescent or Habgood Street;
 - the proposed development is not in keeping with the character of the immediate locality;
 - the contiguous construction of both buildings;
 - no division of view corridor between the two lots;
 - the imposing nature on the streetscape from the double garages proposed for both lots; and
 - the bulk and scale represents overdevelopment of the site. LOST

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

Crs de Jong, Martin & Wilson voted in favour of the refusal motion with Mayor Ferris and Crs Collinson, Lilleyman, Nardi & Olson having voted against the motion.

(A) Locke Crescent No. 21 (Survey Strata Lot 1)
Applicant: De Pledge Design
Owner: Pietro & Rosanna Pietroniro
Application No. P60/2009

Amendment

Mayor Ferris – Cr Olson

That the following become Condition (1) and the remainder of the conditions renumbered:

1. *The provision of windows on the Habgood Street elevation in accordance with plans received 12 November (date stamped 21 November) to the satisfaction of the CEO in consultation with relevant officers.* CARRIED

Amendment

Cr de Jong – Cr Wilson

That the application for development of Lot 1 Locke Crescent, East Fremantle to comply with the acceptable development standards of the R-Codes by the deletion of discretions (a) to (e). LOST

Mayor Ferris – Cr Olson

1. **That having considered the development application relating to Survey Strata Lots 1 & 2, 21 Locke Crescent, East Fremantle, that Council exercises its discretion in approving the development at a density of R20, on the basis of an opinion that there would be an improvement in the overall amenity of Habgood Street and Locke Crescent as a result of the proposed development subject to the following provisions.**
2. **With respect to Lot 1, that Council exercise its discretion in granting approval for the following:**

- (a) variation to the north side boundary setback for a portico and upper floor balcony pursuant to the Residential Design Codes from 6m to 5.007m and 5.01m respectively;
- (b) variation to the southeast side boundary setback for a ground floor garage and an upper floor wall for an en-suite, cellar and study pursuant to the Residential Design Codes from 1.5m and 1.8m to 0m;
- (c) variation to the east side boundary setback for a master suite and en-suite pursuant to the Residential Design Codes from 1.2m to 1.020m;
- (d) variation to Local Planning Policy 143 to permit sections of a front fence to be solid up to 1.8m high;
- (e) variation to the amount of open space pursuant to the Residential Design Codes from 50% to 48.65%

for the construction of a 2-storey house with brick screen walls and wrought iron infill at 21 Locke Crescent (Survey-strata Lot 1) comprising:

Ground floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar;

in accordance with the amended plans date stamp received on 11 June 2009 subject to the following conditions:

1. the provision of windows on the Habgood Street elevation in accordance with plans received 12 November (date stamped 21 November) to the satisfaction of the CEO in consultation with relevant officers.
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 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.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. 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.
9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or

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

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

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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 alfrescos and balcony 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

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

Mayor Ferris and Crs Collinson, Lilleyman, Martin, Nardi & Olson voted in favour of the motion with Crs de Jong & Wilson having voted against the motion.

(B) *Locke Crescent No. 21 (Survey Strata Lot 2)*
Applicant: De Pledge Design
Owner: Pietro & Rosanna Pietroniro
Application No. P60/2009

Mayor Ferris – Cr Olson

1. That having considered the development application relating to Survey Strata Lots 1 & 2, 21 Locke Crescent, East Fremantle, that Council exercises its discretion in approving the development at a density of R20, on the basis of an opinion that there would be an improvement in the overall amenity of Habgood Street and Locke Crescent as a result of the proposed development subject to the following provisions.
2. With respect to Lot 2, that Council exercise its discretion in granting approval for the following:

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- (a) variation to building height for a wall for a bedroom and en-suite on the northwest side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;
- (b) variation to the height of a boundary wall for a double garage pursuant to Local Planning Policy 142 from 3m to 3.9m;

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 20 (proposed Survey Strata Lot 2) Habgood Street, East Fremantle comprising:

Ground floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;

First floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco;

in accordance with the plans date stamp received on 11 June 2009 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 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.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed 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.
5. 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.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. 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. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. this planning approval to remain valid for a period of 24 months from date of this approval.



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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 alfrescos 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.

Amendment

Cr de Jong – Cr Wilson

That the application for development of Lot 2 Locke Crescent, East Fremantle to comply with the acceptable development standards of the R-Codes by the deletion of discretions (a) & (b)

LOST

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

Crs de Jong & Wilson voted in favour of the amendment with Mayor Ferris and Crs Collinson, Lilleyman, Martin, Nardi & Olson having voted against the amendment.

Mayor Ferris – Cr Olson

1. That having considered the development application relating to Survey Strata Lots 1 & 2, 21 Locke Crescent, East Fremantle, that Council exercises its discretion in approving the development at a density of R20, on the basis of an opinion that there would be an improvement in the overall amenity of Habgood Street and Locke Crescent as a result of the proposed development subject to the following provisions.
2. With respect to Lot 2, that Council exercise its discretion in granting approval for the following:
 - (a) variation to building height for a wall for a bedroom and en-suite on the northwest side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;
 - (b) variation to the height of a boundary wall for a double garage pursuant to Local Planning Policy 142 from 3m to 3.9m;for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 20 (proposed Survey Strata Lot 2) Habgood Street, East Fremantle comprising:

Ground floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;

First floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco;

in accordance with the plans date stamp received on 11 June 2009 subject to the following conditions:



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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 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.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed 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.
5. 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.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
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Footnote:

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- (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 alfrescos 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

335.4 **T102.8 Hubble Street No. 67 (Lot 184)**
Application No. P134/09
Owner/applicant: BM Wilde

BACKGROUND

Description of subject site

The subject site is:

- zoned Residential R20;
 - 508m² in area; and
 - developed with a single-storey single dwelling; and
- included on the Town's Municipal Inventory (management category of B-).

