



**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 JULY 2009 COMMENCING AT 6. 35PM.**

**201. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**201.1 Present**

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr S Dobro	(From 8.45pm)
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr C Warrener	Town Planner (To 7.30pm)
Ms J May	Minute Secretary

**202. 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.”*

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

The Mayor welcomed five members of the public in the gallery and introduced Council members and staff.

**204. RECORD OF APPROVED LEAVE OF ABSENCE**

It was noted Cr Dobro had previously been granted leave of absence for this meeting, however, had advised she will be in attendance later this evening.

**205. RECORD OF APOLOGIES**

Cr Olson due to illness.

**206. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**207. PUBLIC QUESTION TIME**

**207.1 Mandy Clarke, 9 Capill Corner Leeming**

Mayor Ferris referred to questions submitted by Ms Clarke regarding the operations of the SMRC and Council's response as prepared by the Chief Executive Officer both as given below.

The Mayor noted Ms Clarke was not in attendance at the meeting.

**Due to the continual rise and massive expenditure of resident's rates to support the SMRC and the RRRC I would like the following questions and their answers addressed and recorded in full in the council minutes, along with a written response.**

*It is first necessary to address the accuracy of your preamble above. You are clearly suggesting the costs of operating the RRRC and SMRC gate fees charged to the Town of East Fremantle have risen inordinately and unexpectedly. However the RRRC is operating within the best case/worst case parameters of the SMRC Business Plan which was adopted by the Town of East Fremantle in 1998. The rising costs of both landfill and*



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alternative waste treatments were anticipated and incorporated in the facility's business plan.

- 1 **Is council aware that the SMRC's claims from their recent press release that "Cobb County recognised the SMRC's expertise in waste management and invited the Regional Council to tender on operating their facility" is incorrect?**
  
- 2 **Did council know that the SMRC were one of 46 Request for Proposals sent out by Cobb County and that the Request for Proposal was not specifically to operate the plant but to submit a proposal to do something solid waste related (sic) to it?**

The SMRC did not claim they were the only organisation to be contacted by Cobb County. It is unclear what the point of the distinction between "operate the plant", "operating their facility" and "to do something solid waste related to it" (sic) is, or whether a distinction is being made between "to tender" and "submit a proposal", however it is considered the distinctions to be of a semantic nature and trusts you acknowledge the SMRC is the operator of a municipal solid waste treatment facility in the RRRRC.

Regardless of the semantics of the press release Council believes the SMRC deserves appropriate kudos for having received the invitation from Cobb County, given the positive recognition of the SMRC's expertise which the invitation indicates, not negative point scoring.

- 3 **Considering the millions of dollars that rate payers have forked out on the failing RRRRC and RRRRC WCF – including more huge rate hikes in the future – what actions and investigations is council going to take to double check claims the SMRC make? If residents can make a few calls or emails and dig up the truth then surely council could do so quite easily, taking into account the enormity and seriousness of this issue.**

Effectively this "question" could better be described as rhetoric – and further, rhetoric essentially based on claims which are either not accepted or unsubstantiated.

Council does not accept the RRRRC and RRRRC WCF are "failing", particularly in the sense of a flawed technology and notes current financial issues are almost entirely related to:

- (i) the loss of income due to drastically falling (recyclables) commodity prices arising from the global financial crisis
- (ii) a loss of income in investments due to the global financial crisis.
- (iii) the impact of the MRF fire
- (iv) issues related to the Carbon Pollution Reduction Scheme.

These were all events outside of the control of the SMRC.

Prior to these events current income and future anticipated income was actually higher than had been predicted in the Business Plan.

It is noteworthy you mention none of these factors, despite their widespread knowledge (the fall in commodity prices is a world wide phenomenon, affecting recycling enterprises across the globe) which suggests a significant bias on your part.

In terms of the operation of the plant, the main unanticipated cost issue has involved attempting to mitigate odour issues. In your concern for East Fremantle ratepayers, are you suggesting the SMRC should have ignored this issue in order to save those ratepayers' money?

