

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 AUGUST 2012 COMMENCING AT 6.32PM.

203. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

203.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr S Martin	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Admin
Mr J Douglas	Manager Planning Service (To 10.10pm)
Mr K Dyer	Operations Manager
Ms J May	Minute Secretary

204. 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.”

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

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

206. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

207. RECORD OF APOLOGIES

Cr Lilleyman
Cr Olson has advised he would be arrived late to the meeting.

208. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

209. PUBLIC QUESTION TIME

Nil.

210. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

211. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

211.1 Council Meeting – 17 July 2012

Cr Nardi – Cr Martin

That the Minutes of the Council Meeting held on 17 July 2012 be confirmed.

CARRIED

211.2 Special Council Meeting – 26 July 2012

Cr Nardi – Cr Martin

That the Minutes of the Special Council Meeting held on 26 July 2012 be confirmed.

CARRIED

20 August 2012

MINUTES

212. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**212.1 Council Cocktail Party**

Mayor Ferris thanked the CEO, staff and Cynthia Williamson for the enjoyable cocktail party held on Friday, 27 July 2012 and read messages of thanks for the evening from the Committee at Glyde-In and former Councillor Dave Arnold.

212.2 Bill Turner Croquet Club

Thanking Council for the kind invitation to its recent cocktail party which, unfortunately, he and his wife had been unable to attend.

212.3 Fremantle Rowing Club 125th Anniversary Ball

Mayor Ferris advised that a letter of thanks had been received from the Fremantle Rowing Club for Council's sponsorship of their 125th Anniversary Ball held on 2 June which he and the CEO had attended. The Mayor also advised elected members that a rowing challenge had been laid down at the function between crews from the Town of East Fremantle and the City of Fremantle in the next Corporate Cup Regatta.

212.4 Department of Sport & Recreation

Mayor Ferris read a letter of thanks from the Minister for Sport & Recreation for Council's support and involvement in the implementation of the KidSport project within the Sport for All program. The Department advised that over 10,500 vouchers had been distributed in the first 12 months of the program which enables young people in the community to experience the benefits of grassroots community sport and recreation whilst providing a substantial support boost to the clubs and organisations involved.

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

Nil.

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

Nil.

215. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

216. ORDER OF BUSINESS

Cr Rico – Cr de Jong

That the order of business be changed to allow members of the public to address planning issues. CARRIED

217. TOWN PLANNING & BUILDING COMMITTEE

Cr Rico made the following impartiality declaration in the matter of 99 King Street: "As a consequence of having a long time friendship with the owner, 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".

217.1 T68.3 King Street No. 99 (Lot 344)

Applicant: G Walsh

Owner: N Monte

Application No. P102/2012

The owner's daughter Julia addressed the meeting advising that the family did not want any approval to include the use by members of the public of the toilet due to security concerns for their mother.

Cr Martin – Cr Nardi

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

That:

- (i) subject to the property being included on the Heritage List of TPS3, following the implementation of the required public consultation processes;
- (ii) subject to the submission of a detailed schedule of external finishings (including paint colours); advertising signage; and internal materials and finishings (including removal or retention of any existing heritage features) to the satisfaction of the CEO;
- (iii) subject to the submission of amended plans demonstrating compliance with the relevant Australian Standards for provision of toilet facilities, to the satisfaction of the CEO on advice of the Environmental Health Officer;

Council exercise its discretion pursuant to Clause 7.5 of TPS3 in granting approval for the change of use to "fast food outlet" at No. 99 (Lot 344 on Plan 1515) King Street, East Fremantle, as described on the plans date stamped received 18 June 2012 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The opening hours of the use are to be from 7:00am to 6:00pm only.
3. No consumption of food or beverages on site.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. 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.
7. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *with regards to condition 3, the approval is for the use as described in the written information provided and deemed a "fast food outlet" use by the Council. Any changes to the nature of the use, including commencement of activities that may be considered a "restaurant" use of the land, will require further approval by Council.*
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *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.*
- (d) *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.*
- (e) *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).*

20 August 2012

MINUTES

- (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

217.2 T68.4 George Street No. 48 (Lot 300)

Applicant: Lisa Keen

Owner: Mulloway Pty Ltd

Application No. P93/2012

The following additional information provided by the Manager Planning Services was considered:

At its meeting on 7 August 2012, the Town Planning & Building Committee considered a recommendation for refusal of the application and resolved as follows;

That the matter be deferred pending finalisation of the Access and Parking Management Study to enable officers to prepare a further report based on those findings.

Although the Access and Parking Management Study is yet to be finalised, a draft of the report has now been received. The draft report is attached for information. It contains a number of recommendations in respect to parking management and access provisions to be implemented in the short term and a program for monitoring and response to future parking and access requirements.

It is considered that this draft report is still deficient in a number of areas, however its principal finding, that existing on- street parking in the Precinct as a whole currently exceeds demand for parking from commercial and residential land uses by approximately 100 spaces, does provide a basis upon which Council can determine the subject application.

Notwithstanding the report's estimate of an overall excess capacity of on-street parking in the Precinct, it is considered the application should not be approved without consultation with relevant residential neighbours regarding the desirability of a residents parking scheme in the immediate area of the Wine Store. This is because patrons will logically occupy the most immediate spaces to the venue and so the nearest neighbours, particularly those with no off-street parking, are likely to be most affected. However an expanded residents parking scheme is not warranted at this time and may have unwelcome side effects such as denying spaces to residents' visitors and unnecessarily reducing parking availability for commercial uses.

See also CEO's memo on this issue.

The following Hubble Street dwellings in the immediate vicinity of the 'Wine Store' do not have off-street parking 32, 35, 36, 37 and 44a Hubble Street. Other Hubble Street and nearby George Street dwellings have on-site parking. Accordingly it is proposed that (subject to the approval of affected residents) 'residents only' parking signage should be erected to apply to the extent indicated on the attached map. This will include all of the above identified properties.

It is considered that any approval should be subject to the established Local Planning Policy – 'New Development Contribution to the Management of Access and Parking' which requires a contribution at the rate of \$9,000 per space not provided on-site. The proposed increase of 30 patrons will generate an additional parking shortfall of 6 spaces therefore a contribution of \$54,000 is required under the Policy. While the applicants may argue against this requirement, the following should be noted;

- *The development has an existing dispensation of 17 parking spaces for which no*

contribution or 'cash-in-lieu' payment has been made (this was established prior to the current Scheme and LPP requirements).