Description of Proposal

It's proposed to construct a fence to the front and a shed to the rear of an existing dwelling.

The fence is proposed to:

- be located on the front boundary of the property;
- extend for a length of 9.5m (the front boundary itself is 12.2m in length);
- be constructed of recycled face bricks up to 1.1m in height and topped with a visually permeable timber picket section with an overall height up to 2.0m.

The shed is proposed to be:

- located in the south-west corner of the site abutting the side and rear boundaries;
- 48m² in area;
- provided with 3.0m-high walls and a ridge height of 4.7m; and
- constructed of recycled face brick with a zincalume roof pitched at 28°.

Statutory Considerations

Town Planning Scheme No. 3 (TPS3)
TPS3 Local Planning Strategy
Residential Design Codes of WA (the R-Codes)

Relevant Council Policies

Local Planning Policy – Residential Development (LPP142)
Local Laws Relating to Fencing (LPP143) - It is noted that LPP143 replaces the provisions of the Residential Design Codes of WA with respect to front fences.

Date Application Received

23 September 2009

Advertising

Adjoining landowners



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Date Advertised

28 October 2009

Close of Comment Period

11 November 2009.

No. of Days Elapsed between Lodgement and Meeting Date

54 days

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

10 November 2009 The Town Planning & Building Committee resolved that the application for a fence to the front and a shed to the rear of the existing single-storey single house at Lot 184 (No. 67) Hubble Street, East Fremantle be deferred pending a further report to Council in view of the late correspondence from the adjoining neighbour at No. 69 Hubble Street.

CONSULTATION

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

Public consultation for this proposal closed 11 November 2009. One submission was received and is addressed in the section below titled 'Neighbour comments'.

Site Inspection

By Acting Town Planner on 5 November 2009.

REPORT

Considerations

Wall Height of Outbuilding

It's proposed that the shed have 3.0m-high walls. The R-Codes limit the wall height of an outbuilding to 2.4m.

It is recommended that the height of the southern wall be reduce to 2.4m in accordance with the R-Codes in order to address concerns raised by the adjoining landowner to the south (see below in the section titled 'Neighbour comments'). A wall height of 2.4m would mean that the southern wall of the garage is the same height as the dividing fence due to a 0.6m change in level between the two sites and therefore would not impact on the solar accesses to the south.

This still leaves the northern wall of the garage at 3.0m, which is 0.6m in excess of the wall height specified by the R-Codes. The applicant has provided justification for the increased wall height. Of note is the fact that the natural ground level of the subject site is 0.6m less than that of the adjoining sites to the side and rear. In light of the applicant's advice, and given that the proposal meets the overshadowing provisions of the R-Codes, it is considered that a variation to the required wall height can be supported.

Ridge Height of Outbuilding

It is proposed that the outbuilding have a ridge height of 4.7m. The R-Codes limit ridge height of an outbuilding to 4.2m.

It is recommended that the ridge height be reduced by 0.2m to 4.5m. This would mean the roof of the shed has a pitch of 33° and accordingly any shadow cast by the shed in midwinter would fall from the southern wall of the shed (which is to be at fence height, see above) and not from the ridge itself.

The reduction in ridge height would still mean that the overall height of the shed would be 0.3m in excess of that permitted by the R-Codes. The applicant has provided justification



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for the ridge height variation. It is again noted that due to a level change between the subject site and adjoining sites, the ridge height as viewed from neighbouring properties would be 3.9m which would accord with the provisions of the R-Codes.

In light of the applicant's advice, and given that the proposal meets the overshadowing provisions of the R-Codes, it is considered that a variation to the required ridge height can be supported.

Number of Boundary Walls

The shed is proposed to be located in the south-west corner of the site, abutting the side and rear boundaries.

The site already features two existing boundary walls (associated with the house and an existing shed).

The proposed shed would result in a third and fourth boundary wall on the site. The Residential Development Policy (LPP142) limits the number of boundary walls on a site to one.

The applicant has provided justification for the proposed third and fourth boundary walls on the site. It is noted that:

- the proposal meets the overshadowing provisions of the R-Codes;
- the proposed boundary walls are not located adjacent to any major openings or outdoor living areas on the adjoining properties;
- the proposed boundary walls are of a relatively high-quality material (recycled face brick);
- siting the shed against the side and rear boundaries maximises the subject site's useable open space area; and
- any effect on the streetscape would be marginal as the shed is proposed to be located at the rear of the subject site.

Given the above it is considered that a variation to the maximum permitted number of boundary walls on the site can be supported in this instance.

Overall Height of Front Fence

The front fence is proposed to have an overall height between 1.6m and 2.0m.

The Fencing Policy (LPP143) states that front fences are not to exceed 1.8m in height. The applicant has provided justification for the proposed height of the fence.

In light of the applicant's advice, and given that the requested discretion is relatively minor, it is considered that a variation to the maximum height of the front fence can be supported.

