

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 16 OCTOBER 2012 COMMENCING AT 6.35PM.**

**255. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**255.1 Present**

|                 |   |
|-----------------|---|
| Mayor A Ferris  | Presiding Member                              |
| Cr C Collinson  |   |
| Cr R Lilleyman  |   |
| Cr S Martin     |   |
| Cr R Olson      |   |
| Cr M Rico       |   |
| Cr A Wilson     |   |
| Mr S Wearne     | Chief Executive Officer                       |
| Mr L Mainwaring | Executive Manager Finance & Admin (To 9.45pm) |
| Mr J Douglas    | Manager Planning Service (To 9.20pm)          |
| Ms C Pidco      | Town Planner (To 7.52pm)                      |
| Ms J May        | Minute Secretary                              |

**256. ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member made the following acknowledgement:

*“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place.”*

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

There were 17 members of the public in the gallery at the commencement of the meeting.

**258. RECORD OF APPROVED LEAVE OF ABSENCE**

Cr de Jong.

**259. RECORD OF APOLOGIES**

Cr Nardi.

**260. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**261. PUBLIC QUESTION TIME**

Nil.

**262. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**263. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**263.1 Council Meeting – 18 September 2012**

Cr Lilleyman – Cr Collinson

That the Minutes of the Council Meeting held on 18 September 2012 be confirmed.

CARRIED

**264. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**

Nil.



16 October 2012

MINUTES

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

Nil.

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

**267.1 Cr Collinson – Climate Change Declaration**

Cr Collinson – Cr Rico

That this item be held over to later in the meeting.

CARRIED

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

**268.1 R Quinn, Joint Venture Partner**

Noting Council officer's objection to Building C on revision plans submitted 12 October 2012 for 147 Canning Highway and explaining the need for the modifications as requested.

Cr Olson – Cr Rico

That the correspondence from R Quinn be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 272.2 & 275.1).

CARRIED

**268.2 MDS Legal**

Submitting objection, on behalf of clients Selwyn and Wendy Castles, owners of 31 Woodhouse Road, to proposed development at 6 Habgood Street if it does not comply with Council bylaws, codes and guidelines for development and construction.

Cr Olson – Cr Rico

That the correspondence from R Quinn be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 269.1 & 272.1).

CARRIED

**269. TOWN PLANNING & BUILDING COMMITTEE**

*Cr Rico made the following impartiality declaration in the matter of 6 Habgood Street: "As a consequence of the owner of 6 Habgood Street being a relative, there may be a perception that my impartiality on the matter may be affected. In order to ensure there is no possibility of an adverse reflection on either myself, or Council generally, I have decided to take leave of the Council Meeting for the duration of this item."*

*Cr Rico also noted that she had not taken part in the deliberations on this matter at the Town Planning & Building Committee Meeting on 2 October 2012 as she had been at another function and arrived after the item had been considered.*

*Cr Rico left the meeting at 6.40pm.*

*Mayor Ferris made the following impartiality declaration in the matter of 6 Habgood Street: "As a consequence of working with one of the adjoining owners, David van Ooren, 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".*

**269.1 T97.1 Habgood Street No. 6 (Lot 5016)**

**Applicant /Owner: M Fallace**

**Application No. P135/11**

The letter from MDS Legal, referred from correspondence (MB Ref 268.2) was tabled.

Mr Savaris, (neighbour of 11 Locke Crescent) addressed the meeting objecting to the scale of the development, which was a three storey residence when viewed from his residence, the pool and entertainment area at the second storey and the resultant overlooking to his property.

Mr Howlett (architect representing Larner and van Ooren families) addressed the meeting disputing the calculation of natural ground level and advising that he considered the heights indicated on the drawings were underestimated and were being manipulated to accommodate the development. Mr Howlett drew attention to the Town Planning Advisory Panel's negative comments on the earlier application and given the current application had essentially not changed, requested Council support their view.

Mr van Ooren (neighbour of 9 Locke Crescent) addressed the meeting objecting strongly to the bulk and scale of the development and disputing comments made by the spokesperson for the applicant at the last Committee meeting. Mr van Ooren stated he would rather the impact of an entertainment area and swimming pool closer to his boundary than at the proposed second storey location. Mr van Ooren advised that he and other neighbours had conducted a doorknock of the Preston Point area obtaining signatures opposed to the development and stated no one resident had supported the proposal.

Mr Larner (neighbour of 4 Habgood Street) addressed the meeting objecting strongly to the impact the proposed development and the applicant's calculations of natural ground level. Mr Larner advised the development would completely block river and ocean views he currently enjoyed from a 7m window, spanning his livingroom, lounge room and main bedroom.

Mr Kirkness (architect representing the owner) spoke in support of the proposal and addressed the points raised by the previous speakers. Mr Kirkness requested Council support this generally compliant proposal which had been designed to follow the natural fall of the lot and caused less overlooking than many other homes in this area.

Mr Fallace (owner) addressed the meeting advising that he had agreed to provide extra privacy screening and vegetation planting to appease some of the adjoining neighbours' objections. Given the length of time this proposal had been before Council, Mr Fallace requested Council make a decision at tonight's meeting.

## 270. ADJOURNMENT

Cr Wilson – Cr Collinson

**That the meeting be adjourned at 7.40pm for a short break to allow further discussion on this matter.** CARRIED

## 271. RESUMPTION

Cr Lilleyman – Cr Martin

**That the meeting be resumed at 7.45pm with all those present prior to the adjournment, in attendance.** CARRIED

## 272. TOWN PLANNING & BUILDING COMMITTEE (CONTINUED)

### 272.1 T97.1 Habgood Street No. 6 (Lot 5016) (Continued)

**Applicant /Owner: M Fallace**

**Application No. P135/11**

The Mayor noted a submission, headed "Petition Against the Proposed Building at 6 Habgood Street", containing 75 signatures, objecting to the proposal had been received during the adjournment from Mr van Ooren and taken into consideration during the adjournment.

Cr Wilson, noting the number of signatures on the submission, suggested it was a shame these residents had not provided feedback on the Design Guidelines for the Town which Council had recently advertised for public comment.

**Cr Wilson – Cr Martin**

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

That subject to amended plans being submitted and approved demonstrating compliance with the Part 2 Clause (iii) of Local Planning Policy No. 142 - Residential Development in relation to front setbacks that Council exercise its discretion in granting approval for the following:

- (a) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.5m setback from the ground floor dwelling wall to the southern boundary, and 1.6m set back from the upper floor dwelling wall to the southern boundary;
- (b) Vary the privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the kitchen window in the eastern elevation to intrude 0.5m over the southern boundary;
- (c) Vary the building height requirements of the Local Planning Policy No. 142 Residential Development to permit a maximum wall height of 6.2m (AHD 40.042) to the front balcony; maximum wall height of 6.8m (AHD 39.173) to the rear balcony; and maximum ridge height of 8.2m (AHD 41.750) to the main hipped roof; and
- (d) Vary the site works requirements of the Residential Design Codes of Western Australia to permit excavation up to 1.0m within 1.0m of the southern boundary;

for the construction of single dwelling and swimming pool at No. 6 (Lot 5016) Habgood Street, East Fremantle, in accordance with the plans date stamped received on 23 August 2012, subject to the following conditions:

1. Glazing to the eastern elevation of the swimming pool is to be of obscure glass or otherwise screened to the satisfaction of the Chief Executive Officer.
2. Those areas of the ground floor that are marked as "Garden" on the approved plans are not to be developed so as to be constitute an "Outdoor Living Area" as defined by the Residential Design Codes of Western Australia.
3. A detailed schedule of external materials and finishings, including paint colours, to be submitted and accepted prior to the issue of a building licence, to the satisfaction of the Chief Executive Officer.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced unless there is a valid demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. All 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.
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. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (g) below*)
  11. 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.
  12. 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.
  13. 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.
  14. If requested by Council within the first two years following installation, any zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
  15. Pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
  16. Pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
  17. Swimming pool is to be certified by a structural engineer and approved by Council's Building Surveyor.
  18. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
  19. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
  - (g) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the *installer* of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.
- CARRIED

The Town Planner left the meeting at 7.52pm.

Cr Rico returned to the meeting at 7.52pm.