- *In approving the application Council is accepting the responsibility for the management and provision of the development's parking demand within the public domain for an indefinite period.*
- *It would be inequitable to waive the contribution requirement in respect to this development while applying it to other developments and would create a precedent which would prejudice future application of the Policy.*
- *The alternative Scheme requirement for a 'cash-in-lieu' payment is considerably more – (\$22,500 per space or \$135,000 in total).*

Some submitters have also cited that noise, smoking and anti-social behaviour affect their amenity. It is considered that if the applicants should enter into an ongoing dialogue with the submitters to determine the precise cause and impact of these concerns and establish management practices for continuous monitoring, reporting and response in respect to these concerns. A requirement for this should be a condition of any approval.

Conclusion:

In light of the above information which was not available to the Town Planning & Building Committee at it's meeting 7 August 2012, it is considered that conditional approval for an increase in patron numbers from 70 to 100 could now be granted.

Recommendation:

It is recommended that:

- A. approval be granted for an increase in the maximum number of patrons to be accommodated within the restaurant and wine bar at 48 George Street, from 70 to 100, subject to the following conditions:
1. the owner of the land shall pay to the Town of East Fremantle (Town) \$54,000 representing the owner's contribution (Contribution) to the George Street Precinct Access and Parking Plan. The increase in patron numbers, the subject of this approval, may not be commenced prior to the receipt of the Contribution by the Town.
 2. The applicants and operators of the venue shall consult with all submitters to the application who have identified they do not support increased numbers at the venue and shall present a plan of management to the satisfaction of the Chief Executive Officer, which addresses (to the maximum practical extent) the concerns of noise, cigarette smoke and anti-social behavior within 8 (eight) weeks from the date of this approval. The increase in patron numbers, the subject of this approval, may not be commenced prior to the receipt and acceptance of the plan of management by the CEO.

Footnote:

Approval by Office of Racing Gaming and Liquor will be required.

- B. Council staff consult with the owners/occupants of nearby Hubble Street dwellings identified in this report regarding the implementation of 'Residents Only' parking restrictions and that a further report on implementation be prepared for determination by Council.

The CEO's memo on resident parking permits, outlined in the above information, is as follows:

Elected members should be aware that the operation of a resident only parking arrangement, whilst helpful in regard to some situations, has its "down side" for residents and may not necessarily be supported by all residents.

For example, under the relevant local law:

- (i) *The permit is only for a nominated vehicle, ie is non transferable, and must be*

affixed to the vehicle.

- (ii) The permit only applies to the parking bay(s) fronting the lot occupied by the resident*
- (iii) The address on the driver's licence must match the address in question.*
- (iv) A temporary resident may apply, via a statutory declaration, for a temporary permit, however this can only be for 3 months and cannot be renewed.*
- (v) Temporary residents at the address, without a temporary permit, are affected.*
- (vi) The resident's visitors are affected*
- (vii) Residents must apply for renewal of their permit each year.*

There are also issues for the Council.

In addition to the administrative costs involved in implementing and enforcing resident only parking, each parking space involved would need to be subject to pole mounted signage at each end, at a cost of approximately \$300 per sign.

This raises the issue as to whether the sign costs should be met by the applicant.

The signs give rise to visual amenity issues.

However the main issue is that resident only parking is essentially non enforceable at the critical times.

Whilst the wine bar operates between 11am and either 10pm or midnight, depending on the day of the week, most parking issues arise in the evening.

Rangers are not on duty at that time.

Visitors are, or will quickly become aware, of that fact. The result will inevitably be a degree of complaint against the Council, when owners find someone parked in their resident parking only bay, and can do nothing about it. This is already happening at times in Hubble Street, in relation to crossovers being blocked.

Ms Machin (Hubble Street resident) addressed the meeting expressing concern regarding:

- the lack parking in front of her residence given she has no off street parking
- the proximity of the smoking area to her property and that of her neighbour, and its impact on having windows open and the use of their front verandahs
- having to walk through a group of smokers along the Hubble Street footpath with children and prams
- the speed of traffic in the vicinity of the premises and suggesting a reduced speed limit of say 20kph

Ms Machin also remarked that the residents had not experienced a summer with the current operation of the wine bar and requested Council defer consideration of this application until the current impact during the summer months could be gauged.

Cr Collinson raised the issue of the emptying of glass bins and asked Ms Machin if this was still an issue. Ms Machin advised that the activity could be disruptive at times.

Mr Bates-Smith addressed the meeting in support of the proposal and outlined the following in response to Ms Machin's comments:

- he fully supported Council's proposal regarding a resident parking permit scheme for Hubble Street as he considered it unacceptable that Ms Machin could not park outside her property.
- he was happy to further look at moving the allocated smoking area further towards George Street, however, at its current position patrons were generally sheltered from the wind blowing along George Street and staff were able to monitor litter and behaviour.

- research had revealed that the majority of patrons were locals and many walked to the venue. Since opening the premises, no incident report had involved traffic issues.

Mr Bates-Smith supported point A2 of the officer's recommendation however advised that given previous surveys conducted had revealed that there was no parking shortfall at the western end of George Street, it was difficult to understand the requirement to pay a further \$54,000 towards the George Street Precinct Access and Parking Plan. This financial requirement would jeopardise the viability of his business.

218. ADJOURNMENT

Mayor Ferris – Cr de Jong

That the meeting be adjourned at 7.33pm to allow a short discussion regarding the application. CARRIED

219. RESUMPTION

Cr Rico – Cr Nardi

That the meeting be resumed at 7.46pm with all those present prior to the adjournment in attendance. CARRIED

220. TOWN PLANNING & BUILDING COMMITTEE (CONTINUED)

220.1 T68.4 George Street No. 48 (Lot 300)

Applicant: Lisa Keen

Owner: Mulloway Pty Ltd

Application No. P93/2012

That:

A. approval be granted, for a 12 month period, for an increase in the maximum number of patrons to be accommodated within the restaurant and wine bar at 48 George Street, from 70 to 100, subject to the following conditions:

- the requirement for an owner's contribution to the George Street Precinct Access and Park be reassessed prior to the expiry of this 12 month period.
- The applicants and operators of the venue shall consult with all submitters to the application who have identified they do not support increased numbers at the venue and shall present a plan of management to the satisfaction of the Chief Executive Officer, which addresses (to the maximum practical extent) the concerns of noise, cigarette smoke and anti-social behaviour within 8 (eight) weeks from the date of this approval. The increase in patron numbers, the subject of this approval, may not be commenced prior to the receipt and acceptance of the plan of management by the CEO.

Footnote:

Approval by Office of Racing Gaming and Liquor will be required.