Visual Permeability of Front Fence

It is noted that the applicant's report requests a variation to the relevant visual permeability requirements of the front fence.

Given that the plans have been annotated to show that the front fence is to be visually permeable as per the requirements of the Fencing Policy (LPP143), the applicant's request to vary the visual permeability requirements does not need to be addressed.

Neighbour Comments

A submission expressing concerns about the proposed shed was received from the adjoining landowner to the south.

The adjoining landowner's has expressed concerns about the height of the shed and its impact on the solar access to the adjoining property.

In response it is recommended that:

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- the height of the southern wall of the shed be reduced; and
 - the overall height of the shed be reduced;
- as set out above in the sections titled 'Wall height of outbuilding' and 'Ridge height of outbuilding'.

These changes would mean that the wall height of the shed is no higher than the dividing fence, and accordingly the shadow cast by the shed would be no greater than that cast by the fence. It is considered that the reduction in wall- and ridge-height described above addresses the concerns raised by the adjoining landowner.

It is noted that the applicant has provided correspondence addressing the neighbour's concern.

RECOMMENDATION

Council exercise its discretion in granting planning approval for:

- outbuilding wall height being 3.0m in lieu of the 2.4m wall height required by the Acceptable Development provisions of the R-Codes;
- outbuilding overall height being 4.7m in lieu of the 4.2m overall height required by the Acceptable Development provisions of the R-Codes; and
- a third and fourth boundary wall on the site in lieu of the single boundary wall permitted by Local Planning Policy – Residential Development (LPP142);

for a fence to the front and a shed to the rear of the existing single-storey single house at Lot 184 (No. 67) Hubble Street, East Fremantle, as shown on plans received 29 October 2009 and subject to the following conditions:

1. The southern wall of the shed is to be reduced to 2.4m above natural ground level.
2. The overall height of the shed is to be reduced to 4.5m above natural ground level.
3. External faces of boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to, and endorsed by, the Town prior to issuance of a Building Licence.
4. Details of the garage door are to be provided to, and endorsed by, the Town prior to issuance of a Building Licence.
5. The zincalume roof be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
6. All storm water resulting from the development is to be retained on site.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

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- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building 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 boundary walls 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.*

Correspondence referred from Minute Book Ref. 334.1 was tabled.

Mr Ben Wilde (applicant) addressed the meeting in support of his application.

Mr Lilleyman – Cr de Jong

Council exercise its discretion in granting planning approval for:

- **outbuilding wall height being 3.0m in lieu of the 2.4m wall height required by the Acceptable Development provisions of the R-Codes;**
- **a third and fourth boundary wall on the site in lieu of the single boundary wall permitted by Local Planning Policy – Residential Development (LPP142);**

for a fence to the front and a shed to the rear of the existing single-storey single house at Lot 184 (No. 67) Hubble Street, East Fremantle, as shown on plans received 29 October 2009 and subject to the following conditions:

1. **The southern wall of the shed to be 3.0m above natural ground level.**
2. **The overall height of the shed is to be reduced to 4.2m above natural ground level.**
3. **External faces of boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to, and endorsed by, the Town prior to issuance of a Building Licence.**
4. **Details of the garage door are to be provided to, and endorsed by, the Town prior to issuance of a Building Licence.**
5. **The zincalume roof be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.**
6. **All storm water resulting from the development is to be retained on site.**
7. **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.**
8. **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.**
9. **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.**
10. **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.**
11. **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.

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

That the applicant be advised of the following:

- (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 boundary walls 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.*

CARRIED

336. ADJOURNMENT

Cr Wilson – Cr Nardi

That the meeting be adjourned at 8.05pm to allow the Chief Executive Officer to address elected members on the matter of Lot 3 (No. 2) Riverside Road. CARRIED

337. RESUMPTION

Cr Collinson – Cr de Jong

That the meeting be resumed at 9.00pm with all those present prior to the adjournment, in attendance. CARRIED

338 EN BLOC RECOMMENDATION

Cr Wilson – Cr Collinson

That Council gives consideration to dealing with the following matters en-bloc.

CARRIED

Cr Wilson – Cr Collinson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 10 November 2009. CARRIED

- (A) *T102.4 Clayton Street No. 22 (Lot 17)
Application No. P122/09
Owner: M Nolan*

That Council exercise its discretion in granting approval for:

- the southern elevation being set back between 1.0m and 2.1m from the southern boundary in lieu of the 1.7m setback required by the Acceptable Development provisions of the Residential Design Codes of WA

- the front-facing verandah being set back 1.5m from the side boundary in lieu of the 7.5m privacy setback required by the Acceptable Development provisions of the R-Codes

for a single-storey single dwelling with undercroft Lot 17 (No. 22) Clayton Street, East Fremantle, as shown on plans received 29 September 2009 and 20 October 2009 and subject to the following conditions:

1. The rainwater water tank is to meet the provisions of the Rainwater Tanks Local Planning Policy (LPP144), details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
2. Details of the materials and finish of garage door are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
3. The external face of the rear boundary wall is to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.
5. 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.
6. 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.
7. 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.
8. 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.
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. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (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).*



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- (e) *In regard to the condition relating to the finish of the neighbour's side of the rear boundary 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.*

- (B) **T102.6 Glyde Street No. 68 (Lot 160)**
Application No. P108/09
Owner/Applicant: J Fitzpatrick & S Gill

That Council exercise its discretion in granting retrospective planning approval for:

- *visual permeability being 17% in lieu of the 60% required by the Local Laws Relating to Fencing (LPP143)*

for an existing front fence at Lot 160 (No. 68) Glyde Street, East Fremantle, as shown on plans received 15 September 2009.