Council does not accept the implication of the claim that “residents” have “(dug) up the truth” about SMRC related matters that Council has been misinformed or misled by the SMRC, or had information to which Council was entitled, withheld from it by the SMRC.

In fact if the SMRC could be accused of anything, it is *information overload*, with vast amounts of information being submitted to the Council and its representatives, in Council’s case being the Mayor as regional councillor (and member of the SMRC’s public relations committee) and the Chief Executive Officer, as officer delegate.

In addition the SMRC holds frequent meetings, most of which are open to the public.

See also response to your preamble.

In addition the Town makes its own enquiries. For example the Mayor met last week with Mike Nahan and the Chief Executive Officer wrote several weeks ago to Cobb County with respect to matters involving the operations of that facility.

**4 Does council acknowledge the following finding of Report 16 of the Standing Committee on Environment and Public Affairs municipal waste management in Western Australia?**

**Finding 8: The Committee finds that the community’s concerns regarding odour issues at the Regional Resource Recovery Centre in Canning Vale were legitimate.**

**Finding 12: The Committee finds that the Southern Metropolitan Regional Council had a poor communication strategy with respect to its Regional Resource Recovery Centre and the ongoing concerns of the local community**

The Town of East Fremantle and the SMRC acknowledge all the findings of the Standing Committee’s report, including:

Finding 3: The Committee finds that the waste service provided by local government in Western Australia are of a very high standard.

Finding 4: The Committee finds that the formation of regional councils in Western Australia has proven highly successful in creating economies of scale in the management of municipal waste.

Finding 9: The Committee finds that the Southern Metropolitan Regional Council has taken steps to identify a technical remedy to address the community’s concerns regarding odour from its Regional Resource Recovery Centre.

Finding 10: The Committee finds that there are cost effective engineering solutions to the odour issues at the Regional Resource Recovery Centre in Canning Vale.

Finding 11 The Committee finds that the Department of Environment and Conservation’s enforcement powers achieved a positive result with respect to addressing the odour issues at the Regional Resource Recovery Centre in Canning Vale.

Council also acknowledges the Committee concluded, “there are high community and societal expectations of effective municipal waste management, and the service is generally taken for granted. An arguably unreasonable burden falls to local governments, who have to recover costs and respond to increasing volumes of waste.”



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Council also notes that at no place in the report does the Committee recommend the RRRC, either whole or in parts, should be closed, relocated, or an alternative technology be invested in. Nor did the Committee recommend the SMRC be replaced as the operators of the RRRC.

Returning to Finding 8, do you acknowledge that in the Standing Committee Report, prior to this Finding, the Chair of the Waste Authority, Mr Barry Carbon, stated the following:

*"We as a society have put an expectation on local governments that they change from throwing rubbish into a rubbish dump through to having a facility that does better. It is inevitable that there is a learning process, and there is no doubt that the SMRC has been a pioneer in doing that and in the diversion of waste and CO<sub>2</sub> capture. There are issues. I am not conceding that the odour issues necessarily come from the treatment plant, by the way. I have a fairly strong expectation that the current odours come from managing green waste in a pile next door to it, but that is something other people can deal with."*

Do you acknowledge that the Committee found the SMRC had significantly reduced odour from its controversial Regional Resource Recovery Centre (RRRC) and was confident that a technical solution to be problem would soon be in place.

Do you acknowledge that following the Inquiry, the Chair of the SMRC, Cr Doug Thompson, stated:

*"Since making our submission to the Standing Committee, we have completed new research into green waste processing which promises further improvement in odour control at the RRRC. These results are a breakthrough for the waste industry in WA."*

*"It is also gratifying to know the Committee recognises the RRRC is one of the very few alternatives to landfill, and there is no suggestion that the facility be closed or relocated."*

Do you acknowledge that in another media statement on the issue, the SMRC stated:

*"it is changing the way green waste is handled at its Canning Vale recycling plant after a new study has identified moist tree prunings, dry leaves and other garden clippings are causing odour emission."*

*The study is a breakthrough for the Council which has been working for months to pinpoint the source of transient odours being reported by the community.*