B. Council staff consult with the owners/occupants of nearby Hubble Street dwellings identified in this report regarding the implementation of 'Residents Only' parking restrictions and that a further report on implementation be prepared for determination by Council. CARRIED

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

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

220.2 T68.6 Glyde Street No. 8 (Lot 85)

Owner & Applicant: M Dearn & A Sheehy

Application No. P117/2011

Mr Dearn (owner) advised the meeting that he supported the Committee's recommendation.

Cr Wilson – Cr Martin

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

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

- (a) variation to the street boundary setback pursuant to the Residential Design Codes from 6.0 metres to 0.5 metres having regard to the existing built-form, existing streetscape and minimal modifications proposed;
- (b) variation to the north and south side boundary setback pursuant to the Residential Design Codes of 1.0m and 1.7m respectively;

for the construction of front portico restoration/refurbishment, balcony area & front window repair at No. 8 (Lot 85) Glyde Street in accordance with the plans date stamp received on 8 June 2012 subject to the following conditions:

1. the northern and southern most extents of the balcony area are to be fully screened along each full aspect with appropriate obscured glass screening to a height of 1.2 metres and 1.6 metres (respectively) above the finished floor level of the balcony area to the satisfaction of the Town of East Fremantle.
2. notwithstanding condition 1 of this approval, the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. all storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
6. if requested by Council within the first two years following installation, the 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.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

20 August 2012

MINUTES

- 220.3** **T68.8 Duke Street No. 70 (Lot 500)**
Applicant: John Chisholm Design
Owner: R Taylor
Application No. P96/2012
Cr Martin – Cr Collinson
The adoption of the Committee's recommendation.

Amendment**Cr Wilson – Cr Nardi**

That the application be deferred pending the submission of a heritage assessment, at the applicant's cost, of the proposed alterations to the front façade and the appropriateness for the existing structure. CARRIED

The amended motion was put. CARRIED

221. EN-BLOC RECOMMENDATION**Cr Martin – Cr Rico**

That Council adopts en bloc the following recommendations in respect to the Minutes of the Town Planning & Building Committee meeting held on 7 August 2012 (Items MB Ref 221.1 to 221.3) CARRIED

- 221.1** **T68.5 Coolgardie Avenue No. 2 (Lot 1)**
Owner & Applicant: L W K Khaw & S Yamamura
Application No. P95/2012

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

- (a) variation to the north side boundary setback pursuant to the Residential Design Codes from 1.8m to 1.7m;
- (b) variation to the secondary street boundary setback pursuant to Local Planning Policy 142 – Residential Development from 4.5m to 2.7m;

for the construction of a patio at No. 2 (Lot 1) Coolgardie Avenue in accordance with the plans date stamp received on 11 June 2012 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. all storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
5. 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.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

20 August 2012

MINUTES

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the patio may not be enclosed without the prior written consent of Council.*

221.2 T68.7 King Street No. 28 (Lot 453)

*Applicant: A Malecky**Owner: J & H Brown**Application No. P94/2012*

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

- (a) variation to the height of filling of 0.5 metres up to 1.35 metres and to the setback of retaining walls to a nil setback pursuant to clause 6.6.1 (P1) for the filling and 6.3.3 (P3) for the setback of retaining walls;
- (b) variation to the setback of the proposed shed and water tank pursuant to clause 6.3.1 (P1) of the Residential Design Codes from 1 metre to a nil setback for the shed and 0.4 metres for the water tank;

for the construction of an undercroft extension at 28 King Street in accordance with the plans date stamp received on 8 June 2012 subject to the following conditions:

1. 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.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed dwelling/extensions is not/are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face at the applicant's expense and to the satisfaction of the CEO.
9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is

to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

10. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. if requested by Council within the first two years following installation, the 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.
13. the water tank is not to exceed 5000L capacity or have a maximum effective height greater than 2.4m.
14. the overflow from the water tank is to be directed to a soakwell within the property.
15. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

20 August 2012

MINUTES

- 221.3** **T68.9 60 View Terrace (Lot 86)**
Applicant: Ross Griffin Homes
Owner: Richard and Dale Ramsay
Application No. P65/2012
That as per the applicant's request, the planning application for 60 View Terrace be deferred.

222. FINANCE

- 222.1** **2012/2013 Budget**
By Les Mainwaring Executive Manager Finance & Administration 17 August 2012

PURPOSE

To set differential and minimum rates, set interest and penalty charges, adopt the schedule of fees and charges, set councillor fees, set a materiality guide to financial reporting, adopt significant accounting policies and adopt the annual budget for the 2012/2013 financial year.

BACKGROUND

The Town of East Fremantle's 2012/2013 draft Municipal Budget is presented for adoption by Councillors, noting the following key points. **ATTACHMENT**

A consultation process was undertaken, commencing from 7 May 2012, with input from elected members and relevant staff within areas of responsibility and community groups. Councillors also participated in a comprehensive budget workshop on 26 July 2012.

The executive group have sought to implement prioritised objectives within the context of a balanced draft budget, using reasonable funding estimations. The draft budget as proposed is based upon a general increase in rates of 5%, which compares to 5% from the previous year.

Carried forward capital works have been included where identified, with unspent funds from the 2011/12 adopted budget transferred to relevant reserves.

All additional requirements for capital expenditure programs for 2012/13 have been matched with transactions that transfer funds to and from reserves. This change in accounting practice will allow the Town to match all capital activity with reserve transactions and assist in developing a more planned approach to asset management funding when we move into review of the long term financial plan.

Relevant Cost Indexes

When considering the requirements for local government operations we need to consider the impact of existing services and any expansion in services that will impact on the rate setting equation. There are also various indicators that affect the cost structure of local government.

Relevant indices to consider when comparing the price signal of rate increases are the Wage Price Index (WPI), and Local Government Cost Index (LGCI) as opposed to the Consumer Price Index (CPI). Being a service industry the WPI has a significant impact on budgets, followed by the LGCI which includes a combination of 70% CPI and 30% construction indices to better reflect local government operations than CPI alone.

Note that strong WA jobs growth and effectively full employment continues to put upward pressure on WA wages, with WA creating 70% of new jobs in Australia. Other cost indices have not had time to reflect new indirect taxation measures introduced by the Federal Government from July 2012.

REPORT

Comments/Discussion

- Differential Rates

The proposed differential rates increase of 5%, plus interim rates of \$15,000 will yield an amount of \$5.712 Million, which is calculated to meet the requirements of the current draft budget shortfall in order to provide for a balanced budget.