That the applicant be advised of the following:

- (a) *This decision does not include acknowledgement or approval of any additional unauthorised development which may be on the site.*
- (b) *A copy of the approved plans as stamped by Council are attached*
- (c) *The existing fence may require further approval from the Town's Principal Building Surveyor. Please contact the Town in this regard.*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

- (C) **T102.7 Munro Street No. 8 (Lot 5054)**
Application No. P122/09
Owner/Applicant: J Wallis

That Council exercise its discretion in granting planning approval for:

- *a wall being set back 1.0m from the north-western boundary in lieu of the 1.5m setback required by the Acceptable Development provisions of the Residential Design Codes of WA*

for works comprising a verandah enclosure, a single storey extension and an alfresco area to the side and rear of the existing two-storey single house at Lot 5054 (No. 8) Munro Street, East Fremantle, as shown on plans received 26 October 2009, subject to the following conditions:

1. All storm water resulting from the development is to be retained on site.
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 extension 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

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

That the applicant be advised of the following:

- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

339. FINANCE

339.1 Accounts for Payment

By John Roberts, Executive Manager Finance & Administration on 12 November 2009

PURPOSE

To endorse the list of payments for the periods 1 October 2009 to 31 October 2009.

BACKGROUND

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

ATTACHMENT

REPORT

Comments/Discussion

The List of Accounts for the period beginning 1 October 2009 and ending 31 October 2009 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the periods beginning 1 October 2009 and ending 31 October 2009, be received, as per the following tables:

OCTOBER 2009		
Voucher No's.	Account	Amount
3695-3721	Municipal (Cheques)	\$23,584.12
EFT11171 – EFT11319	Electronic Transfer Funds	\$683,491.35
Payroll	Electronic Transfer Funds	\$155,472.12
DD5640.1/ DD5662.1	Direct Debits	Nil
	Municipal Total Payments	\$862,547.59

Cr Olson – Cr Collinson

That the List of Accounts for the periods beginning 1 October 2009 and ending 31 October 2009, be received, as per the following tables:

OCTOBER 2009		
Voucher No's.	Account	Amount
3695-3721	Municipal (Cheques)	\$23,584.12
EFT11171 – EFT11319	Electronic Transfer Funds	\$683,491.35
Payroll	Electronic Transfer Funds	\$155,472.12
DD5640.1/ DD5662.1	Direct Debits	Nil
	Municipal Total Payments	\$862,547.59

CARRIED**339.2****Monthly Financial Activity Statement for Period Ending 31 October 2009***By John Roberts Executive Manager Finance & Administration on 12 November 2009***PURPOSE**

To provide financial information to the Council in the form of a financial activity statement for revenues and expenditures, both operating and capital, in accordance with statutory requirements.

BACKGROUND

The monthly Financial Activity Statement for the period ending 31 October 2009 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital Works/Major Capital Project Status 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 2009 year to date Financial Activity Statement report shows an overall actual surplus of \$4,631,655 compared to the year to date budget of \$3,963,202.

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 2009/10 as it is used to fund expenditure providing works and services.

The overall favourable variance of \$668,453 can be analysed as follows:

- The YTD actual Operating Revenue is \$5,767,291 compared to the YTD budget of \$5,765,804, a favourable variance of \$1,487. The variance is due primarily to the receipt of the HACC Growth Funding grant, and a grant for the revegetation of John Tonkin park plus an increase in planning development applications, offset by a lower than anticipated income from Old Royal George tenants and recoverable works.
- The YTD actual Operating Expenditure is \$2,021,211 compared to the YTD budget of \$2,312,868, a favourable variance of \$291,657. The variance is due primarily to

lower than anticipated expenditure on functional administration expenses and recyclable collection costs.

- The YTD actual Capital Expenditure is \$184,993 when compared to the YTD budget of \$555,970 a favourable variance of \$370,977. The variance is due to a delay in commencing footpath and drainage works combined with a delay in replacing vehicles.

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 2009 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 2009 to 31 October 2009 be presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2009 to 31 October 2009 be received.

Cr Olson – Cr Collinson

That the Financial Activity Statement for the period ending 1 July 2009 to 31 October 2009 be received. CARRIED

339.3

Tender RFT 42/2009 Recycling Acceptance and Processing Services

By John Roberts Executive Manager Finance & Administration on 13 November 2009

PURPOSE

To provide information to the Council on the tender for recycling and processing services.

BACKGROUND

The Town of East Fremantle is a member of the SMRC. As such, the Town was required to dispose of all domestic recyclable material at the SMRC's Material Recovery Facility (MRF) at Canning Vale. On the 1st June 2009 the Materials Recovery Facility at the SMRC was destroyed by fire and could no longer receive the City's recyclable material. In the intervening period an Interim Regional Recycling Agreement was established with Perth Engineering at their Hamilton Hill facility. The regional councils which are party to this agreement include the Cities of Cockburn, Fremantle, Melville and the Towns of East Fremantle and Kwinana (The Participants).