*Using a combination of onsite measurement, laboratory analysis and computer modelling, the study has challenged current thinking on green waste with revealing new information about the volume and speed of material decomposition and the concentration of odour produced during the grinding process.*

*Chairman Doug Thompson said: "This is an important breakthrough for the industry which has limited experience with green waste processing on such a large scale."*

*In addition to the waste composting plant, the Regional Resource Recovery Centre handles five times more garden and green waste than any other facility in Western Australia. It is the first of a new generation of plants to come on line.*

*Chairman Thompson said the Regional Council was anxious to protect the comfort of its community.*



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*"It is hard to solve a problem you cannot find and we apologise sincerely because this has been extremely frustrating for everyone involved."*

*Greenwaste operations are expected to re-open in the next few weeks once new odour management controls have been implemented. These are likely to include:*

- Grinding and storing materials in an enclosed building rather than outdoors.*
- Minimising the quality of processed mulch held on site.*
- Removing processed mulch from site within 24 hours.*
- Covering stockpiles overnight.*
- Limiting grinding operations to selected hours.*
- Monitoring wind direction to minimise potential impacts.*

*Cr Thompson said: "Waste disposal is an essential community service and the RRRC is one of the very few alternatives to toxic landfill. Anyone who would like to see the facility at work is welcome to book for a free tour."*

Do you acknowledge that in its subsequent newsletter, a public newsletter, the SMRC stated,

*"The SMRC today lodged a progressive works plan in response to an environmental protection notice issued by the Department of Environment and Conservation.*

*The plan escalates an improvement program that has been ongoing since 2006. That was the critical time when biofilters at the RRRC's waste composting plant failed releasing odours that have continued to generate community complaint.*

*The SMRC apologised to residents at the time and moved quickly to fix the problem. Since then, tremendous work has been done to refine our processes and find a way to satisfy the community's growing expectation of zero odour. Last week's Legislative Council Standing Committee on Environment and Public Affairs report acknowledged that substantial improvements had been made.*

*Finding the source of transient odours has been a challenge and there is no simple answer. There are three separate recycling facilities on the RRRC site for composting, greenwaste grinding and materials recovery. Each of these can produce smell under the right conditions. Only last week a breakthrough study found that greenwaste grinding produced intense odour which could change character as it travelled through the air. This was news for the whole industry and has given us fresh avenues to investigate.*

*One of the challenges of being first in any sphere is the pressure to confront new issues and break new ground. The advanced alarm system we plan to install in the composting facility was not available when the plant was built and only through experience have we discovered that organic biofilters need to be changed every 2.5 years, rather than the recommended 4 years, more details on our odour prevention plan can be found below.*

*These enhancements will put further pressure on our budgets at a time when income from recycling sales is low. It is a small price to pay compared with the horrendous economic, social and environmental cost of landfill. The financial gap between the two choices is rapidly closing following stiff hikes in the State Government's landfill levy and we hope these funds will be used to support effective and sustainable alternatives, like the RRRC.*

*The RRRC processes nearly one million wheelie bins of rubbish every month from over 150,000 homes in Perth's southern corridor. It is a visionary project*

*built for the community, funded by the community and designed to provide an essential service for generations to come. We are here to stay and determined to keep improving. I hope we can count on your help and support."*

Do you acknowledge a further media statement on the issue, dated 29 May 2009, which is attached in full? **ATTACHMENT**

Returning to Finding 12 do you acknowledged the following statement by the SMRC:

*"We accept that our communication has not been good enough and our team has been working hard to develop new ways to keep our community better informed about all the work we have going on.*

*We are here to serve the community, and keen to make sure our operations continue without upsetting our neighbours.*

*We are currently revitalising the Community Reference group and calling for new volunteers to increase its scope and representation.*

*Improvements have been made to our website and a regular email bulletin has been introduced for anyone who would like to subscribe.*

*News items have increased and interactive forums are being implemented to ensure we hear from our critics as well as our supporters."*

Do you acknowledge that in your questions to Council with regard to the Committee findings, you failed to acknowledge any of the above?