At a Special Meeting of Council held on 26 July 2012, the proposed differential rates were considered for advertising in accordance with Section 6.36 of the Local Government Act 1995 (LGA), where advertising is required for a minimum of 21 days. A request for submissions on differential rates was advertised on 28 July 2012 in the West Australian, with a closing date for submissions set at 5:00pm 20 August 2012 (24 days).

No submissions had been received at the time of preparing this report.

Differential General Rate

- Residential rate is 6.7561 cents in the dollar of (GRV)
- Commercial rate is 9.7752 cents in the dollar of (GRV)

The operating budget is used for providing community services and maintaining infrastructure as well as supporting Council's administration.

Services include rubbish collection, recycling, road repair, footpaths, cycleways, car parks, traffic management, bus shelters, foreshore maintenance, drainage, street lighting, verge maintenance, street cleaning, street trees and tree watering, graffiti removal, parks and gardens, playgrounds, barbeques, East Fremantle/Fremantle lending library, launching ramp, mooring pens, sporting and recreational facilities, home and community care services, community organisations such as Glyde-In, and events such as the East Fremantle Festival and volunteers community cocktail party.

The operating projects planned for 2012/13 include funding to complete the review of Town Planning Scheme 3, an anti-graffiti project for three bus stops on Marmion Street, native plant subsidies at APACE, further work on the Municipal Heritage List, e-waste verge collection, Residential Design Guidelines, bi-monthly Living Smart workshops on waste reduction, turf renovations at Wauhop Park, Preston Point Cricket/Lacrosse Oval and East Fremantle Oval, major reticulation upgrade at Glasson park, and the progression of the East Fremantle Oval Master Plan.

In accordance with the Town's commitment to sustainability, there will be an increase in recycling collection from fortnightly to weekly and a continuation of three (3) green waste collections and one (1) general verge waste collection (including e-waste) during 2012/13. As a member of the South Metropolitan Regional Council (SMRC), there is also a free tip pass, which can be used at Henderson Waste Recovery Park or the Regional Resource Recovery Centre (RRRC) which accepts green waste. The SMRC diverts waste from landfill and saves greenhouse gas emissions. These climate change abatement measures are for the benefit of all residents of the Town.

Other significant projects of interest include:

Leeuwin boat ramp & Car park upgrade	\$1,160,000
Plympton Footpaths program Year 2	\$355,000
Preston Point Road/Pier Street roundabout	\$304,000
Town Hall heritage restoration	\$289,000
Plympton Parking programme	\$126,000
Glasson Park playground upgrade	\$120,000
Fletcher Street drainage upgrade	\$105,000
Old Police Station heritage restoration	\$100,000

East Fremantle Tennis Court renewal	\$58,000
John Tonkin Park playground equipment	\$53,000
Plympton steps renewal works	\$47,000
King Street asphalt resurfacing	\$45,000
East Fremantle Soccer lights upgrade	\$35,000
Adult exercise equipment into parks	\$26,000
Richmond Raceway Park lighting	\$20,000
East Fremantle Bowling Club renewal works	\$18,000
East Fremantle Football Club renewal works	\$16,000
Alcester Road asphalt resurfacing	\$16,000
80 Canning Hwy building renewal works	\$15,000

- Minimum Rates

Minimum rates have received a general increase of 5%, therefore the minimum rate for any Residential property is \$795 (last year \$759) and any Commercial property is \$981 (last year \$935).

The purpose of adopting minimum rates is to ensure that all property owners make a fair contribution to the operations of Council, including governance and compliance as well as the more visible services and infrastructure improvements.

There are 184 properties in East Fremantle on minimum rates, which represents 5.7% of rateable properties that contribute approximately 2.6% of total rate revenue.

- Interest and Penalty Charges

Under the local government act, Council is empowered to change instalment interest and fees on instalment arrangements and interest on overdue rates. The maximum interest rate prescribed by regulation is 5.5% on instalment arrangements and 11% on unpaid rates.

Instalment charges under regulation are set to provide a full or partial reimbursement of administration costs. 1 instalment transaction fee of \$15 is set to reflect the administrative handling where the 2 or 4 instalment options are chosen.

Alternative instalment plans are those that fall outside of the standard arrangements and by their nature often involve a greater degree of staff time and can involve a greater number of instalment transactions over time. A fee of \$41 is proposed for the set up of special payment plans outside of standard instalments.

	Interest Rate %	Admin. Charge \$	2012/13 Budget \$	2011/12 Actual \$
Interest on Unpaid Rates	11.00%		15,000	15,422
Pensioner Deferred Rates Interest			4,700	4,707
Interest on Instalments Plan	5.50%		33,000	33,343
Charges on Instalment Plan		\$15	37,000	36,630
			89,700	90,102

Ratepayers have the option of three payment plans as follows:

- One instalment due - 4th October 2012
- Two instalments due - 4th October 2012 & 7th February 2013
- Four instalments due - 4th October 2012, 6th December 2012, 7th February 2013 & 4th April 2013

20 August 2012

MINUTES

- Schedule of Fees and Charges (incl Rubbish Charges)

Recycling services are set to increase to a weekly collection, instead of fortnightly, in an initiative to increase recycling activity generally. Therefore one full rubbish service will include weekly waste and weekly recycling collection.

There is no additional Residential charge for the collection of general domestic waste and recycling, instead the recovery of costs associated with one full service collection is incorporated within the residential rate charge.

Commercial properties waste and recycling service charge have been set at \$418 (last year \$405) per annum, and additional singular services for waste or recycling are \$209 per annum for either.

Under the local government act, a Council may impose a fee or a charge for any goods or services it provides, or proposes to provide.

The schedule of fees and charges is found in the supplementary section of the statutory budget. There are a number of acts that guide or impose the level of fees and charges, and the empowering legislation has been identified in the schedule.

- Councillor Fees and Allowances

Local government regulation prescribes minimum and maximum amounts for Councillor fees and allowances. The Town of East Fremantle has elected to pay annual fees instead of per meeting fees.

A comparison of the Elected Members fees and allowances, as a percentage of the maximum prescribed amounts adopted last year, are illustrated below;

<u>Fee/Allowance</u>	<u>2011/2012</u>	<u>%</u>	<u>Maximum</u>
Sitting Fee – Mayor	\$14,000	100	\$14,000
Sitting Fee – Councillor	\$ 7,000	100	\$ 7,000
Allowance – Mayor*	\$12,000	74	\$16,265
Allowance – Deputy Mayor**	\$ 3,000	74	\$ 4,066
Allowance – Communications***	\$ 1,420	59	\$ 2,400
Allowance – IT	\$ 1,000	100	\$ 1,000

**Mayoral Allowance*

Regulation prescribes that a maximum annual local government allowance for a Mayor is \$12,000 or 0.002 of operating revenue, whichever is the greater. For East Fremantle, with a 2010/2011 operating revenue of \$8,132,683, the maximum allowance would be calculated as \$16,265.