Due to the tender provisions of the Local Government Act, the interim agreement could only have a limited life and a contract document has been prepared to formalise the service. The contract has been written as a regional contract and all of the Participants have expressed their intention to remain part of the regional contract. The scope seeks the services of suitable contractors to receive and process recyclable material from the participants for an initial 2 year period. This should provide the SMRC with sufficient time to resolve a future way forward.

Tender RFT 42/2009 Recycling Acceptance and Processing Services was prepared by the City of Cockburn and advertised on Saturday 10 October 2009 in "The West Australian" newspaper and it was also displayed on the City of Cockburn's website.

REPORT

Scope

The Cities of Cockburn, Fremantle, Melville and the Towns of East Fremantle and Kwinana (The Participants), provide a fortnightly 240 litre MGB Recycling collection service for residential and commercial properties throughout their respective Districts. Collectively the Participants will generate approximately 29,000 tonnes of recyclables annually and are seeking the services of suitable contractors to receive and process this material. Recyclables will be delivered to the designated recyclables sorting centre as specified by the Contract.

The contractor will be required to receive and process all recyclables material delivered by the Participants and more specifically:

- receive recyclable material delivered by, or on behalf of, the Participants;
- process the recyclables and separate them into individual recyclable commodities, suitable for sale to the market;
- market and sell the sorted recyclable commodities; and
- dispose of residual waste at a suitably licensed disposal facility.
- provide comprehensive reports detailing recyclable materials received, residual waste and recyclables sold to the satisfaction of the Principal.

Compliant Tenderers

Tenderer's Name		Compliance Assessment
1	Transpacific Cleanaway P/L	Compliant
2	Perth Engineering and Maintenance	Compliant
3	Perthwaste	Compliant

Alternative Submissions

The contract permitted the submission of alternative tenders. Both Transpacific Cleanaway and Perthwaste submitted alternative tenders which provided differential prices to participating Councils as separate entities. The contract document however was written as a regional tender and does not facilitate individual participating councils awarding a contract in its own right, other than to the contractor deemed to represent the most advantageous tender to the collective councils (i.e. it is all or nothing).

All participating Councils agreed to take a regional approach to the service provision and this intent was stipulated in the interim agreement signed by all parties. If a participating council wished to consider any of the alternatives submitted, all tenders would need to be rejected and participating councils would need to call tenders for their service individually.

The alternative submissions were not further scrutinised by the evaluation panel for the reasons provided above. Fortunately, the recommended tenderer represents the best value for each participating council thus it should not be a major consideration.

Contract Term

The Contract was advertised for an initial period of two (2) years commencing on 30 November 2009 (or as close as possible to that date). During initial discussions on the need to tender the service, officers from the participating councils believed that fixing a 2 year term represented a suitable timeframe to enable the SMRC to complete its due diligence and rebuild the facility (if that was its decision) and to enable the participating

councils to secure an economical recycling rate in the interim period.

There will be options (by the Principal) to extend the Contract period by an additional six (6) months and for up to six (6) months after that to a maximum period of three (3) years if an alternative facility has not been established.

Impact on the SMRC

The SMRC insurance policy provides for Consequential Loss cover for a maximum indemnity period of 24 months. The Consequential Loss claim is required to cover the costs of interest and principal repayments on the loans associated with the MRF of approximately \$1.5 million per annum and fixed overheads previously allocated to the MRF business totalling approximately \$1 million per annum.

If cash generation from the MRF business, by whatever method, has not commenced by 1 June 2011 (the cessation of the indemnity period) then the SMRC will need to fund these annual costs from other sources at a rate in excess of \$200,000 per month.

The SMRC have expressed some concern regarding the potential for this contract period to go beyond the June 2011 timeframe. If a facility has not been recommissioned by this time, the member councils will be required to meet the repayment and overhead costs (otherwise distributed against the incoming MRF tonnages) by another means. There is no guarantee that the facility will be reconstructed prior to June 2011 and no information has yet been provided by the SMRC which gives us any certainty that that timeframe can be achieved. Regardless, the RSM Bird Cameron projections for Option 1 – Rebuild the MRF are premised on the SMRC charging a gate rate of \$60/tonne (substantially less than this contract) and generating an NCF in excess of \$400,000. If the participating councils accept this tender for a 2 year term, the SMRC will need to consider how it intends to distribute the financial liability of these costs until November 2011 when this contract expires.

Evaluation Criteria

Qualitative (non-cost) and Quantitative (cost) criteria were established to assess each submission. Cost and non-cost criteria were equally weighted i.e. 50% each.

Tenderers were asked to address the following non-cost criteria:

1. Outline details of previous and/or current experience in providing the same or similar services to the local government or private sector,
2. Provide details of tonnages processed, the timeframe of operation and recovery rates achieved;
3. Demonstrate capacity to sell commodities into secondary markets through existing commodity contracts.
4. Provide details of your organisation including:
 - Background information including time in business, annual turnover, number of current contracts, number of past contracts
 - Demonstrate competency and proven track record of achieving the same or similar outcomes as are required by this contract.
 - Detail of plant and machinery (and the adequacy of same) that will be used to service the contract
 - Organisation structure
 - Employee qualifications and past experience
 - details of issues that arose through the course of providing the service and how these were managed
5. Provide detail of strategies, techniques, processes and procedures to be used in delivering the specified services;

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- 6 Provide details of referees including work provided for those referees.

Evaluation Panel

The evaluation panel was convened on the 28th October 2009 by Michael Littleton, Director Engineering & Works at the City of Cockburn and the Superintendent of this contract.