- 5 With the ongoing rise of residents complaints of the RRRC WCF odour, for which the RRRC WCF was built so close too, long after the residents were there, does it concern council that the publicity of the failing of the RRRC will surge to the size of the say the Erin Brockovich/ Alcoa case?**

Again there are a number of questionable assumptions in this question which need to be noted. Leaving aside the issue that Council does *not* accept the RRRC is "failing", as already indicated, complaints received both through the Canning Melville Community Odour Action Group email campaign and the SMRC hotline, 1300 556 726, show a steady decline since March 2009, with 51 emails and 8 calls to the hotline made by a total of 23 individuals in March, down to 12 emails and 1 call to the hotline made by a total of 7 individuals in June (it should be noted the 1 hotline call concerned the fire at the materials recovery facility and not the waste composting or greenwaste facilities).

While the CMCOAG email system is the preferred method for communication by some residents, both the Council and the SMRC consider that the complaint form is misleading and pregnant with assumptions. The form asserts that any odour detected by the complainant can only be from the waste composting facility. The only example of the nature of the odour given in the complaint form is, "rotting rubbish odour."

The RRRC was built in the Canning Vale industrial estate in between two local landfills. This area of Perth has been receiving the community's waste since 1972. The residential development of Leeming took place between 1977-1987.

Rather than being "imposed" on this neighborhood, the RRRC was welcomed with open arms ten years ago (*including being strongly sought by the City of Canning*) when it promised to save Leeming from being sandwiched between the Canning and Melville tips, which had been operating in the area since the 1970s and '80s.



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Council is concerned the Canning Melville Community Odor Action Group is attempting to suggest a connection between its campaign to close the RRRRC, or at least the waste composting facility, and issues previously dealt with, or currently being dealt with, by Erin Brockovich. To date there have been no known statements made by Ms Brockovich concerning the RRRRC.

- 6 The following quotes by Erin Brockovich are very similar to what the long-suffering residents are experiencing due to the RRRRC WCF odour issue:

**“We are supposed to be happy and honest and it doesn’t make sense to me that so many people that I have met throughout the US and the world would make up lies about their health, their animals dying and the problems that they are experiencing as a result of bad air or contaminated land or water.**

**“I am dumbfounded that any of us are surprised that poisons make us sick.**

**“After all we know for a fact that many chemicals are used in industry, we study it, we set standards for chemicals that we know are poisonous. Yet when they are releases, we have to go into court and fight to prove that the poisons can harm you.**

**“I fall these chemicals aren’t dangerous, then why set standards, policies, rules and regulations?**

**“We know that a poison is a poison and it isn’t good for us and it can harm us.”**

**With residents health complaints, when being exposed to the RRRRC WCF odour continuing to grow, and councils money supporting this same facility, what action is council taking to help the long suffering residents who are being exposed to these emissions?**

Again it appears you are attempting to make a connection between your efforts to close the waste composting facility and issues taken up by Erin Brockovich where, in Council’s view, no such connection exists.

Last year, the Regional Council commissioned international toxicology expert Dr Rodger Drew PhD, from Toxikos Toxicology Consultants, to undertake an independent health risk assessment of the waste composting facility.

The study showed that emissions from the facility’s bio-filters were highly unlikely to cause any adverse health effects despite odours being noticeable in the community from time to time.

"The concentrations of emissions as they leave the biofilters are much less than the concentrations required to cause acute health effects, or sensory irritation of the eyes or upper respiratory tract," the study found.

Council accepts however that some residents experience genuine anxiety with respect to this issue and a very small number of residents in the vicinity of the facility have experienced a range of physical symptoms.

At the time of these responses to your questions being prepared, Council has been advised the WA Health Department this week released a new report which again says that odours from the Regional Resource Recovery Centre are not a direct threat to health.



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Council understands the report verifies seven previous studies, adding that a survey of local GPs and hospitals failed to uncover any related health complaints from residents. However Council also understands the report noted that individuals who are sensitive to odours can become psychologically stressed and experience physical symptoms as a result.

The SMRC is working closely with the Department of Environment and Conservation, member councils and other agencies to help find a solution and Council encourages local residents and MPs to help the SMRC investigate what else can be done.