***Deputy Mayoral Allowance*

Regulation prescribes that a Deputy Mayor may be paid up to 25% of the Mayoral Allowance.

****Communications Allowance*

The communications allowance is made up any or all of the following; \$360 landline phone, \$360 mobile phone and \$700 internet connection.

The following fee settings are presented with a proposal based on the historical position set for Mayor, Deputy Mayor and Communication allowances and the maximum amount for sittings fees and IT Allowance.

<u>Fee/Allowance</u>	<u>2012/2013</u>	<u>%</u>	<u>Maximum</u>
Sitting Fee – Mayor	\$ 14,000	100	\$ 14,000
Sitting Fee – Councillor (8)	\$ 56,000	100	\$ 56,000
Allowance – Mayor*	\$ 12,000	74	\$ 16,265
Allowance – Deputy Mayor**	\$ 3,000	74	\$ 4,066
Allowance – Communications	\$ 12,780	59	\$ 21,600
Allowance – IT (9)	\$ 9,000	100	\$ 9,000
TOTAL	\$106,780	88	\$120,931

The payment of sitting fees, mayoral and deputy mayoral allowances are paid quarterly in arrears and the IT and Communication allowances are claimed quarterly in arrears. Councillors will be provided with claim forms on a quarterly basis.

Quarterly payments would be a maximum of:

Mayor	\$6,500
Deputy Mayor	\$2,500
Councillors	\$1,750
Allowances	\$ 605

- Materiality in Financial Reporting

At the half yearly review OCM 20 March 2012, Council adopted the position of materiality in financial reporting as follows;

That Council maintain the materiality threshold for each program of activity at 10% or \$10,000, whichever the greater.

Monthly reporting, by regulation, requires the establishment of a Council adopted materiality threshold above which it is mandatory to explain the budget variance. It is deemed prudent to re-adopt this position during the passage of each annual budget.

UHY Haines Norton, in their 2012 Management Reporting Manual, provides advice to the local government sector that "For the purposes of the monthly financial report 10% would be considered a reasonable guide for highlighting variances. Council may also wish to adopt a value rather than a percentage, or incorporate a minimum value threshold into the materiality consideration. As a guide, an overall level, based upon total revenue of Council could be employed and we provide the following guide:

\$2,000,000 - \$4,000,000	- \$5,000
\$4,000,000 - \$6,000,000	- \$10,000
Above \$6,000,000	- "as decided"

Based on the above guidance, and East Fremantle's budgeted total revenue above \$9,000,000, then 10% or \$10,000 appears to be an appropriate materiality threshold for reporting given the financial size of the organisation.

- Significant Accounting Policies

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error, **selecting and applying appropriate accounting policies**; and making accounting estimates that are reasonable in the circumstances.

Significant accounting policies are reviewed annually, after consultation and advice from external auditors, and disclosed in Note 1 of every adopted annual budget and annual financial report. The accounting policies in this report are relevant for the budget period 2012/2013, whereas the annual report 2011/2012 is based on policies adopted in the previous years budget.

In the interests of continuously improving good governance practices, it is considered to be good practice to adopt significant accounting policies as a separate part of the budget process.

- 2012/2013 Budget Adoption

Section 6.2 of the Local Government Act 1995 requires Council to adopt the annual budget by 31 August in each year.

The budget process commenced in May 2012 and set out to achieve the following

objectives:

- 1) Councillors and officers have adequate opportunity for input,
- 2) Responsibility and accountability for budgets is conveyed to the relevant officer responsible, and
- 3) Completion of documentation in a timely manner by the end of July and the formal Council meeting to adopt the budget in late August.

A workshop was held 26th July to discuss the draft budget, Fees and Charges and the capital programs for Civic Buildings, Roadwork's, Parks and Gardens and Plant replacement. During this workshop all new initiatives, carried forward initiatives, existing budget impacts, major projects, and strategic issues have been considered in terms of budget impact.

The draft budget document is in statutory form and includes statutory statements, notes to the financial statements, significant accounting policies and supplementary schedules and appendices.

The 2012/2013 draft budget currently has a carried forward balance of \$167,000, which is the result of the continued federal stimulus initiative to provide Councils with 50% of their 2012/13 general purpose grants early in June 2012. The Town of East Fremantle has taken the prudent position of treating these early paid funds as restricted grants to be carried forward and used in the following budget year 2012/2013.

Indications from budget forecasting reported to the end of May indicates that we are expecting to have operated within the funding limitations of the 2011/2012 budget however, notwithstanding the early general purpose grants, the carried forward position cannot be reliably confirmed until end of year processes are completed, especially in the area of unpaid employee leave liability calculations. For this reason we have taken the approach of ensuring that current year budget expenditure is matched with current year revenue estimates for budget purposes.

The draft budget has been prepared using the advertised general rate increase of 5%, which is the same as the previous year when rates were set at 5%, and results in a small budgeted surplus of \$60,520 as at 30th June 2013.

In macro dollar terms Council will invest \$4.7 million in asset service activities including; \$1.7 million civic building works; \$2.5 million road, drainage, parks and infrastructure works; \$226,000 of mobile plant and equipment acquisitions; \$110,000 of other equipment acquisition and \$152,000 retirement of existing council debt.

Funding for the capital activities includes capital grants and developer contributions of \$1 million; sale of plant of \$87,000; loan proceeds of \$1.2 million and a \$1 million net transfer from reserves.

Statutory Requirements

Local Government Act 1995 (LGA), Local Government Financial Management Regulations 1996 (FM Regs), Local Government Administration Regulations 1996 (Admin Regs), Waste Avoidance and Resource Recovery Act 2007 (WARR)

- Differential Rates
LGA s6.33 and s6.36
- Minimum Rates
LGA s6.35
- Interest and Penalty Charges
LGA s6.13, FM Reg 19A, 68 and 69
- Schedule of Fees and Charges (incl Rubbish Charges)
WARR s67, LGA s6.16 and s6.17, Planning & Development Act 2005, Health Act 1911, Freedom of Information Act 1992, Litter Act 1992, Dog Act 1976, Environmental Protection Act 1986.