**272.2 Report on Mixed Use Development Canning Highway No 147 (Lot 18)  
Application for Condition Clearance and Design Changes  
By Jamie Douglas Manager Planning Services, 12 October 2012**

**Purpose of this Report:**

This report considers amended design drawings for the approved mixed use development at 147 Canning Highway. These plans have been submitted in response to Approval Condition 5 and also include other incremental changes to façade treatments. The report recommends that Council accept that the proposed amended design satisfies Condition 5 of the Development Approval and that the changes to the buildings A, B arising from the design development fall within the context of the existing Planning Approval. Changes to Building C and the inter-phase of the Piazza with Silas Street are not supported.

**Background:**

Council approved the development application for a Mixed Use Activity Centre at 147 Canning Highway (Royal George Tavern and adjacent lands) on 13 December 2011 (refer Attachment). That approval was subject to a number of conditions, including the following Condition 5.

*‘The semi-circular balconies and roof capping incorporated within the northwest elevation of Building D, adjacent to Council Place, are not approved in the present form. These elements shall be subject to design development and incorporated in amended plans to be submitted and approved to the satisfaction of Council prior to the submission of an application for building approval’.*

The applicants have submitted amended plans and now seek Council’s approval of the revised perspectives and elevations in satisfaction of Condition 5 of the DA approval. The amended plans also include a number of changes to the buildings form and façade that have arisen from the more detailed development of the design in support of an application for Building Approval. The merit and extent of these changes are also considered in this report.

**Consultation:**

The applicants have been in discussion with the Manager Planning Services throughout the latter half of this year in respect to the development of their proposal. These discussions initially focused on proposed changes to the internal layout of the complex and are summarised in the following table:



| <i>Item</i>                               | <i>Original DA</i> | <i>Revised Plans</i> | <i>Difference</i> |
|---|--------------------|----------------------|-------------------|
| <b>Residential apartments</b>             |                    |                      |                   |
| Total                                     | 90                 | 118                  | + 28              |
| Residential m <sup>2</sup>                | 8,437              | 8,418                | - 19              |
| R Code                                    | R135               | R180                 | + 45              |
| <b>Offices Retail</b>                     |                    |                      |                   |
| Tenancies                                 | 15                 | 15                   | 0                 |
| Offices m <sup>2</sup>                    | 1,478              | 1,478                | 0                 |
| <b>Retail</b>                             |                    |                      |                   |
| Tenancies                                 | 10                 | 9                    | - 1               |
| Retail m <sup>2</sup>                     | 815                | 815                  | 0                 |
| <b>Tavern</b>                             |                    |                      |                   |
| Tenancies                                 | 1                  | 1                    | 0                 |
| Tavern m <sup>2</sup>                     | 359                | 359                  | 0                 |
| <b>Cafe</b>                               |                    |                      |                   |
| Tenancies                                 | 2                  | 1                    | - 1               |
| Cafe m <sup>2</sup>                       | 196                | 136                  | - 60              |
| <b>Total Floor Area m<sup>2</sup></b>     | <b>11,284</b>      | <b>11,206</b>        | <b>- 78</b>       |
| <b>Plot Ratio 2.5 Permitted</b>           | <b>1.70</b>        | <b>1.68</b>          | <b>- 0.02</b>     |
| <b>Parking</b>                            |                    |                      |                   |
| Parking bays (standard)                   | 116                | 158                  | + 42              |
| Parking bays (tandem)                     | 34                 | 20                   | - 14              |
| Open air bays                             | 90                 | 90                   | 0                 |
| Total parking bays                        | 240                | 268                  | + 28              |
| <b>Provided</b>                           |                    |                      |                   |
| Residential                               | 124                | 150                  | + 26              |
| Office                                    | 40                 | 40                   | 0                 |
| Retail                                    | 33                 | 33                   | 0                 |
| Tavern                                    | 43                 | 43                   | 0                 |
| Cafe                                      | 18                 | 17                   | -1                |
| Visitor                                   | 23                 | 30                   | + 7               |
| Total                                     | 281                | 313                  | + 32              |
| <b>Heights</b>                            |                    |                      |                   |
| Building heights: Building A/D            |                    |                      |                   |
| Wall Height (m)                           | 18.8 & 21.7        | 21.7                 | 0                 |
| Overall Height (m)                        | 21 & 23.1          | 23.1                 | 0                 |
| Street Levels                             | 4                  | 4                    | 0                 |
| Total Levels                              | 7                  | 7                    | 0                 |
| Building B                                |                    |                      |                   |
| Wall Height (m)                           | 22                 | 22                   | 0                 |
| Overall Height (m)                        | 23                 | 23                   | 0                 |
| Street Levels                             | 4                  | 4                    | 0                 |
| Total Levels                              | 7                  | 7                    | 0                 |
| Building C                                |                    |                      |                   |
| Wall Height (m)                           | 14                 | 14                   | 0                 |
| Overall Height (m)                        | 17                 | 17                   | 0                 |
| Street Levels                             | 4                  | 4                    | 0                 |
| Total Levels                              | 6                  | 6                    | 0                 |
| <b>Piazza Area m<sup>2</sup> (Podium)</b> | <b>1,121</b>       | <b>1,143</b>         | <b>+ 22</b>       |

As can be seen the proposed changes arise mainly in the changed proportion of single bed apartments. Overall the floor areas for the various land uses remain approximately the same and necessary adjustments to the car parking provisions have been made. The building envelopes also remain substantially unaltered. Accordingly, in response to these proposed changes, the Manager Planning Services advised by letter on 14 September 2012 as follows:

*I refer to your letter of 20 August 2012 concerning the above. In response to your queries I confirm that the outlined variations in respect to floor areas, tenancies and revised parking calculations are considered to be minor variations and are consistent with the existing Planning Approval.*

*The applicants are otherwise required to develop in accordance with the 'endorsed plans' the subject to Council's Approval under Town Planning Scheme NO. 3, dated 13 December 2011 unless otherwise varied in satisfaction of the Conditions of Approval.*

Subsequently, the applicants submitted plans detailing elevations and perspectives and made a presentation to the Town Planning & Building Committee meeting 2 October 2012 in respect to the changes proposed to the building facades. The Committee advised the applicants that it did not support the degree of departure from the approved plans indicated in the drawings. The drawings were then revised to more closely resemble the approved design and submitted for consideration by the Town Planning Advisory Panel Meeting on 9 October 2012. The Panel commented as follows:

*Panel supports the implementation of the original application in all respects, with the exception of Condition 5 presented, comments on this element as follows:*

- *Panel recommends removal/setback of top 3 north-western balconied stories in vicinity of Canning Hwy (on Council Place) to relieve the overbearing bulk near the Town Hall.*
- *The majority of Council Place's interesting architectural detail to the south has been removed, negatively impacting the visual relationship with Council's heritage buildings.*
- *Depth of north-western pedestrian entrance needs to be retained as in original plans, as it enhances the Civic qualities of the development as the Town's Centre.*
- *Both of the above elements do not achieve the 'balance' asserted in the revised application in relationship to East Fremantle's historic Town Hall (Council Chambers).*
- *Shadows heading south are false images (northern hemisphere) misrepresenting shadows cast.*
- *Query traffic access and volume of traffic entering Council Place from Canning Hwy heading east.*
- *The amended plans do not display 'land-mark' characteristics warranted by the significance of the location, and in relation to the Town's existing heritage buildings.*
- *Panel is unable to determine the impact of the proposal as it presents to Canning Hwy in relation to the Town Hall, related to condition 5, due to the lack of diverse perspectives presented.*

The applicants have subsequently revised their plans to address these comments and have submitted detailed scaled drawings rather than representative perspectives to aid in the assessment process. These drawings are the subject of this report.

### **ASSESSMENT**

It is relevant note that the author was provided with four elevations at 1:200 scale on Thursday afternoon prior to the agenda deadline on Friday afternoon. This assessment is therefore influenced by the degree of accuracy and limited detail encompassed in these drawings and the time constraints given to complete this report. The assessment has not

been based on all of the information provided for Elected Members as attachments to this report. The advice and recommendation provided to Elected Members in this report may therefore be subject to some qualification at the meeting.