**208. APPLICATIONS FOR LEAVE OF ABSENCE****208.1 Cr Arnold**

An application for leave of absence for work related reasons was submitted by the CEO on behalf of Cr Arnold.

**Cr de Jong – Cr Wilson**

**That leave of absence be granted to Cr Arnold for this meeting. CARRIED**

**208.2 Cr de Jong**

Cr de Jong requested leave of absence for the Council Meeting on 18 August 2009.

**Cr Rico – Cr Wilson**

**That leave of absence be granted to Cr de Jong for the 18 August 2009. CARRIED**

**208.3 Mayor Ferris**

The Mayor requested leave of absence for the Council Meetings on 4 August and 18 August 2009.

**Cr Rico – Cr Wilson**

**That leave of absence be granted to Mayor Ferris for the 4 and 18 August 2009. CARRIED**

**209. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****209.1 Council Meeting – 16 June 2009**

**Cr Nardi – Cr de Jong**

**That the Minutes of the Council Meeting held on 16 June 2009 be confirmed. CARRIED**

**209.2 Special Council Meeting – 23 June 2009**

**Cr Nardi – Cr de Jong**

**That the Minutes of the Special Council Meeting held on 23 June 2009 be confirmed. CARRIED**

**209.3 Special Council Meeting – 15 July 2009**

**Cr Nardi – Cr de Jong**

**That the Minutes of the Special Council Meeting held on 15 July 2009 be confirmed. CARRIED**

**210. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION****210.1 Brianna Gourley**

The Mayor referred to an email received from a Brianna Gourley, thanking Janine May for research which she had carried out into the history of Gourley Park. The email read as follows:

*"Thankyou so much!!! I can't believe how much information you have given me. Your response well exceeded my expectations and I am so*





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*grateful to you for the time you spared in finding and passing on the answer to my question. Please pass this email onto the CEO too if you wish, so they know how grateful I am for your assistance."*

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

Nil.

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

Nil.

**213. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)****213.1 T60.6 Oakover Street No 40A (Lot 331)****M Scott:** Objecting to proposed development at 40A Oakover Street as:

- there will be a loss of privacy to her patio and swimming pool
- she is concerned about possible shading of her swimming pool
- from the backyard she will be looking at a brick wall and windows in lieu of the current outlook of trees
- the development will be detrimental to the aesthetic of her property and therefore possibly devalue her property
- she is concerned the noise of her pool filter will cause further complaints to Council.

**Cr Rico – Cr de Jong****That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 215.2).**CARRIED**214. ORDER OF BUSINESS****Cr de Jong – Cr Rico****That the order of business be changed to allow members of the gallery to speak to town planning matters.**CARRIED**215. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****215.1 T60.4 Preston Point Road No. 168 (Lot 7)****Applicant: Imperial Homes Pty Ltd****Owner: Mr & Mrs R & F Cronan****Application No. P70/2009**

Mr Jenkins (adjoining owner) addressed the meeting in support of the Committee's recommendation and provided a series of arguments with respect to the deemed unsuitability of the location of the current airconditioning units.

**Cr de Jong – Cr Nardi****The adoption of the Committee's recommendation which is as follows:****That the application for unauthorised existing development comprising 9 roof mounted air-conditioning units on the two grouped dwellings at No. 168 (Lot 7) Preston Point Road, East Fremantle be deferred pending the submission of revised plans specifying an alternative location for the subject air-conditioning units to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**CARRIED**215.2 T60.6 Oakover Street No. 40A (Lot 331)****Applicant: Broadhurst & Bott Architects****Owner: Pamela Ann Peelen****Application No. P81/2008**

The letter from M Scott, referred from Correspondence (MB Ref 213.1) was tabled.



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Ms Peelan (owner) addressed the meeting in support of her proposal.