- Councillor Fees and Allowances
LGA s5.98, s5.98A, s5.99, s5.99A, Admin Regs 30, 33, 33A, 34, 34A and 34AA.
- Materiality in Financial Reporting
LGA s6.4, FM Reg 34
- Significant Accounting Policies
FM Reg 5A
- 2012/2013 Budget Adoption
LGA s6.2

Relevant Policies

Nil

CONCLUSION

Recommend the adoption of the proposed Budget, including differential rates, minimum rates, interest and penalty charges, the schedule of fees and charges, Councillor sitting fees and allowances, threshold of materiality in financial reporting, significant accounting policies and the annual budget for the year ending 30 June 2013.

RECOMMENDATION

That Council adopts:

1. the following differential general rates to be imposed on all rateable land in the district, for a general rate increase of 5%:
 - . Residential rate is 6.7561 cents in the dollar of Gross Rental Value
 - . Commercial rate is 9.7752 cents in the dollar of Gross Rental Value
2. the following general minimum rates for each of the differential general rating categories:

. Residential	\$795
. Commercial	\$981
3. the following interest charges:

Interest on unpaid rates	11%
Interest on Instalment plans	5.5%
4. the Schedule of Fees and Charges
5. the following annual amounts for elected member sitting fees and allowances;

Sitting Fee – Mayor	\$ 14,000
Sitting Fee – Councillors	\$ 7,000
Allowance – Mayor	\$ 12,000
Allowance – Deputy Mayor	\$ 3,000
Allowance – Communications Landline	\$ 360
Allowance – Communications Mobile	\$ 360
Allowance – Communications Internet	\$ 700
Allowance – IT	\$ 1,000
6. a materiality threshold in financial reporting at each program level, of either the greater of 10% or \$10,000.
7. the significant accounting policies for 2012/2013
8. the 2012/2013 Budget. **Absolute Majority Resolution Required**

The Executive Manager Finance & Administration gave a short overview of the proposed budget and advised that at the close of the comment period, no submissions had been received in relation to the advertising of the differential rate.

Cr de Jong – Cr Nardi**That Council adopts:**

1. the following differential general rates to be imposed on all rateable land in the district, for a general rate increase of 5%:
 - . Residential rate is 6.7561 cents in the dollar of Gross Rental Value
 - . Commercial rate is 9.7752 cents in the dollar of Gross Rental Value
2. the following general minimum rates for each of the differential general rating categories:
 - . Residential \$795
 - . Commercial \$981
3. the following interest charges:
 - Interest on unpaid rates 11%
 - Interest on Instalment plans 5.5%
4. the Schedule of Fees and Charges
5. the following annual amounts for elected member sitting fees and allowances;
 - Sitting Fee – Mayor \$ 14,000
 - Sitting Fee – Councillors \$ 7,000
 - Allowance – Mayor \$ 12,000
 - Allowance – Deputy Mayor \$ 3,000
 - Allowance – Communications Landline \$ 360
 - Allowance – Communications Mobile \$ 360
 - Allowance – Communications Internet \$ 700
 - Allowance – IT \$ 1,000
6. a materiality threshold in financial reporting at each program level, of either the greater of 10% or \$10,000.
7. the significant accounting policies for 2012/2013
8. the 2012/2013 Budget. CARRIED UNANIMOUSLY

Elected members thanked the CEO and relevant staff, particularly the Executive Manager Finance & Administration who, after taking up his position during initial budget preparations, had worked solidly to present a budget which contained extensive capital works whilst providing for a modest rate increase.

222.2**Monthly Financial Activity Statement for Period Ending 31 July 2012**

By Les Mainwaring Executive Manager Finance & Administration on 17 August 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 31 July 2012 is appended and includes the following:

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

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

REPORT**Introduction/Comments**

The following is summary information on the attached financial reports:

Revised Budget Forecast

The draft budget forecast for the 30 June 2013 is a \$60,520 surplus.

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

Operating YTD Actuals

Operating Revenue 18%; is \$1,151,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 117%; is \$103,000 more than the YTD budget. (Unfavourable)

After non-cash adjustments, the total operating cash forecast is \$1,241,000 less than the YTD budget (Unfavourable).

The main reason for the significant variances in Operating revenue is the \$825,000 grant for the Leeuwin Launching Ramp project, which is in the early stages of progress, and other significant project timing related funding differences of \$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

Land & Buildings 2% expended

Infrastructure Assets 2% expended

Plant & Equipment 0% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,488,000 less than the YTD budget (Favourable). The report provides details on capital works in progress as at 31 July 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 July 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 31 July 2012 is presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 31 July 2012 be received.

Cr Collinson – Cr de Jong

That the Financial Activity Statement for the period ending 31 July 2012 be received.

CARRIED

20 August 2012

MINUTES

- 222.3** **Accounts for Payment – July 2012**
By Les Mainwaring, Executive Manager Finance & Administration on 3 August 2012

PURPOSE

To endorse the list of payments for the period 1 July to 31 July 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 July and ending 31 July 2012 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 July and ending 31 July 2012 be received, as per the following table:

<i>July 2012</i>		
Voucher Nos	Account	Amount
4390 – 4404	Municipal (Cheques)	\$31,201.25
EFT 15932 – EFT 16052	Electronic Transfer Funds	\$1,085,167.75
Payroll	Electronic Transfer Funds	\$166,984.61
Loans	Direct Debit	2,570.79
	Municipal Total Payments	\$1,285,924.40

Cr Martin – Cr Collinson

That the List of Accounts for the period beginning 1 July and ending 31 July 2012 be received. CARRIED

223. HEALTH & GENERAL PURPOSES

- 223.1** **Town of East Fremantle Waste Collection Service**
By Shelley Cocks, Principal Environmental Health Officer on 17 August 2012

PURPOSE

The purpose of this report is to seek Council endorsement of a tender received by the Town of East Fremantle from Cleanaway in relation to the Town's waste collection service.

BACKGROUND

The Town of East Fremantle has had a contract with Cleanaway to undertake our refuse and recycling collections since Cleanaway purchased Council's former contractor Roads and Robinson. In accordance with Contract Term 2.2 of the existing waste management contract (TENDER TOEF/04/05), the contract was extended for a two year period from 30 June 2010.

As this period has now elapsed, tenders were sought from three waste contractors from the WALGA Waste Services Preferred Suppliers list. The contractors were Cleanaway, SITA and Veolia. Following assessments of the Town's proposal, representatives from

SITA and VEOLIA declined to tender and only the attached response was received, from Cleanaway. **CONFIDENTIAL ATTACHMENT**

Cleanaway's proposed rates are identical to their current rates. The total value of the contract, per annum, is approximately \$348,000.

DISCUSSION

As Cleanaway was the sole respondent, and given that Cleanaway have kept their prices to the same level as our existing contract, it is recommended that Cleanaway be awarded the tender for the Town of East Fremantle waste collection service.