As previously indicated the overall height, number of storeys and mass of the original proposal are substantially unaltered. The current plans are a progression from what was submitted for the Committee and Panel's considerations and are now much closer to the originally approved drawings. However, there remain numerous changes in the appearance of components of some of the building elevations. In some instances it is considered these have produced improvements in how the buildings look and 'behave' in an urban design context (for example where external staircases have been enclosed-east elevation). In other instances changes have arisen as a result of the design implications from the removal of the circular 'turret' element which is a consequence of Approval Condition 5. Other changes are made which the applicants argue are a functional necessity arising from progression of the design towards working drawings. However it is considered that not all of these are for the better.

The following is a description of the various elevations and the issues which are relevant to any determination:

#### West Elevation (Council Place)

Changes to this elevation were anticipated due to the Planning Approval requirements to redesign the 'turret' element of the building. This element has been removed and replaced by the horizontal extension of the roof form and rebated balconies above the podium. In place of the turret there are now two angular 'wings' to the recessed pedestrian entrance on the Canning Highway/ Council Place corner. The design changes have produced a 'cleaner' less confused corner element and are less competitive with the heritage significance and presence of the Town Hall building. The podium height, building rebate above the podium and overall building height are unchanged.

The vehicular access way has been retained and the pedestrian access onto the public piazza has been extended onto the footpath from the previously indicated entry off the car park. The statute above the pedestrian entrance has been removed. However it is considered that it is reasonable to exercise a degree of ambivalence to this loss since it is arguable if the statute added to the aesthetic of the building.

It is considered this elevation is satisfactory.

#### North Elevation (Canning Highway)

The façade of building A is unchanged from the approved plan. The linkage between the buildings A and B and pedestrian access way are unchanged however a vertical tiled column extending the full height of building B (possible lift well) has been deleted. This is considered to be of no consequence.

Some changes have been made to the articulation of the podium on Building B. These are minor in nature and are in part a result of the deletion of the cantilevered swimming pool on level 6. The result is a more consistent façade with increased glazing at the ground floor level which generally improves the street appeal of the building. The external treatment of level 4 and above, appear to have been amended by the inclusion of increased fenestration and a revised roof form for level 6. This generally has the effect of 'lightening' the structure above the 'heavier' podium elements which is consistent with the urban design philosophy of the Town Centre Redevelopment Design Guidelines.

The cantilevered swimming pool has been deleted because of the costs involved in providing the amenities required by the Building regulations, risk minimisation requirements and the engineering implications for the structure as a whole. It is intended that this will now be replaced by a splash pool which will be unseen from outside the building. It is accepted that the loss of this element is a practical necessity. Although an interesting element within the building design, the pool in any event would have been obscured at ground level in the public realm except for oblique views travelling down

Canning Highway. It nevertheless would have been visible in locations where the site was overviewed. However the loss of the pool is not considered to be material impact upon the public realm.

#### East Elevation (Silas Street)

The elevation of Building B has been changed by the inclusion of increased articulation and fenestration at ground level and revised pedestrian access. Generally these are considered to strengthen the interaction of this building with Silas Street. The removal of the previously proposed external staircase connecting levels 4, 5, and 6 and the rationalisation of the top deck roof form improves the buildings visual appearance. This elevation is considered to be acceptable.

The applicants have submitted that the area of the public piazza has been slightly increased ( from 1,121m<sup>2</sup> to 1,143 m<sup>2</sup>) however the opening onto the piazza from Silas Street appears to have decreased in width as the width of Building C appears to have been expanded into this space. This has had the effect of changing the perception of the piazza (podium) when viewed from Silas Street as a principal area of public open space to a gap between two buildings. Further the revised step entrance is not supported, the previous design allowed for an activated podium area to overlook Silas Street and is preferred in an urban design context.

The design changes to building C are not supported. It is considered that the curved balcony elements of the original design helped to celebrate the entrance to the Piazza and more readily 'blend' this space with the Silas Street reserve. The 'squaring off' of this building presents a more severe hard edge to this street face which is not supported. Building C appears to have increased in height from 26.7m AHD as originally approved to 28.143m AHD. The façade articulation in the originally approved design was more domestic in scale and this in combination with the hipped roof form provided for a better transition to the surrounding development than the revised design.

Based on the drawings provided, the proposed changes to Building C are not supported.

#### South Elevation

The concerns expressed above in relation to Building C apply equally in respect to this elevation. The canopy height of the building as it bends around the corner to the south has been increased which diminishes the pedestrian scale of the building. The archways and balconies were also heavier and more articulated in the approved plans than the present design and this assisted in breaking the mass of the building.

While its role in 'transitioning' the development (from the prevailing surrounding domestic scaled built form to the 6 storey mass of Building A on Canning Highway) may not be as essential if the Future Building F is constructed, there can be no guarantee of this.

Based on the drawings provided, the proposed changes to Building C are not supported. The treatment of the southern elevation of Building A (previously shown as Building D on the approved plans) has been marginally changed. The verticality of the elevation has been reduced and a more simplified and linear appearance has been achieved. These changes are not considered to have a material impact upon the streetscape and this elevation will in any event be substantially obscured from the public domain should stage 2 of the development proceed.

The pedestrian access onto the Piazza has been relocated and the Piazza extended so that it is now accessed directly from Silas Street, instead of from the car park. This is considered to be an improvement especially if stage 2 proceeds.

#### **CONCLUSION:**

The applicants have provided a legal opinion (see attached) which submits a view regarding the extent to which Council can accept changes to an approved plan without triggering a new application. Based on the views expressed in this opinion, all of the proposed changes could be accepted without the need for a new application. A further

letter has also been provided on behalf of the developers committing to the delivery of the essential components of the approved design (see attachment).

However this is not to say Council should or must accept the revisions.

Based upon the information provided it is considered that the changes to Buildings A and B are acceptable and that Council can reasonably advise the applicants that it considers that Condition 5 of the Planning Approval has been satisfied. However it is considered the proposed changes to the balance of the proposal in respect to Building C and the relationship of the Piazza with the Silas Street frontage lack sufficient merit to warrant Council's support. Should the applicants wish to pursue the indicated changes to these elements then it is considered these should be subject to a new application and supported by a comparative urban design analysis.

As stated this analysis is based upon the information which has been provided. The conclusions reached may not facilitate the applicant's timeline indicated for the project release however this is considered extraneous to this planning assessment. It is however acknowledged that the risk to the development proceeding which may arise from not determining in favour of the proposal in its entirety may ultimately influence Council's decision.

**RECOMMENDATION:**

Council advise the proponents of a Mixed Use Activity Centre at 147 Canning Highway which was approved by Council at its meeting on 13 December 2011, that:

- it supports the design changes indicated in respect to Building A and Building B and confirm that the amended plans date stamp received 12 October 2012 satisfy Condition 5 of the Planning Approval.
- it does not support the extent of design changes contained within the amended plans date stamp received 12 October 2012 in respect to Building C and the Piazza as detailed in the associated planning assessment report, dated 13 October 2012.

The letter from Mr Quinn, referred from Correspondence (MB Ref 268.1) was tabled.

Mr Quinn (owner) addressed the meeting in support of the proposed changes to Building C and, together with Mr Rendell (architect), answered various questions raised by elected members.

**273. ADJOURNMENT**

**Cr Wilson – Cr Rico**

**That the meeting be adjourned at 8.35pm to allow further discussion on this matter. CARRIED**

**274. RESUMPTION**

**Cr Rico – Martin**

**That the meeting be resumed at 8.50pm with all those present prior to the adjournment, in attendance. CARRIED**

**275. TOWN PLANNING & BUILDING COMMITTEE (CONTINUED)**

**275.1 *Report on Mixed Use Development Canning Highway No 147 (Lot 18)(Continued) Application for Condition Clearance and Design Changes***

Further discussion took place with Mr Quinn and Rendell regarding the reinstatement of some of the original design aspects in the revised proposal.