**Cr de Jong – Cr Wilson**

**That the application for a two storey residence on a rear battleaxe lot at No 40A (Lot 2) Oakover Street East Fremantle be deferred to allow the applicant to submit revised plans that specify compliant setbacks to the north and east. CARRIED**

Reasons for not Supporting Officer's Recommendation

Council considered:

- there was a significant overlooking issue
- setback discretions requested exceeded the requirements under the R Codes by almost 50%.

*Cr Wilson made the following impartiality declaration in the matter of 11 Bolton Street: "As a consequence of the applicant being known to me as the manager of my younger son's football team, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly."*

**215.3 T60.7 Bolton Street No. 11 (Lot 110)**

**Applicant: Ventura Homes Pty Ltd**

**Owner: Jacqueline Hogan**

**Application No. P77/2009**

Mr Hogan (owner) addressed the meeting in support of his proposal.

**Cr de Jong – Cr Wilson**

**That Council exercise its discretion in granting approval for a variation to the front (south side) boundary setback for a family room and entry and bedroom 1 pursuant to the Residential Design Codes from 7.5m to 4.4m and 3.5m respectively for the construction of a single storey house at No. 11 (Lot 110) Bolton Street, East Fremantle comprising 3 bedrooms, entry, family, kitchen, meals, 2 bathrooms, laundry and outdoor alfresco in accordance with the plans date stamp received on 26 May 2009 subject to the following conditions:**

1. **prior to the issue of a building licence plans are to be submitted specifying:**
  - (a) **materials, finishes and colours of the house;**
  - (b) **proposed landscaping of the front setback;****to the satisfaction of the Chief Executive Officer 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 stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
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**

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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. 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.
9. this planning approval to remain valid for a period of 24 months from date of this approval.
10. no fill, building materials, sediment, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or allowed to enter the river as a result of the development.
11. stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system.
12. the development shall be connected to the reticulated sewerage system prior to occupation.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (e) *the patio may not be enclosed without the prior written consent of Council.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

**215.4 T60.9 Pier Street No. 3A (Lot 2)**  
**Applicant & Owner: WJ & FS Enright**  
**Application No. P76/2009**

Mrs Enright (owner) addressed the meeting seeking clarification on the restriction of the activity to the downstairs living area.

**Mayor Ferris – Cr de Jong**

That Council exercise its discretion in granting approval for Bed and Breakfast use at 3A (Lot 2) Pier Street East Fremantle in accordance with the documentation date stamp received on 26 May 2009 and subject to:

- (i) the location of the activity and operation of the Bed and Breakfast being conducted in a clean and hygienic manner to the satisfaction of the Chief Executive Officer in consultation with the Principal Environmental Health Officer
- (ii) the approval being for 12 months and subject to review after that time. CARRIED

**215.5 T60.8 King Street No. 98 (Lot 348)**  
**Applicant: Residential Attitudes**  
**Owner: Michael & Megan Keep**  
**Application No. P68/2009**

**Mayor Ferris – Cr de Jong**

That the application for the construction of a 2-storey house at No. 98 (Lot 348) King Street, East Fremantle be deferred to allow the applicants to work with the Town Planner to address compliance with Clause 10.2(b) and sub clauses 10.2(i), (o) and (p) of TPS3. CARRIED

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215.6 *En Bloc Recommendation*

Cr de Jong – Cr Rico

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 14 July 2009. CARRIED

(A) *T60.3 Hubble Street No. 104 (Lot 290)**Applicant: Mario Schmack**Owner: Yvonne Haigh**Application No. P81/2009*

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.2m to 0m for the construction of a two storey studio at the rear of the attached dwelling at No. 104 (Lot 290) Hubble Street, East Fremantle in accordance with the plans date stamp received on 2 June 2009 subject to the following conditions:

1. prior to the issue of a building licence plans are to be submitted which specify the use of limestone walls on the ground floor and the use of weatherboard walls on the upper floor.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed two storey studio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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. the proposed studio is not to be occupied for residential purposes.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

*Footnote:*

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

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

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- (B) **T60.5 Clayton Street No. 6 (Lot 429)**  
**Applicant: Minaret Holdings Pty Ltd**  
**Owner: Richard & Nicola White**  
**Application No. P67/2009**