RECOMMENDATION

That:

1. Council award the tender for East Fremantle's waste collection service to Cleanaway.
2. a new waste collection contract be prepared for a period of three years, with an option for a further two years.

Cr de Jong – Cr Martin

That:

1. Council award the tender for East Fremantle's waste collection service to Cleanaway.
2. a new waste collection contract be prepared for a period of three years, with an option for a further two years. CARRIED

224 WORKS & RESERVES

224.1 *Leeuwin Boat Ramp Construction Project Tenders* *By Ken Dyer, Operations Manager, 30 July 2012*

PURPOSE

The purpose of this report is to facilitate the appointment of a recommended contractor to undertake the construction of a new boat ramp, finger jetties and associated works at Leeuwin Boat Ramp on Riverside Road in East Fremantle, via acceptance of the contractor's tender.

A plan view of the ramp and jetty layout, which is of a size which is impractical to include with the agenda, will be available for elected member perusal and subsequently formally tabled, at the meeting.

BACKGROUND

The existing Leeuwin Boat Ramp was opened to the public on the 9 January 1975.

The Leeuwin car park and boat launching facility have been identified as requiring a major upgrade, including reconstruction of the ramp, jetties and a general upgrade of the trailer car park and associated facilities.

The Town of East Fremantle applied for grant funding through the Department of Transport, Recreational Boating Facilities Scheme on the 16 February 2011. Grant funding of \$750,000 was approved on 6 June 2011.

An approval for a lesser amount the year before was allowed to lapse on the basis the CEO was confident that in the following 12 months a more generous grant could be obtained. This judgement proved correct and the Town received a significant financial benefit as a result.

On receipt of the current grant funding the Town of East Fremantle employed coastal engineers M P Rogers & Associates to provide assistance with the preliminaries and approvals process, and to provide design documentation and engineering assistance

during the construction phase. Advanced Design Solutions were retained to assist with the civil engineering design and documentation of the new car park facilities.

Public consultation was undertaken, with information posted on the Town's website and signage being erected at the Leeuwin Ramp giving details and drawings of the proposed upgrade works.

The works include the removal of the existing boat launching facilities and the construction of a new three lane launch ramp facility with extended finger jetties, concrete abutments, limestone rock armour protection and lighting. The new facility will be constructed in accordance with Department of Transport requirements which will include a raised ramp entry height to assist with launch and recovery during high tide events.

Council has budgeted \$1,160,500 for this project in the 2012/13 budget and subject to the adoption of the budget including the allocation recommended for this project, and the awarding of the tender, the works can proceed, with an expected completion date of late November 2012.

It should be noted that any delay in approval would put the works completion date into the December/Christmas boating season.

Aboriginal Heritage Approval

An application for consent to use land for the Leeuwin Boat Ramp and Car Park works under Section 18 of The Aboriginal Heritage Act 1972 was sought and approval received after extensive consultation.

Swan River Trust Development Application Approval

The Swan River Trust development application required detailed documentation, planning and design of the proposed landscaping, drainage, car park modifications and construction methods. After extensive planning and negotiation, the application for Swan River Trust Development approval was lodged in early 2012 with approval being granted on 27 June 2012.

Department of Transport Approvals

Approvals have been sought and granted for jetty licences for the new works.

CONSULTATION /COMMUNICATION

Advice on the suitability of the recommended tenderer has been sought from the Department of Transport, MP Rogers and Associates (Consulting Engineers specialising in coastal, port and marine projects) and Advanced Design Solutions, Council's consulting engineers. Council officers have also undertaken additional investigations as to the suitability of the tenderer and the tenderer's proposed sub-contractors.

The report from MP Rogers and Associates is attached. **CONFIDENTIAL ATTACHMENT**

DISCUSSION ON TENDERS

The Town of East Fremantle received 6 tenders for the Leeuwin Boat Ramp Upgrade. The tenders listed in order are as follows:

1. Yarnell Civil and Mining Pty Ltd	\$ 682,467.97
2. Broadway Marine Constructions (Non-conforming)	\$ 724,284.00
3. Advantearing Civil Engineers:	\$ 755,580.00
4. Mayo Marine Services Pty Ltd	\$1,080,362.00
5. Engineered Water Systems	\$1,167,542.35
6. Marine & Civil Pty Ltd	\$1,824,546.00

All tenders listed are GST exclusive. The tender received from Broadway Marine Constructions was received late and cannot be considered. The tender received from Yarnell Civil and Mining Pty Ltd did not conform to the painting requirements of the

specification (see MP Rogers report). The tender received from Advantearing Civil Engineers has been assessed as having conformed with the tender offer document.

ADDITIONAL WORKS:

Additional car park upgrade works will be undertaken by Council staff, with the assistance of various contractors. Works include:

- Drainage, including creation of drainage swales and infiltration basins in traffic islands.
- Landscaping, to include planting of 51 native trees, 398 native shrubs and 1140 rushes in drainage infiltration swales.
- Lighting and electrical upgrade.
- Construction of additional car parking spaces and the re-alignment of traffic flow through the car park.
- Asphalt overlay of the new and existing car park.
- Line marking, signage, bin areas.

These works are required to complete the project. Whilst they are not included in the tender they are funded under the total funding package.

A general layout of the proposed new carpark, including landscaping, will be on display and tabled at the meeting.

FINANCIAL SITUATION

In July 2012 the Department of Transport was approached for additional funding through a project variation request. The additional funding request for \$75,000 has been approved, subject to the Town providing \$25,000 in matching funds.

In summary, the funding is as follows:

Department of Transport (\$750,000 + \$75,000)	\$825,000
Town of East Fremantle (\$305,036 + \$25,000)	\$330,036
TOTAL FUNDING:	<u>\$1,155,036</u>

CONCLUSION

The tender submitted by Advantearing Civil Engineers is considered the most advantageous for Council and it is recommended that the contract be awarded to Advantearing Civil Engineers on this basis.

RECOMMENDATION

That:

1. the tender submitted by Advantearing Civil Engineers to undertake the construction of a new boat ramp, finger jetties and associated works at Leeuwin boat ramp at Riverside Road East Fremantle be accepted for the contract sum of \$755,580 + GST;
2. the tenderer be advised accordingly; and
3. the common seal of the Council be affixed to the contract documents.

The CEO provided a plan of the proposal for elected members to view and the Operations Manager responded to questions raised.