**Mayor Ferris – Cr Wilson**

**That the application for a number of design changes to the proposed Mixed Used Activity Centre at 147 Canning Highway be deferred to a Special Council Meeting to be held next week. CARRIED**



16 October 2012

## MINUTES

**275.2 T97.2 View Terrace No. 60 (Lot 86)****Applicant: Ross Griffin Homes****Owner: Richard and Dale Ramsay****Application No. P65/2012****Cr Martin – Cr Collinson**

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

That demolition of the dwelling at 60 (Lot 86) View Terrace, East Fremantle be refused:

- (A) 1. on the basis that the place is included in Council's Municipal Inventory by virtue of its local heritage significance which is a result of:
- (a) having aesthetic significance as a good representative example of a Post War Early Modern Bungalow Porch House;
  - (b) reflecting post WW II development in general and in East Fremantle;
  - (c) continuing to serve its function and retaining a high degree of integrity and a moderate to high degree of authenticity; and
  - (d) accentuating the historical age of the area that has otherwise been predominated with more recent development and distinguishing it from the majority of the Town;
2. the place contributes to homes that establish the character of the Richmond Hill Precinct and contributes to the amenity of the area;
3. the demolition of the place would have an adverse impact on cultural heritage values of Richmond Hill and in East Fremantle more generally; and
4. the retention of the home does not preclude alternate development opportunities or numerous design options for the site; and
- (B) pursuant to Clause 10.2 of Town Planning Scheme No. 3 as in considering an application for planning approval the Council is to have due regard to:
1. the aims and objectives of the Scheme (Clause 1.6) which include:
    - (a) "to recognise the historical development of East Fremantle and to preserve the existing character of the Town";
    - (b) "to enhance the character and amenity of the Town, and to promote a sense of place and community identity within each of the precincts of the Town";
    - (c) "to promote the conservation of buildings and places of heritage significance, and to protect and enhance the existing heritage values of the Town"; and
    - (d) "to conserve significant places of heritage value, and to preserve the existing character of the Town.";
  2. the provisions of the Local Planning Strategy in regard to the precinct planning proposal to conserve the precinct's remaining heritage (Clause 10.2 (b)); and
  3. the requirements of the orderly and proper planning of the locality

CARRIED**275.3 Street No. 29 (Lot 22) Gill Street****Applicant: Attix Pty Ltd****Owner: M & K Porotto****Application No. P136/12**

By Carly Pidco, Senior Planning Officer, on 11 October 2012

**PURPOSE OF THIS REPORT**

This report recommends conditional approval of a Development Application for additions and extensions to an existing dwelling at No. 29 Gill Street, East Fremantle.

**BACKGROUND****Description of proposal**

The proposed development is an upper storey addition to an existing single dwelling. The addition is of timber stud wall and zincalume construction. It includes three bedrooms, a

study/retreat and a bathroom. Some minor internal alterations to the existing dwelling is also proposed to fit a staircase to the extension.

**Description of site**

The subject site is:

- a 916m<sup>2</sup> freehold lot
- zoned Residential 12.5
- located in the Richmond Precinct
- improved with a single-storey dwelling and studio
- assigned B+ Management Category in the Heritage Survey 2006

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5  
Residential Design Codes of Western Australia (RDC)

**Relevant Council Policies**

Local Planning Policy No. 142 : Residential Development (LPP142)

**Impact on Public Domain**

- Tree in verge : No impact
- Light pole : No impact
- Crossover : No impact
- Footpath : No impact
- Streetscape : Alterations to MHI property

**Documentation**

Plans and relevant forms date stamped received on 22 August 2012  
Amended plans date stamped received on 18 September 2012  
“Heritage Impact Statement” date stamped received on 18 September 2012

**Date Application Received**

22 August 2012

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

18 April 2000 Council grants development approval for construction of single storey additions and garage/studio

**CONSULTATION**

**Advertising**

The application was advertised to surrounding neighbours from 28 August 2012 to 13 September 2012. One submission was received during this period (attached). The concerns raised in the submission are summarised below.

| Submission  | Applicant Response  | Officer Comment   |
|---|---|---|
| <p><i>K Gray</i><br/><i>27 Gill Street</i></p> <ul style="list-style-type: none"> <li>• Concerned additions will affect access to winter sun</li> </ul> | <ul style="list-style-type: none"> <li>• Overshadow is within acceptable limits.</li> </ul> | <ul style="list-style-type: none"> <li>• The overshadow calculation provided by the applicant is based upon the entire lot area of No. 27 Gill Street. The property has been developed as a built strata, and it is appropriate to also consider overshadowing over the affected unit. This is approximately 12%, well below the maximum 25% provided in the R-Codes. It is noted that the overshadowing will occur over the northern facade of the affected Unit 2 although solar</li> </ul> |

|  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li>• Concerned about potential overlooking</li> <li>• Above issues are exacerbated by the height of the proposed additions. The higher the building, the greater the detrimental impact on my amenity</li> <li>• The particular circumstances of my property should be taken into account as my amenity has already been adversely affected by the earlier construction of a new dwelling at the rear that blocks access to light and provides for overlooking.</li> </ul> | <ul style="list-style-type: none"> <li>• There is no overlooking.</li> <li>• Assessment of height is influenced by sloping block.</li> <li>• Existing ceiling levels are 3257mm. I feel slightly higher ceiling levels in the addition of 2600mm are in keeping with the character of the residence.</li> <li>• I am hoping for an exemption for height as I strongly feel it will detract significantly from the overall character and feel for any occupants without any adverse effects on the visual from the street.</li> </ul> | <p>access to the rear garden will be maintained.</p> <ul style="list-style-type: none"> <li>• Major openings to the upper level are set back in excess of R-Codes requirements.</li> <li>• Planner's height calculation is less than submitter's but still indicates non compliance. Refer assessment section of this report.</li> <li>• Property to the rear was assessed as compliant for setbacks, overshadowing and overlooking.</li> </ul> |
|--|--|---|

**Town Planning Advisory Panel Comments**

The application was considered by the Town Planning Advisory Panel at its meeting of 11 September 2012. The Panel made several comments which are detailed alongside the applicant's response and officer comment in the following table.

| Panel Comment  | Applicant Response   | Officer Comment  |
|--|--|--|
| Panel doesn't support the application in its current form.   |  |  |
| Residence is rated very highly for architectural rarity and integrity. As such consideration for additions that are sensitive to the existing residence should be adopted. | <ul style="list-style-type: none"> <li>• Proposal has been designed to maintain as much of the existing residences heritage as possible with minimal impact from the street. The street is set down significantly lower than the residence therefore screening the bulk of the proposal behind the original roofline.</li> <li>• No changes to the exterior of the lower floor have been made.</li> <li>• The new gable on the upper floor will reflect the features of the existing lower gable.</li> </ul> |  |
| Proposed roof form merges into existing dwelling without sympathy.   | <ul style="list-style-type: none"> <li>• The street is set down significantly lower than the residence therefore screening the bulk of the proposal behind</li> </ul>  | Note from site visit that topography will limit views of addition from the street. The original roof ridge of the dwelling |

|   |  |  |
|---|--|--|
|   | <p>the original roofline.</p> <ul style="list-style-type: none"> <li>The majority of the second storey is not built over the original residence but over an existing lower floor addition with the exception of about 1m in the front bedrooms. This is primarily to accommodate the existing A/C ducts that currently extend out of the roof of the original residence and into the existing roof in the addition. The proposal rectifies the need for this existing unsightly construction as the A/C can now be housed in the additions and means new box gutters can be built replacing the old ones.</li> </ul> | <p>is to be maintained and the extension located approximately 3.5m behind this. The “merging” of the roof appears to be a result of the two-dimensional nature of the elevations.</p> |
| Panel is unable to distinguish between existing and proposed floor plans.                         |  | Internal changes will occur in the existing modern extension only. Adequate information provided for assessment.   |
| Heritage report assessing additions should be prepared.   | The property is not on the heritage list. There will be little to no impact on the original building.  | Refer below.   |
| Query deletion of awning to front elevation and deletion of other existing architectural details. | Architectural features have not been shown on the plan due to them not being affected by the proposal.   | Noted. Recommend conditioning any approval to ensure retention of period features.   |

Further to the TPAP’s comments, the author requested the applicant to commission a Heritage Impact Statement from a recognised heritage consultant. As the applicant has correctly stated, the property is not on the Town’s Heritage List however, the aims of the Scheme (s 1.6), the matters to be considered s 10.2 and the requirements of the newly adopted Residential Design Guidelines provide sufficient statutory basis for the Town to require a Heritage Impact Statement to be submitted. In any event, under Clause 9.2(d) the Town may require in respect of *any* application, *any* information which the local government considers necessary “to enable the application to be determined”. In other words, it is not a criterion for the requirement of a Heritage Impact Statement that a property be included on the Heritage List. The applicant nevertheless declined to commission a heritage impact assessment from a recognised heritage consultant but rather, prepared a statement himself commenting on various aspects of the design in relation to heritage issues (attached). Whilst it is open to elected members to conclude this is not an acceptable approach, the arguments put forward by the applicant are generally supported, in particular, the perceived limited impact the proposal will have on the original dwelling and the streetscape.