The tender submissions were evaluated by:

	Name	Title	Representing
1	Lyall Davieson	Waste Manager	City of Cockburn
2	John Christie	Director of Technical Services	City of Melville
3	John Roberts	Executive Manager of Finance and Admin.	Town of East Fremantle
4	Peter Pikor	Director of Technical Services	City of Fremantle
5	Maurice Ferialdi	Director of Operations and Tech. Services	Town of Kwinana

Scoring Table - Combined Totals

The outcome of the evaluation is summarised in the table below.

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	50%	50%	100%
Perth Engineering**	39.9%	50%	89.9%
Cleanaway	43.35%	43.43%	86.78%
Perth Waste	42.4%	42.64%	85.04%

** Recommended Submission

Evaluation Criteria Assessment**Non-cost Criteria***Demonstrated Experience*

Each tenderer demonstrated capacity to meet the Participating Councils requirements as detailed in the Specification. All three (3) submissioners were considered to have a high level of relevant experience in processing and selling recyclable product.

Key Personnel Skills and Experience

All tenderers demonstrated that they had sufficient key personnel with skills and experience to complete the works.



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Tenderer's Resources

The evaluation panel believed that all tenderers had sufficient resources to provide the service.

Cost Criteria

Each tenderer provided a rate per tonne to accept and process recyclable material from all 5 Participating Councils. The gate fee will be subjected to a 'Rise and Fall' at various intervals throughout the contract term as stipulated in the contract document. The genesis of the rise and fall clause arose from a desire to link the \$/tonne to commodity prices so that participating councils could benefit if commodity prices recovered as projected. Any benefit of course, is offset by the increased exposure in the event that commodity prices collapse. The potential risk is mitigated (in part) by the number of reviews and the short contract timeframe.

The proposed rate is also dependent on the movement in landfill fees. The increase in landfill levy and the potential for ETS to further increase landfill fees would create a degree of uncertainty for the contractor and that would be reflected in the price to us. Providing a facility to review price based on the movement in landfill fees should have enabled contractors to price with a greater degree of certainty thus reducing the rate to participating councils.

Contractors were asked to proportion their contract rate across 3 cost factors (fixed costs, variable costs and commodity prices) and were also asked to outline current commodity prices received and landfill fees paid. During evaluation of the cost structure provided by each tenderer, officers were able to model the likely gate rate in a declining and recovering commodity market. This gave the panel greater confidence in the selection of the preferred tenderer and the subsequent recommendation.

Environmental Considerations

Given the emerging carbon economy, it is now more crucial that the successful contractor prove and guarantee an ability to not only process but to 'on sell' the recyclable product.

Transportation distances and fuel consumption were also considered in selecting the successful contractor.

Summation

All compliant tenders are considered to have the capacity to meet the Town's requirements as detailed in the Specifications as well as comply with the General and Special Conditions of Contract as stated in the tender document.

Cleanaway and Perthwaste provided the best assessment against the non cost selection criteria. Referees were assessed and again Cleanaway and Perthwaste have proven extensive experience and reputation in processing recyclable product.

Perth Engineering however provided the best overall assessment score and also offered the best tonnage rate, commodity price benefits and convenience. Consequently the evaluation panel has recommended that participating councils award the contract to Perth Engineering.

Statutory Requirements

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers to the requirement for works valued above \$100,000 to be awarded under the tender process.

Relevant Council Policies

Nil.

Strategic Plan Implications

Nil.

Financial/Resource/Budget Implications

The cost of processing recyclable product is accommodated in the Town's Annual Budget. The recommended tendered rate represents a 10% saving on the current cost paid for receipt and processing of recyclable products. The estimated annual cost of the tender across all 5 Participant Local Governments is \$2,598,447 GST inclusive (\$2,362,225 GST exclusive).

These figures do not include the 'Rise and Fall' clause variables that underpin the pricing schedule. Variable costs (i.e. the cost of landfill) and commodity sales will be reviewed twice yearly and proportional increases or decreases shall be applied throughout the contract. A CPI component will be applied to the fixed costs on an annual basis.

RECOMMENDATION

That the Town of East Fremantle participate in the regional contract RFT42/2009 'Recycling Acceptance and Processing Services' and on the concurrence of the Cities of Cockburn, Fremantle and Melville and the Town of Kwinana, accept the tender submitted by Perth Engineering for the provision of Recyclable Processing Services in accordance with the Schedule of Rates provided in their submission over an initial two (2) year period concluding 30th November 2011.

Cr Olson – Cr Lilleyman

That the Town of East Fremantle participate in the regional contract RFT42/2009 'Recycling Acceptance and Processing Services' and on the concurrence of the Cities of Cockburn, Fremantle and Melville and the Town of Kwinana, accept the tender submitted by Perth Engineering for the provision of Recyclable Processing Services in accordance with the Schedule of Rates provided in their submission over an initial two (2) year period concluding 30th November 2011. CARRIED

340. REPORTS OF CHIEF EXECUTIVE OFFICER**340.1 Delegates – Fremantle Ports Inner Harbour Community Liaison Group**
*By Stuart Wearne, Chief Executive Officer, on 13 November 2009.***BACKGROUND**

At the Council Meeting on 20 October 2009 the following elected members expressed an interest in serving on the Fremantle Ports Inner Harbour Community Liaison Group:

Cr Alex Wilson
Cr Maria Rico
Cr Sian Martin

Enquiries made with Fremantle Ports revealed that they were happy to have three East Fremantle delegates for this Group, however, only one member could attend each meeting.