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 3.5m for the construction of ground floor additions at the rear of the single storey house at No. 6 (Lot 429) Clayton Street, East Fremantle comprising a family room, laundry, 2 bedrooms, a bathroom and a pergola in accordance with the plans date stamp received on 8 May 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 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 extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor 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. 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) ***the pergola may not be enclosed without the prior written consent of Council.***

21 July 2009

## MINUTES

**(C) T61.1 Stirling Highway – Riverside Road to Marmion Street****Applicant: Complex Land Solutions Pty Ltd****Owner: Commissioner of Main Roads**

That Council advises Main Roads WA that it concurs to the dedication of the land as detailed and contained in the annexed Plan, as Road under Section 26 of the Land Administration Act.

**(D) T61.2 Windsor Road No. 37 (Richmond Primary School)****Applicant: Department of Treasury & Finance****Owner: Minister for Education**

That Council receives the information.

**(E) T61.3 Moss Street No. 19 (Lot 6)****Applicant: Gerard McCann Architect****Owner: Peter Jeffery****Application No. P75/2009**

That Council exercise its discretion in granting approval for a variation to the south side boundary setback for a kitchen pursuant to the Residential Design Codes from 1.5m to 1.2m for additions and alterations to the single storey house at No. 19 (Lot 6) Moss Street comprising:

- enclose the verandah on the south side to incorporate a kitchen and ensuite;
- extend the patio at the rear to a new parapet wall on the south side boundary;
- add a covered area for a laundry/utility space next to the patio;
- minor alterations to external walls from the verandah space to the internal rooms;

in accordance with the plans date stamp received on 25 May 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 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 additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor 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. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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



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## MINUTES

- (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) *the patio may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(F) **T62.1 Local Planning Policy No. 142**

That "Part 2 – Streetscape subsection (ii)" of Local Planning Policy 142 be amended to read as follows:

*"Notwithstanding (i) above, garages and/or carports are to be located at or behind the main building line of the house on the property."*

and the amended Policy be advertised for 21 days prior to being submitted to Council for adoption.

*The Town Planner left the meeting at 7.30pm.*

## 216. FINANCE

### 216.1 **Monthly Financial Activity Statement for Period Ending 31 May 2009**

*By John Roberts Executive Manager Finance & Administration on 3 July 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 May 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 May 2009 year to date report shows an overall actual surplus of \$2,143,138 compared to the year to date budget of \$763,657 as amended by Council at its meeting of 17 April 2009. 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 2008/09 as it is used to fund expenditure providing works and services. A mid year budget review has been undertaken, based on the January 2009 YTD financial statements.

The variance of \$2,143,138 can be analysed as follows:

- The YTD actual Operating Revenue is \$6,932,004 compared to the YTD budget of \$6,571,286, a favourable variance of \$360,718. The variance is due primarily to the receipt of a Community Infrastructure Project grant, higher than anticipated building licence fee and parking facilities income offset by grant income not yet received.
- The YTD actual Operating Expenditure is \$5,371,030 compared to the YTD budget of \$5,868,814, a favourable variance of \$497,784. The variance is due primarily to lower than anticipated expenditure on parks & reserves maintenance; recycling costs; town planning and health operating costs; and the delay in commencing certain administration projects.
- The YTD actual Capital Expenditure is \$919,088 when compared to the YTD budget of \$1,405,751 a favourable variance of \$486,663. The variance is due primarily to delays in commencing capital works projects due to tendering and scheduling activities. The significant Stratford Street catchment drainage project commenced in September 2008. The footpath program has now been completed. The road resurfacing program has also been completed, the timing variance is due to a delay in receiving invoices.

#### **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 May 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 2008 to 31 May 2009 be presented to the Council for information.

#### **RECOMMENDATION**

That the Financial Activity Statement for the period ending 1 July 2008 to 31 May 2009 be received.