**Site Inspection**

By Town Planner on 28 September 2012 and 11 October 2012.

**ASSESSMENT**

The proposed development is largely consistent with the Town’s LPP 142 Residential Development and the Residential Design Codes with the exception of building height, as detailed below.

Key: A = Acceptable, D = Discretion

| Site:                           | Required                                  | Proposed        | Status        |
|---------------------------------|---|-----------------|---------------|
| Open Space                      | 55%                                       | No change       | A             |
| Site Works                      | Less than 500mm                           | Less than 500mm | A             |
| <b>Local Planning Policies:</b> |   |                 |               |
| <b>Policy 142</b>               | <b>Building height discretion</b>         |                 | <b>D</b>      |
| Roof                            | Hipped / gable, 25 degrees                |                 | D             |
| Solar Access & Shade            | Major openings to north                   |                 | A             |
| Drainage                        | To be conditioned                         |                 | A             |
| Views                           | Not significant due to natural topography |                 | A             |
| Crossover                       | Condition to comply                       |                 | A             |
| Trees                           | Condition to comply                       |                 | A             |
| <b>Other:</b>                   |   |                 |               |
| Overshadowing                   | 6.2% (~12.4% over Unit 2, No. 27)         |                 | A             |
| Privacy/Overlooking             | Complies                                  |                 | A             |
| <b>Height:</b>                  | <b>Required</b>                           | <b>Proposed</b> | <b>Status</b> |
| Wall                            | 6.0                                       | 6.9             | D             |
| Wall (Concealed Roof)           | 7.0                                       | N/A             | N/A           |
| Roof                            | 9.0                                       | 8.8             | A             |
| Roof type                       | Hipped / gable                            |                 |               |

| <b>Setbacks:</b>    |           |                       |             |               |                  |                  |        |
|---------------------|-----------|-----------------------|-------------|---------------|------------------|------------------|--------|
| Wall Orientation    | Wall Type | Wall height           | Wall length | Major opening | Required Setback | Proposed Setback | Status |
| <i>Front (east)</i> |           |                       |             |               |                  |                  |        |
| Ground              | Dwelling  | No change to existing |             |               |                  |                  | N/A    |
| Upper               | Dwelling  | N/A                   | N/A         | N/A           | 7.5m             | 15.5m            | A      |
| <i>Rear (west)</i>  |           |                       |             |               |                  |                  |        |
| Ground              | Dwelling  | No change to existing |             |               |                  |                  | N/A    |
| Upper               | Dwelling  | N/A                   | N/A         | N/A           | 6.0m             | 14.8m            | A      |
| <i>Side (north)</i> |           |                       |             |               |                  |                  |        |
| Ground              | Dwelling  | No change to existing |             |               |                  |                  | N/A    |
| Upper               | Dwelling  | 6.5                   | 11.3        | Y             | 3.6m             | 7.2m             | A      |
| <i>Side (south)</i> |           |                       |             |               |                  |                  |        |
| Ground              | Dwelling  | No change to existing |             |               |                  |                  | N/A    |
| Upper               | Bath      | 6.7                   | 2.3         | N             | 1.2              | 3.4m             | A      |
|                     | Study MO  | 6.5                   | 2.0         | Y             | 3.0              | 9.0m             | A      |
|                     | Bed MO    | 6.5                   | 4.0         | Y             | 3.0              | 5.8m             | A      |
|                     | Dwelling  | 6.5                   | 9.0         | N             | 1.2              | 5.8m             | A      |

**Building Height**

The proposed development has been assessed in accordance with the Category B provisions of the R-Codes. This is because the property lies at the lowest point of Gill Street and behind the highest line of the scarp and views are not considered to be a significant consideration.

The development is compliant with the maximum overall (ridge) height but seeks a discretion for wall height. The calculation of height has been somewhat complicated on this site given the changes to natural ground level that have occurred both on this

property and on neighbouring properties. The site plan provided indicates a fall from the north-west to south-east corners of the property, but this is somewhat distorted by apparent filling under the existing dwelling and excavation for the driveway. A site visit has confirmed the general pattern of a NW-SE fall over this part of Gill Street. Further, it can be observed that dwellings on the western side of Gill Street are set significantly higher than the street and front setback areas are characterised by sloping land or retaining walls. Following these observations, the assessment has been based upon the indicative contour lines that can be drawn through spot heights provided along the boundaries. The resultant calculations show a 6.5m maximum wall height at the NW corner of the addition; 6.9m wall height at the SE corner of the addition; and 6.7m maximum wall height at the wall closest to the southern boundary.

The R-Codes provides performance criteria for the assessment of building height where it does not comply with the acceptable development provisions, addressed in the following table:

| Performance Criteria  | Officer Comment  |
|---|--|
| Building height consistent with the desired height of buildings in the locality   | The overall height of the building is compliant. The upper storey will have limited impact on the streetscape as it is set behind the existing ridgeline and higher than the street, creating a steeper angle of vision. The second storey development is located so as to retain the existing dwelling which contributes to the streetscape.  |
| And to recognised the need to protect the amenities of adjoining properties, including where appropriate:<br>1. Adequate direct sun to buildings and appurtenant open spaces<br>2. Adequate daylight to major openings to habitable rooms<br>3. Access to views of significance | 1. Proposal complies with overshadowing requirements.<br>2. Location and footprint of proposal has been located to retain the existing dwelling and a significant rear setback. The relationship between the dwellings at No. 29 and No. 27 is somewhat unusual as the latter has a very deep front setback, placing it almost behind the original dwelling at No. 29. The shadow cast is considered acceptable as it will not prevent morning sun entering eastern openings to No. 27 nor will it overshadow the backyard.<br>3. N/A – properties do not have access to significant views |

In summary, the height variation is supported for the following reasons:

- It does not impact on ridgeline of the original dwelling or the streetscape;
- The subject walls comply with the boundary setback, overshadowing and overlooking provisions of the R-Codes
- The shadow cast will not restrict solar access of the eastern facade or backyard of the southern neighbour.
- The ceiling heights of the existing dwelling which is to be retained effectively deny development of a height compliant upper storey extension.

**CONCLUSION**

The proposed development impacts upon an original dwelling that is included in the Town’s MHI. The impact is considered acceptable, however, as it will not alter the original ridgeline or facade and will not detract from the streetscape. The applicant is seeking a variation to the building height (wall) requirements of the R-Codes. The variation being sought is consistent with the Performance Criteria for Building Height and will not impact on the streetscape. It is recommended that the proposal be approved subject to conditions.

**RECOMMENDATION**

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

- (a) vary the Building Height requirements of the Residential Design Codes of Western Australia to permit a maximum wall height of 6.9m (38.03AHD) as depicted on the plans date stamped received 18 September 2012;
- for the construction of additions at No. 29 (Lot 22) Gill Street, East Fremantle, in accordance with the plans date stamped received on 18 September 2012 subject to the following conditions:
1. No alterations are to be made to the facade of the original dwelling and all existing architectural details and decorative elements are to be retained.
  2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
  3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  4. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
  6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
  7. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (h) below*)
  8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
  9. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
  10. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
  11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (g) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"

**Mayor Ferris – Cr Martin**

**That the matter be deferred pending the applicants:**

- (i) providing a Heritage Impact Statement, acceptable to Council, from a recognised heritage consultant
- (ii) satisfactorily addressing concerns expressed by the Town Planning Advisory Panel, particularly in respect to roof form. CARRIED

*The Manager Planning Services left the meeting at 9.20pm.*

**276. FINANCE**

**276.1 Monthly Financial Activity Statement for Period Ending 30 September 2012**  
By Les Mainwaring Executive Manager Finance & Administration on 11 October 2012

**PURPOSE**

To provide financial information to Elected Members. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

**BACKGROUND**

The monthly Financial Activity Statement for the period ending 30 September 2012 is appended and includes the following:

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

The attached Financial Activity 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 a summary of information on the attached financial reports:

Revised Budget Forecast

The draft budget forecast for the 30<sup>th</sup> June 2013 is a \$60,520 surplus.

There have been no revisions to the budget forecast during the period ending September 2012.