It should be noted that these meetings are held quarterly on a Tuesday evening which usually clashes with a Council meeting (previously it was the Town Planning meeting).

RECOMMENDATION

That:

- (i) Crs Wilson, Rico and Martin be appointed as Council's representatives to the Fremantle Ports Inner Harbour Community Liaison Group.
- (ii) the representatives decide who will attend each Group meeting.

Cr Wilson withdrew her nomination as one of Council's representatives on the Fremantle Ports Inner Harbour Community Liaison Group.



17 November 2009

MINUTES

Cr de Jong – Cr Wilson**That:**

- (i) **Crs Rico & Martin be appointed as Council's representatives to the Fremantle Ports Inner Harbour Community Liaison Group.**
- (ii) **the representatives decide who will attend each Group meeting.** CARRIED

Mr Rohan Doust, Acting Town Planner, left the meeting at 9.20pm.

340.2 **Application for Event on East Fremantle Football Ground**
By Stuart Wearne, Chief Executive Officer, on 13 November 2009

PURPOSE

The purpose of this report is to obtain Council approval for an event to be held in February 2010 on East Fremantle Football Oval

BACKGROUND

Application has been received from Mr Alan Erdman of "Big Al's Poker Run". The application is seeking to use East Fremantle Football ground on Saturday 13 February 2010. Council has granted approval for "Big Al's Poker Run" to be held the last two years at East Fremantle Oval and by all accounts it has been a great success. Mr Alan Erdman has been in contact with the East Fremantle Football Club and has been given their approval to use the premises for staging the event on 13 February 2010.

Description of Proposal/Application/Submission

Copy of correspondence is attached.

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

The reporting officer has received an application from Alan Erdman for use of the East Fremantle Oval to hold an event that uses a static display of hot rod vehicles presented by car enthusiasts. The event starts at the Burswood Parklands and finishes at East Fremantle Oval. It is expected that approximately 600 vehicles will be displayed in a static display with vehicle arriving on site at approximately 4pm on the day. The participants of the event are mainly families displaying early American classics, Australian Holdens and Fords and classical cars and hot rods.

Members of the public can view the vehicles followed by a barbeque picnic for the participants of the event and a presentation of awards for the event. After the presentation of awards participants will continue with entertainment into the night by way of a rock and roll band playing music of the sixties until approximately 11.30pm.

Issues

The event poses a few issues which is planned will be managed as follows:

- **Impact of Vehicles Accessing the Playing Field**
As the vehicles access the ground and remain stationary, issues of weight are not considered to be of concern. A bond would be taken from the event organisers to cover any cost of turf replacement due to oil leakage from vehicles. It would be anticipated that a bond of \$2000 would be sufficient to cover any costs Council may incur. The bond would be refundable should it not be necessary to replace any turf or irrigation. Irrigation would be turned off for this event over the weekend.
- **Noise Management**
As there will be a rock and roll band playing during the night it is planned to finish the playing of music at 11.30pm. Notification would need to be given to residents of Allen Street and Moss Street as the most directly affected residents in order that they have the opportunity to make alternative arrangements for that evening if they wish. Residents living in these streets would have been aware of the possibility of event like these when purchasing their homes next to a major public venue. All live band and recording generated noise will cease at 11:30pm

- **Waste & Refuse Management**
As some 2000 people are expected to attend the event the management of refuse and rubbish is to be addressed through the supply of rubbish bins placed strategically around and throughout the ground to minimise the issue of litter. Costs associated with this will be paid for by the promoter of the event through the payment of the fee for the event.
- **Parking**
During the football season between 2000 and 3000 people attend football games and this event is expected to attract some 2000 people. This will bring with it a need for parking and as the event has provided parking for all the participants, the impact of parking around the football ground is expected to be minimal. The area has coped with these numbers of people previously for football games and with all participants parking their vehicles on the oval in a display situation, parking around the ground is not expected to be high impact and will cause little or no problems. Costs associated with Rangers and the enforcement of local parking laws is to be covered by the event organiser in the fee for the use of the ground.
- **Event fees and charges**
Fees charged for last year's event are listed below and this should form the basis of the fee.

EVENT COSTS – EAST FREMANTLE OVAL					
Item	Qty	Unit Type	Unit Cost	Total Cost	
Ground hire fee as per schedule of fees & charges	1	Lot	304.55	304.55	
Rubbish bins collection & disposal	45	Each	3.94	177.30	
Staff costs for placement & collection of bins	2	Hours	81.40	162.80	
Ranger Services parking control	6	Hours	52.80	316.80	
Final cleanup of site	4	Hours	123.75	495.00	
General administration fee = 25% of costs	1	Lot	843.20	843.20	
Contingencies				300.00	
				Sub Total	2,599.65
				GST	259.96
				Total (rounded)	2860.00

As demonstrated in the above table, costs that Council will incur as a direct result of this event should form part of the fees and charges to be passed onto the event organiser with a \$2,000 bond, refundable should no damage to the ground occur.

Elected members may consider that as this event is partially a charity event and some of the proceeds are donated to charity, they may wish to waive or discount the fees and charges.