Cr Nardi – Cr Wilson

That:

1. the tender submitted by Advantearing Civil Engineers to undertake the construction of a new boat ramp, finger jetties and associated works at Leeuwin boat ramp at Riverside Road East Fremantle be accepted for the contract sum of \$755,580 + GST;
2. the tenderer be advised accordingly; and
3. the common seal of the Council be affixed to the contract documents. CARRIED

225. REPORTS OF ELECTED MEMBERS

Nil.

20 August 2012

MINUTES

226. REPORTS OF CHIEF EXECUTIVE OFFICER**226.1 *Glasson Park Playground****By Stuart Wearne, Chief Executive Officer on 17 August 2012*

As requested by elected members, a plan view and concept layout has been prepared.

This documentation, which is of a size which is impractical to include with the agenda, will be available for elected member perusal and subsequently formally tabled, at the meeting.

As elected members are aware, the plan has been prepared in consultation with the local community and East Fremantle Primary School children, with the assistance of the Mayor.

Mr Dyer (who will be at the meeting in the event of any queries) is thanked for his work with this project, which is recommended to proceed without delay.

Council is already fielding phone calls regarding when the playground will be completed and it should be noted at least eight weeks will be required for the equipment ordering and implementation required.

RECOMMENDATION

The submitted plan view and concept layout be approved.

The CEO presented a plan and concept layout of the playground for elected members' perusal.

Cr Wilson thanked the Mayor and Operations Manager for their work in finalising this plan, following consultation with students of East Fremantle Primary School.

226.2 *Consolidation of Municipal Heritage Inventory and Heritage List**By Stuart Wearne, Chief Executive Officer on 17 August 2012*

Attached is a report on this issue.

ATTACHMENT

It is brought to the attention of elected members for information purposes, particularly given the likelihood of some public comment.

Given the significance and nature of the issue, it is recommended as follows.

RECOMMENDATION

The report be received and the recommendation endorsed.

Cr Wilson – Cr Martin

The report be received and the recommendation endorsed.

CARRIED**227. CONFIDENTIAL BUSINESS****227.1 *Redevelopment – East Fremantle Oval Recreation Precinct*****Cr Rico – Cr Wilson**

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) of the Local Government Act.

CARRIED

The meeting was closed at 9.20pm.

Elected members considered a report from the Manager Planning Services regarding the East Fremantle Oval Recreation Precinct.

CONFIDENTIAL ATTACHMENT

Considerable discussions took place and the Manager Planning Services answered questions raised by elected members.

Cr de Jong – Cr Collinson

That the report be received and:

- A. The draft Concept Plan for the East Fremantle Oval Recreation and Community Use Precinct (Appendix 2 to this report) be endorsed.*
- B. An 'Approval in Principle' for the draft Concept Plan from the Department of Planning be sought.*
- C. Structure Planning be commenced in accordance with the outline in Appendix 3 to this report following approval in principle from Department of Planning.*
- D. A detailed building survey report of the East Fremantle Football Club facilities be commissioned.*

Amendment

Cr Rico – Cr Martin

That the report be received and that:

- A. a detailed building survey and an analysis of the Football Club's facility requirements and a cost benefit analysis of options be commissioned.*
- B. a building survey should be undertaken and a detailed condition report produced identifying current and future maintenance costs of the Grouped Dwelling site in Allen Street.
Based on the advice a determination in respect to retention and refurbishment or redevelopment can be made.*
- C. Investigation take place regarding the relocation of the Council Depot and consolidating Council activities within an administrative precinct.*
- D. A plan developed for consultation with stakeholders and the general public for the Concept Plan, Structure Plan and Implementation Plan.*
- E. Investigate and secure possible funding sources.*
- F. Following all of the above, then an "Approval in Principle" from the Department of Planning be sought.*

Further discussion took place on Cr Rico's amendment.

The amendment on being submitted was lost.

The original motion was put.

Cr de Jong – Cr Collinson

That the report be received and:

- A. The draft Concept Plan for the East Fremantle Oval Recreation and Community Use Precinct (Appendix 2 to this report) be endorsed.**
- B. An 'Approval in Principle' for the draft Concept Plan from the Department of Planning be sought.**
- C. Structure Planning be commenced in accordance with the outline in Appendix 3 to this report following approval in principle from Department of Planning.**
- D. A detailed building survey report of the East Fremantle Football Club facilities be commissioned.** CARRIED

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

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

20 August 2012

MINUTES

- 227.2 East Fremantle Festival Coordinator**
Cr de Jong – Cr Collinson
That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) of the Local Government Act. CARRIED

The CEO briefly advised of the nature and content of negotiations with Cynthia Williamson.

The Manager Planning Services left the meeting at 10.10pm.

- 228. OPENING OF MEETING TO THE PUBLIC**
Cr Wilson – Cr Rico
That the meeting be reopened to the public. CARRIED

229. REPORTS OF CHIEF EXECUTIVE OFFICER (CONTINUED)

- 229.1 Alec Robinson**
The CEO advised elected members of the sad passing of Alec Robinson, a local resident who was a founding member (Vice President) of the Friends of East Fremantle Foreshore and one of the main instigators of the Niergarup Track. Although Mr Robinson had passed away in June, it had only been a recent obituary featured in the West Australian newspaper that had advised the CEO of his passing. The CEO had sent a card to Alec's wife Joy conveying Council's condolences.

- 229.2 Tim Petherbridge 76B George Street**
The CEO advised of an email addressed to Peta Cooper, Planning Coordinator, from Tim Petherbridge regarding 76B George Street, which read, in part:
"I just wanted to thank you so much for the wonderful work you do handling all the issues involved with planning.
I look forward very much to being able to show you the shop when it finally opens."

- 229.3 Zephyr Café Car Park**
The CEO raised the issue of current parking arrangements with a view to obtaining informal advice. Elected members indicated they wished the status quo to remain.

- 229.4 Town Hall Roof**
The CEO discussed developments in relation to investigations into the Town Hall roof.

- 229.5 73A Dalgety Street**
The CEO briefly discussed correspondence received from Mr J O'Neill in relation to this forthcoming planning application, including a request for a site visit.

- 229.6 20 Allen Street**
The CEO advised that Council had been successful in defending a SAT Appeal by the owners of 20 Allen Street regarding a proposed carport, although the reasons for the decision had not yet been received.

- 229.7 Foxes – River Foreshore**
The CEO provided an update on the situation.

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

- 230.1 Cr Wilson - Dog Exercise Areas**
"That the CEO prepare a report that considers an increase in designated off lead dog exercise areas."

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

Nil.

232. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.42pm

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 August 2012**, Minute Book reference **203. to 232.** were confirmed at the meeting of the Council on*

.....

Presiding Member