Operating YTD Actuals

Operating Revenue 85%; is \$1,100,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 94%; is \$112,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$957,000 less than the YTD budget (Unfavourable).

The main reason for the significant unfavourable variance in Operating revenue is the timing of capital grant revenue items that will not be claimed until completion of the associated projects, which includes the \$825,000 grant for the Leeuwin Launching Ramp project, \$120,000 for the Plympton Parking project and \$92,000 for the Preston Point Road roundabout.

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

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

Capital Programs YTD Progress Summaries after 25% of the year has elapsed  
Land & Buildings 5% expended

Infrastructure Assets 16% expended

Plant & Equipment 0% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,116,000 less than the YTD budget (Favourable) which represents the balance of capital programs to be completed. The report provides details on individual capital works in progress as at 30 September 2012.

#### **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 August 2013 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 2012 to 30 September 2012 is presented to the Council for information.

#### **RECOMMENDATION**

That the Financial Activity Statement for the period ending 30 September 2012 be received.

#### **Cr Olson – Cr Martin**

**That the Financial Activity Statement for the period ending 30 September 2012 be received.** CARRIED

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**MINUTES**

- 276.2**      **Accounts for Payment – July 2012**  
By Les Mainwaring, Executive Manager Finance & Administration on 10 October 2012

**PURPOSE**

To endorse the list of payments for the period 1 September to 30 September 2012.

**BACKGROUND**

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

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

The List of Accounts for the periods beginning 1 September and ending 30 September 2012 require endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the period beginning 1 September and ending 30 September 2012 be received, as per the following table:

| <i>September 2012</i> |                                 |                       |
|-----------------------|---------------------------------|-----------------------|
| Voucher Nos           | Account                         | Amount                |
| 4415 – 4436           | Municipal (Cheques)             | \$18,767.41           |
| EFT 16180 – EFT 16346 | Electronic Transfer Funds       | \$974,314.44          |
| Payroll               | Electronic Transfer Funds       | \$158,004.19          |
| Loans                 | Direct Debit                    | 18,738.43             |
|                       | <b>Municipal Total Payments</b> | <b>\$1,169,824.47</b> |

Cr Martin queried details regarding EFT16262 which the Executive Manager Finance & Administration undertook to provide information regarding the payment.

**Cr Olson – Cr Lilleyman**

**That the List of Accounts for the period beginning 1 September and ending 30 September 2012 be received.** CARRIED

*Executive Manager Finance & Administration left the meeting at 9.45pm*

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

**277.1      Cr Collinson – Climate Change Declaration (Continued)**

Cr Collinson – Cr Wilson

That an officer's report on the resource implications for the Council, if the Town were to sign the Western Australian Local Government Association Declaration on Climate Change, and other relevant issues, be prepared. CARRIED

**278.      REPORTS OF ELECTED MEMBERS**

Nil.

**279. REPORTS OF CHIEF EXECUTIVE OFFICER**

**279.1 88 George Street**

The CEO reported on an inspection he and the Manager Planning Services carried out at 88 George Street and 36 Sewell Street that morning.

The CEO reported that, in consultation with Ms Waters, Mr Ricciardi had undertaken to implement a range of measures designed to reduce neighbour overlooking which went beyond satisfying the condition of planning approval as follows:

*“The north facing opening to the first floor dining area is to be provided with visually impermeable privacy screening up to 1.6m in height above finished floor level. The requirement for this screening to be reviewed upon completion of the construction and delegated authority be issued to the CEO in conjunction with relevant officers to liaise with the affected neighbours regarding this matter.”*

The CEO advised Mr Ricciardi had been requested to have all of the modifications marked on plans, which would be provided to a subsequent meeting of the Town Planning & Building Committee for their information.

**279.2 Art Acquisition Policy**

The following memo from the CEO was considered:

*“Cr Wilson raised with me this week the issue of an art and sculpture acquisition policy.*

*Elected members will recall the issue had, earlier this year, been raised in relation to the budgeting of funds for an Arts and Sculpture Reserve, with the employment of funds from that Reserve to be the subject of an adopted art acquisition policy.*

*Some preliminary research had been done on whether other local governments had relevant policies. Of councils reviewed, so far, only two, the City of Fremantle and the Town of Cottesloe, have a policy along the lines of that understood to be sought by elected members, although a number of others had policies on the acquisition of public art works, ie artworks intended to be located in public spaces or a facility accessible to the public.*

*The City of Fremantle Policy (which is taken from a broader policy) and Town of Cottesloe policy are circulated for information.*

*The Chief Executive Officer considers the Town of Cottesloe policy suitable for the basis of a similar Town of East Fremantle Policy.*

*If elected members were in agreement, a suitable recommendation would be:*

*“The Chief Executive Officer formulate a policy regarding acquisition of artworks, noting the Town of Cottesloe policy provides a suitable model for such a policy.”*

**Mayor Ferris – Cr Martin**

**That the CEO:**

- (i) formulate a policy regarding acquisition of artworks, noting the Town of Cottesloe policy provides a suitable model for such a policy**
- (ii) prepare a report on financial and administrative implications which Council’s adoption of such a Policy would give rise to, including insurance and curatorial support.**

**CARRIED**

**279.3 Dog Exercise Areas**

The CEO read the following report to the meeting, which was then tabled:

**BACKGROUND**

At the Council Meeting of 18 September 2012, elected members resolved:

*“That the CEO prepare a report that considers an increase in designated off lead dog exercise areas.”*

When the agenda for that meeting was being finalised, the CEO advised Cr Wilson, who had initiated the resolution, that this report was a “work in progress” and would not be ready for submission with the agenda. Cr Wilson had requested that, if possible, an interim, verbal report be given.

Cr Wilson’s motion followed an earlier received petition which had been authorised by Wendy Wisniewski.

That petition read:

*“Request the provision of additional access to public open space for the exercising of dogs off their leads, specifically the foreshore area of WW Wayman Reserve, Riverside Road and Locke Park, corner Moss and Fletcher Streets.*

*Existing dog exercise areas in East Fremantle are insufficient, especially when sports fields adjacent to Preston Point Rd are in use. The dog beach at John Tonkin Reserve has become restricted due to the increasingly high tides.”*

The current designated dog exercise areas are:

- (a) River Foreshore portion (beach areas only)
- (b) Preston Point Reserve, Preston Point Road
- (c) Henry Jeffery Oval, Preston Point Road
- (d) Upper Wauhop Park, Wauhop Road; and
- (e) Reserve, corner George Street and Silas Street.

Note the above does not refer to:

- (i) land which has been set apart as a children’s playground.
- (ii) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
- (iii) a car park.

## REPORT

Following the receipt of the petition, consideration was given to increasing the number/space of dog exercise areas in the Town.

The issue proved to be more complex and problematic than anticipated, for the following reasons:

### Report from Senior Ranger

The Senior Ranger promptly prepared a report in response to the petition, which would have served as a response to the petition. However in this report a number of concerns were expressed and in the CEO’s view these concerns required careful consideration. The concerns included:

- Whereas the petitioner states *“existing dog exercise areas in East Fremantle are insufficient, especially when the playing fields adjacent to Preston Point Road are in use”*, the Senior Ranger reported *“it is very rare for all three reserves to be in use for sports at the same time due to the seasonal rotation of the games played such as soccer and Australian rules football in winter and cricket in summer”*.

This means that all or part of a large reserve area – from the cricket/lacrosse area (including Ian Handcock Playground), through to Henry Jeffery Oval and then through to Upper Wauhop Park is generally available.

- Both the East Fremantle Junior Football Club and the East Fremantle Cricket Club have frequently complained to Council about the amount of dog excreta on these

reserves, with the latter club recently foreshadowing an approach to Council to rescind the dog exercise area status.

- Whereas the petitioner states “*We are aware that the Wayman Reserve does have play equipment, but this is used infrequently and there is vegetation separating the beach from the lawn area*”, besides the fact that from a legal perspective the frequency of use of the play equipment is irrelevant (see further discussion on playgrounds below); contrary to the petitioners’ statement, there is in fact no barrier of vegetation between the grassed lawn areas of the park and sanded foreshore areas within Wayman Reserve.

(The Parks Manager also raised a specific concern re Wayman Reserve and foreshore becoming an off lead area “*as this is a popular paddling area for people with kids, and swans present*”.)