- **East Fremantle Football Club**
The East Fremantle Football Club was originally approached for this event and in conversations held with the Chief Executive Officer of the Club he has stated the Club is supporting the event and will be providing some minor catering and availing the licensed area to the event.
- **Public Liability Insurance**
The event organiser has indicated that all relevant insurance policies will be in place prior to the event and copies of these will be provided to the town for verification.
- **Emergency Management Plan**
An emergency management plan is currently being developed in accordance with relevant legislation and will be presented to the Town for its endorsement prior to the event. The event will not proceed without this plan.
- **Public Entrance Fees**
Fees for ground entrance to the general public will be \$10.00. Surrounding affected residents will be offered complimentary entrance tickets.

Statutory Requirements

Nil

Relevant Council Policies

Council Policy No 102 Use of East Fremantle Oval and hours of use states as follows:

“The East Fremantle Football Club and other prospective users of the East Fremantle Oval be advised that any activity on the oval which may adversely affect the amenity of the locality, that is by the use of the lights on the oval or by the generation of noise as part of training activities or competitive games, later than 9:00pm at night or earlier than 7:00am on Monday to Saturday or 9:00am Sundays, is not permitted.”

As this event has noise generation after 9:00pm at night and uses the ground's lights, an absolute majority of Council must approve the variation to the Policy to allow the event to proceed.

Principal Activity Plan Implications

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

No financial implications are expected on the budget for this event as all costs associated with the event incurred by Council will be charged to the organiser in the fees charged for holding the event.

Conclusion(s)

That the event should be supported by Council as the event is of low impact with minimal disturbance to residents and is generally a family orientated event.

RECOMMENDATION(S)

That Council approve the relaxation of Policy No 102 “Use of East Fremantle Oval” to allow the “Big Al's Poker Run” event to be held at the East Fremantle Football ground on 13 February 2010 subject to the following:

1. payment of bond of \$2,000 to Council with other fees to be delegated to the Chief Executive Officer.
2. all lighting associated with the event is terminated at 11:45pm.
3. all noise generated by the playing of live and recorded music be in accordance with relevant noise abatement regulations and is to cease by 11.30pm on the day of the event.
4. this approval is subject to the provision of satisfactory public liability insurance documentation being presented to the satisfaction of the Chief Executive Officer.

5. this approval is subject to the satisfactory approval of an emergency management plan being present to the Chief Executive Officer prior to the events commencement.
Absolute Majority Resolution Required

Mayor Ferris – Cr Olson

That Council approve the relaxation of Policy No 102 “Use of East Fremantle Oval” to allow the “Big Al’s Poker Run” event to be held at the East Fremantle Football ground on 13 February 2010 subject to the following:

1. payment of bond of \$2,000 to Council with other fees to be delegated to the Chief Executive Officer.
2. all lighting associated with the event is terminated at 11:45pm.
3. all noise generated by the playing of live and recorded music be in accordance with relevant noise abatement regulations and is to cease by 11.30pm on the day of the event.
4. this approval is subject to the provision of satisfactory public liability insurance documentation being presented to the satisfaction of the Chief Executive Officer.
5. this approval is subject to the satisfactory approval of an emergency management plan being present to the Chief Executive Officer prior to the events commencement.
6. a report on the outcome of the event, from the organiser, to be tabled at the Finance Committee meeting.
7. appropriate acknowledgement Council support to be discussed with the organiser.

CARRIED
ABSOLUTE MAJORITY

340.3 Fremantle Ports Invitation

The Chief Executive Officer reminded elected members of the Fremantle Ports Invitation to be held on Wednesday 2 December 2009 with a Briefing scheduled for 6pm followed by refreshments. The function would conclude around 7.30pm.

340.4 Annual Electors’ Meeting

Mayor Ferris – Cr de Jong

That the Annual Electors’ Meeting be held on Thursday 10 December 2009.

CARRIED

340.5 Town Planning Scheme Review

The Chief Executive Officer provided a verbal report on issues pertaining to a Town Planning Scheme Review, together with comment on other mechanisms for effecting Scheme and related changes, such as Scheme amendments and new or revised Town Planning policies.

340.6 Residential Guidelines

The Chief Executive Officer provided a verbal report on the status of this matter.

340.7 Riverside Road – Shelters

The Chief Executive Officer commented on various aspects of this matter, including noting:

- (i) at the time elected members resolved to upgrade the shelters, there was nothing on record to indicate nearby residents had expressed concerns regarding anti social behaviour related to the shelters.
- (ii) significant problems in moving the shelters eastwards, as requested by some adjacent residents, had been identified, due to below ground services at that location and other structural issues.
- (iii) with respect to claims made by Mr Bailey, who lives opposite one of the proposed shelters that the CEO had ignored two messages left by his neighbour for the CEO to contact her about this matter, a check with this neighbour by the CEO indicated this claim was completely untrue. The neighbour advised she had left no messages

for the CEO asking him to contact her. Similarly the CEO had received no emails from other parties requesting a response, also as alleged by Mr Bailey.

Mrs Peta Cooper, Minute Secretary, left the meeting at 10.00pm.

340.8 Old Royal George Hotel – Proposed Redevelopment

Following a question from Cr Martin the Chief Executive Officer provided a comprehensive verbal report on the current situation and relevant past history.

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

Nil.

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

Nil.

343. 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 **17 November 2009**, Minute Book reference **322. to 343.** were confirmed at the meeting of the Council on*

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Presiding Member