#### **Cr Collinson – Cr de Jong**

**That the Financial Activity Statement for the period ending 1 July 2008 to 31 May 2009 be received.**

CARRIED



21 July 2009

## MINUTES

**216.2 Accounts for Payment**

*By John Roberts, Executive Manager Finance & Administration on 10 July 2009*

**PURPOSE**

To endorse the list of payments for the periods 1 May 2009 to 31 May 2009 and 1 June to 30 June 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 May 2009 and ending 31 May 2009 and 1 June 2009 and ending 30 June 2009 require endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the periods beginning 1 May 2009 and ending 31 May 2009 and 1 June 2009 and ending 30 June, be received, as per the following tables:

<i>May 2009</i>		
Voucher Nos	Account	Amount
34509-3580	Municipal (Cheques)	\$16,228.64
EFT10569 – EFT10678	Electronic Transfer Funds	\$516,837.44
Payroll	Electronic Transfer Funds	\$119,590.71
	<b>Municipal Total Payments</b>	<b>\$652,656.79</b>

<i>June 2009</i>		
Voucher Nos	Account	Amount
3581-3604	Municipal (Cheques)	\$17,488.34
EFT10679 – EFT10818	Electronic Transfer Funds	\$570,809.26
Payroll	Electronic Transfer Funds	\$122,072.71
	<b>Municipal Total Payments</b>	<b>\$710,370.31</b>

**Cr de Jong – Cr Collinson**

That the List of Accounts for the periods beginning 1 May 2009 and ending 31 May 2009 and 1 June 2009 and ending 30 June, be received. CARRIED

**217. REPORTS OF CHIEF EXECUTIVE OFFICER****217.1 Membership of the East Fremantle Festival Committee**

*By Stuart Wearne, Chief Executive Officer, on 22 June 2009*

Council on 16 June 2009 resolved to hold the 2009 East Fremantle Festival on the first Sunday in December and to appoint Ms Cynthia Williamson again as coordinator this year.

During discussion, it was noted that Cr Arnold, who is absent at the present time, was a member of this Committee. Cr Collinson expressed a desire to replace Cr Arnold on the Committee.

The Committee currently comprises:

Cr Dave Arnold  
Cr Stefanie Dobro  
Cr Richard Olson  
Cr Maria Rico  
Cr Alex Wilson  
Festival Coordinator  
Principal Environmental Health Officer

**RECOMMENDATION**

That Cr Collinson replace Cr Arnold on the East Fremantle Festival Committee.

**Absolute Majority Resolution Required**

**Cr Rico – Cr Nardi**

**That Cr Collinson replace Cr Arnold on the East Fremantle Festival Committee.**

CARRIED  
ABSOLUTE MAJORITY

**217.2 Structural Reform**

The Chief Executive Officer updated elected members on the current situation, particularly with respect to:

- (i) a meeting held yesterday between the Project Teams from the Town of East Fremantle and the City of Melville
- (ii) an assessment received late that afternoon from the Project Manager Structural Reform, Department of Local Government, regarding the Town of East Fremantle's checklist assessment outcome.

General discussion followed particularly regarding public consultation options. In that regard it was agreed that a meeting of the Project Team be arranged as soon as possible.

*Cr Dobro entered the meeting at 8.45pm.*

**217.3 Lee Park Playground Equipment**

The Chief Executive Officer tabled the final design plan for the playground equipment at Lee Park and sought feedback from elected members, noting some minor changes were being considered. The Chief Executive Officer also noted consultation which had taken place with Cr Rico and community members and thanked Cr Rico for her assistance with the project.

Cr Rico supported the design and thanked the Chief Executive Officer and Operations Manager for the consultative arrangements he had facilitated involving the community committee and herself.

Mayor Ferris – Cr Rico

That the concept plans for Lee Park be endorsed and the Chief Executive Officer be given delegated authority to implement these plans, including any amendments considered desirable by the Chief Executive Officer, in consultation with the Operations Manager and with regard to comments from community members.

CARRIED

**218. CONFIDENTIAL BUSINESS**

Nil.

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

Nil.

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

Nil.

**221. CLOSURE OF MEETING**

There being no further business, the meeting closed at 8.50pm

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **21 July 2009**, Minute Book reference **201. to 221** were confirmed at the meeting of the Council on*

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*Presiding Member*