- Concerns regarding wildlife. For example in discussing WW Wayman Reserve, which the petitioner has specifically suggested as a dog exercise area, the Ranger writes:

*“(d) The beach area is also visited regularly by a resident family of swans and other native birds that have become regular visitors due to families and elderly residents providing food to the birds regularly. This has meant that the visiting birds have become extremely tolerant of humans and will allow gentle pats or strokes from both the adults and children, this leaves the birds vulnerable to dogs which are off lead by either chasing the birds in play or by causing physical injuries to the birds which is contrary to the West Australian Dog Act (1976), Animal Welfare Act (2002) and other State Government Legislation.*

*(e) Many owners who let their dog off lead do not have effective voice control of their dogs enabling them to call the dog and have it immediately respond to owners commands in order to clip the dog back on lead in instances when the dog chases wildlife or rushes up to other park users and / or jumps on visitors in play.*

*To allow dogs off lead in this area would require significant fencing of the park to allow children to have the same safe amenity that they currently enjoy while allowing continued interaction with wildlife.*

Leaving aside that Council should be discouraging such feeding of wildlife and patting etc the CEO has nevertheless noted that two other local governments (Nedlands and Claremont), in considering an increase in their dog exercise areas, actually decided to delete two areas. (Lake Claremont and Masons Gardens (Nedlands)) because of wildlife protection and other environmental concerns.

The Parks Manager, in a separate report, also expressed concerns re wildlife in the river foreshore area, already under pressure from foxes.

- In discussing Norm McKenzie Reserve the Senior Ranger and the Parks Manager raised concerns re playground, swans and cygnets on the foreshore, safe paddling area for children, rotunda, picnic tables, barbeques.
- Concerns regarding foreshore area of Riverside Road generally. Whereas the petitioner specifically refers to the foreshore areas of Riverside Road, the petitioner was not specific regarding *which* areas she had in mind. Possibly she meant *all* areas of the foreshore along Riverside Road. In that event that would be quite inappropriate, involving, for example, potential problems with:
  - (i) pedestrian/dual use paths
  - (ii) traffic
  - (iii) native vegetation and erosion control rehabilitation areas
  - (iv) wildlife.

There is also the issue of how the issue of how “foreshore” would be defined.

Regardless, the Senior Ranger has expressed these concerns and comments:

- (a) *The foreshore areas and adjacent foot paths and verges are regularly used by people jogging, exercising, walking and picnicing etc, including children on bicycles and walking/playing all of which are not activities conducive to having dogs off lead in close proximity to dogs off lead.*
- (b) *The river along this area is regularly visited by various forms of wildlife ranging from sea birds to dolphins. Rangers have been called out numerous times in the last seven years to incidents reported by residents and visitors in relation to dog owners allowing the dogs in their charge to chase birds or sea life.*
- (c) *One of these incidents was within the foreshore area adjacent to the Red Herring Restaurant and involved a male throwing a ball into the water next to dolphins and telling the dog to get them. This caused distress not only the dolphins but also many people who were watching the dolphins and marvelling at how close the dolphins are willing to come to the shore in East Fremantle.*
- (d) *Rangers receive complaints already from fisherman regarding dogs both on and off lead (especially on 3 metre leads) either getting into bait buckets or buckets containing recently caught fish.*
- (e) *The foreshore area between WW Wayman Reserve and the Pier Street end of Leeuwin Car Park are the most suitable areas of Riverside Road best suited to dog beach use as the rest of the area from Leeuwin Car Park to East Street is contained by a rock wall and therefore subject to regular daily tides which is some feet deep at the point it meets the wall.*
- (f) *As Mrs Wisniewski is complaining that portions of the dog beach area are subject to occasional high tides that eliminates portions of the beach area (usually for a few hours and after stormy weather) it does not make any logical sense to open areas that are subject to tidal areas daily.*
- (g) *The area is also used by recreational users fishing off the wall of the river and dogs off lead are liable to become entangled in lines and or netting when running ahead of or behind owners who are often in conversation with a companion or wearing headphones while walking the dog.*

*To allow dogs off lead in this area is not feasible and would hamper the amenity of the area for other users.*

- Concerns regarding “Dog Beach” John Tonkin Reserve (existing). The Senior Ranger has written:
  - (a) *The current dog beach is well used and extends from the breakwater adjacent to Swan Yacht Club to a point in line with John Tonkin car parks furthest boundary point and is restricted to the sanded beach area only.*
  - (b) *The beach area could be extended to a point closer to Zephyr Café, however doing so will significantly reduce the area available to families to use the beach area to paddle, swim or fossick on the beach and nature conservation areas free of dogs off lead. Rangers regularly receive complaints from beach users of dog owners letting their dog run out of the exercise areas to chase balls that they have thrown along the beach or into the river adjacent to their children*
  - (c) *The grassed area of John Tonkin Park is a popular area with families with young children as the area has sunny clean sanded area leading to relatively clear shallow water that has a slow gradient to deeper water.*
  - (d) *The reserve also holds of play equipment for children which is within visible range of the rotundas and picnic tables allowing adults to relax while maintaining clear views and control of their children.*
  - (e) *Rangers already receive complaints of dog owners allowing their dogs to defecate and urinate in the park including in sanded play equipment areas and then not cleaning the waste matter up. These dog owners have usually left the*

*park prior to the Rangers arrival.*

*I would not therefore recommend either extending the dog beach area or allowing dogs off lead within the park area.*

*To allow dogs off lead in this area would require significant fencing of the park to allow children to have the same safe amenity they currently enjoy while having interaction with native animals.*

*The small area of the reserve limits its effective use as an off lead exercise area.*

- Silas Street. The Senior Ranger has written:

*Contrary to Mrs Wisniewski's comments 'on the Southern side of Canning Highway there appears to be no available spaces in East Fremantle for dogs to have a run, chase a ball etc', I must advise you that there is a designated dog exercise area on Silas Street bounded by St Peters Road, Stirling Highway and the George Street tunnel.*

*This area is well used, has the highest turnover of dog bag use and the least complaints of uncollected faecal matter of all exercise areas with the Town of East Fremantle's boundaries.*

Despite the above concerns, the Senior Ranger was sympathetic to the request and recommended as follows:

- "(1) All of the currently designated authorised dog exercise areas remain in operation (40,100 square metres).*  
*(2) Locke Park (7,780 square metres), be designated and sign posted as an authorised dog exercise area.*  
*(3) Lower Wauhop Park (9,500 square metres), be designated and sign posted as an authorised dog exercise area excluding periods when in use for authorised sporting activities.*

*This would raise the total land area of reserves and parks available as authorised off lead exercise areas by 17, 280 square metres to a total of 57,380 square metres which is over one third of available reserve and parks meterage within the Town's Boundaries."*

In addition to the above concerns of the Senior Ranger, the CEO also had these concerns:

- Whereas Council's Dogs Local Law does not allow a dog exercise area to include "land which has been set aside as a children's playground", unless the playground is fenced or unless the local law is amended to provide a definition, there could be enforcement issues in relation to where the playground started and finished. Raceway Park is a good example.

Some local governments define a playground eg "as designated by sand/soft fall area or fence" whilst others use other approaches, eg dogs not to intrude "within 5 metres of playgrounds, public barbeques or equipment exercise areas".

In the case of fenced parks it should be noted a park like Lee Park is not "just" a children's playground – more it is a park with some playground equipment.

Further, some unfenced parks eg Wayman Reserve do not have the playground equipment all together in a specific area, which would make enforcement even more problematic.

- If fencing *is* required, then the cost issue must be considered.
- Dogs and members of the public conflict issue. At times certain parks can become crowded and this can give rise to potential problems if dogs are unrestrained.

The attached letter from Mr Eric Bevan of Fraser Street, received shortly after the petition was received, illustrates the point. **ATTACHMENT**

Research indicates many injuries are not from dog bites (although where this occurs, these are generally the most serious), but rather from dogs being “boisterous”, eg knocking people over, jumping up etc. Young children and the elderly are most at risk in this regard.

Whilst the petition and Mr Bevan’s letter were being considered, Cr Wilson drew to the CEO’s attention an approach used by at least some eastern states councils which involves different “rules” for different times of the day and/or different seasons.

For example, the City of Port Phillip has some “early morning dog beaches” and the petitioner later advised the City of Hobart allows, in Princess Park, dogs to be off lead from 7pm to 9am during daylight saving and from 3pm to 9am in other months.

It is concluded this approach has potential merit and is worthy of careful consideration.

### DISCUSSION

It has possibly not been understood by some elected members and general public that there is a detailed process which has to be worked through before the above areas can be altered in any way. Essentially this involves:

- Following process required under s3.12-3.17 of the Local Government Act.
- Statewide public notice of an amended Dogs Local Law
- New law to be available for inspection with six weeks available for public comment
- Minister and Department must be provided with copy of proposed Local Law and Notice
- All submissions to be formally considered by Council
- If, as a result of the submissions, significant changes are proposed to what was advertised, the whole process has to recommence.
- When process complete proposed law published in Government Gazette, given local public notice and a copy sent to the Minister.
- At same time copy must be sent to Joint Standing Committee on Delegated Legislation which had been delegated by Parliament to review all such “subsidiary” legislation. This process involves providing the Committee with detailed Explanatory Memoranda pursuant to s.3.12(7) of the Local Government Act.
- This Committee can disallow any legislation or request changes.
- If the Committee’s direction is ignored, or not, in their view, sufficiently addressed, the Committee can recommend to both Houses of Parliament that the law be disallowed.
- The Minister, Cabinet, the Governor and even the courts all have similar powers.

Types of issues which the various parties (Minister, Department, Joint Standing Committee on Delegated Legislation (JSCDL), Parliament, Governor) can raise are:

- Local Law must not contravene any State or Federal Act or Regulation.
- The Local Law must not be in conflict with any provision of the Act providing the “head of power” for the Local Law – in this case the Dog Act.
- Whether there are any ambiguities in proposed Local Law.
- Whether the proposed Local Law has an adverse effect on existing rights, interests or legitimate expectations.
- Whether the proposed Local Law involves a matter raised previously by JSCDL.
- Whether the proposed Local Law is either unlawful by going beyond the power that is delegated or offends one of the Committee’s terms of reference which have been set by Parliament.
- Whether the proposed Local Law is in conflict with any State Government policies
- Whether the proposed Local Law ousts or modifies the rules of fairness.
- Whether the proposed Local Law deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review.

- Whether the proposed Local law imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable.
- Whether the proposed Local Law contains provisions that, for any reason, would be more appropriately contained in an Act.

It is thus important for the Town to be clear about any final decision, given:

1. the degree of scrutiny involved
2. the time involved.

In the CEO's view, if it *were* legally possible, the CEO believes there would be merit in trialling any new areas before embarking on the above process.

The CEO proposes to further consider and perhaps seek legal and/or insurer advice on whether that would be possible.

Even if it appears possible, there would still be relevant issues to consider, in particular the issue of public consultation, if any.

Regardless, the new/revised areas under consideration are these:

- (i) Lower Wauhop Park
- (ii) Locke Park (note 1)
- (iii) Raceway Park (note 2)
- (iv) Foreshore area below Jerrat Drive from western end of East Fremantle Yacht Club lease area to approximately 20m from the eastern side of the scout hall.
- (v) East Fremantle Oval (note 3)
- (vi) Merv Cowan Park (note 4)

Note 1

Issue of proximity to basketball court and whether that constitutes "playground" to be considered, particularly in relation to fencing issue. It is noted that dogs are frequently off lead in this park. Earlier Council discussion on increasing facilities and amenity of the park, with the objective of increasing public use, will need consideration.

Note 2

Similar issue to above – noting playground is not fenced, also noting barbeques. Issue of whether a day/time/season restriction could be applied has been raised.

Note 3

Would need to clarify there were no lease issues. One could expect complaints from the Football Club re dog excreta.

Note 4

Issues of wedding venue aspect and ducks would need to be considered.

In addition, it is considered the foreshore area should be subject to further review, including to better define "dog beach" areas. It will almost certainly be required in any event by the various authorities, as the standard which now appears required involves precise description of reserves, beaches etc with some local governments using shaded areas on satellite photos.

In discussion Cr Wilson suggested penalties for failing to remove dog excreta be increased.

The Mayor expressed the view that Raceway Park would be suitable as a dog exercise area at certain times/days, suggesting early morning and the evening, at least on weekdays, may be suitable.

**279.4 Election Signage**

The CEO advised on developments with respect to the balloon sign and window signs at 256 Canning Highway, which is to be used as the campaign headquarters for Dean Nalder, the Liberal Party candidate for Alfred Cove, in the forthcoming State election.

Whilst the balloon has been removed, it appears it may be reinstalled and meanwhile the window signs, which also breach Council signs local laws, appeared.

The CEO has discussed these issues with Mr Nalder, who is essentially relying on Party advice on the matter.

In that regard, in response to Council correspondence on the balloon, which was sent to the property owner (Joseph Geha) and the balloon company, a letter had recently been received from Ben Morton, the State Director of the Liberal Party, citing constitutional issues and relevant previous court rulings, which Mr Martin claimed meant that election signage, at least on private property (there was some ambiguity with respect to his comments about public property) was beyond Council's powers to control. Mr Morton further indicated that any attempt by Council to control election signage on private property would be strongly resisted.

The CEO tabled a letter to the State Electoral Commissioner seeking advice on the matter and reported that meanwhile Council officers would withhold any action on electoral signage.

**279.5 Corporate Challenge Rowing Regatta**

The CEO advised of details regarding this Regatta, the nomination of crews for which closes this Friday.

Elected members were reminded of a public challenge earlier issued by the Mayor to Mayor Pettitt for a contest between crew from the Town of East Fremantle and the City of Fremantle.

The CEO reported the Club had advised him that both Mayors were emailed some time ago (which was why the CEO had not previously become involved), however the Mayor had advised today that he had not received an email.

It was agreed the CEO would circulate details to elected members calling for nominations.

**279.6 2012 Christmas Closure Period**

*By Stuart Wearne, Chief Executive Officer, on 12 October 2012*

**PURPOSE**

To provide for consideration of the closure of the Council for:

- half a day from 12 noon Friday, 14 December 2012 to allow all employees to attend the staff Christmas party
- 4½ working days over the Christmas/New Year period commencing midday Friday, 21 December. Council's operations would recommence on Wednesday, 3 January 2013.

**BACKGROUND**

In recent years Council has closed during the Christmas and New Year period and staff have used annual leave, RDO's, and "day-in-lieu" public holidays for the period.

In relation to the staff Christmas Party, historically this had been compromised by being held on the last afternoon before closing for Christmas, when many staff were under pressure trying to finish off tasks before closing the office for the Christmas/New Year break. It was consequently considered a staff party in the week preceding this rush would ensure the function was better enjoyed by all.

**REPORT**

**Comments/Discussion**

It had been noted that the period in question was generally a "slow" period with minimal customers.

The closures would be advertised and in order to cater for emergencies during the Christmas/New Year closure. Customers would have access to a recorded telephone message with contact numbers for relevant staff together with details of refuse services and other necessary relevant information relating to Council services such as Rangers, health and building.

Regrettably Cr Rob "Limousine" Lilleyman will not be available on the 14 December to offer his usual five star chauffeur services, including his witty and informative commentary en route, however it is hoped a suitable alternative can be employed.

**RECOMMENDATION**

That Council:

1. approve the closure of the administration centre from midday Friday, 14 December 2012 to allow all staff members to attend a Christmas function.
2. approve the closure of the administration centre and operational areas for a period of 4½ working days being half a day from midday 21 December 2012 and four days consisting of Monday, 24 December, Thursday, 27 December, Friday, 28 December 2012 and Monday, 31 December 2013.
3. advertise the closure in such a manner as to ensure that adequate notice is given to the public.

Discussion took place regarding the proposed half day closure on Friday, 21 December 2012.

**Cr Martin – Cr Olson**

That Council:

1. approve the closure of the administration centre from midday Friday, 14 December 2012 to allow all staff members to attend a Christmas function.
2. approve the closure of the administration centre and operational areas for a period of 4 working days consisting of Monday, 24 December, Thursday, 27 December, Friday, 28 December 2012 and Monday, 31 December 2013.
3. advertise the closure in such a manner as to ensure that adequate notice is given to the public. CARRIED

**280. CONFIDENTIAL BUSINESS**

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

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

**283. 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 **16 October 2012**, Minute Book reference **255. to 283.** were confirmed at the meeting of the Council on*

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**Presiding Member**

