



20 March 2012

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 20 MARCH, 2012 COMMENCING AT 6.33PM.

42. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

42.1 *Present*

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr S Martin	
Cr D Nardi	
Cr R Olson	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 8.30pm)
Mr B Bond	Acting Executive Manager Finance & Admin (From 7.30pm to 9.00pm)
Ms J May	Minute Secretary

43. 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.”

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

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

45. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Lilleyman

46. RECORD OF APOLOGIES

Nil.

47. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

48. PUBLIC QUESTION TIME

Nil.

49. APPLICATIONS FOR LEAVE OF ABSENCE

49.1 *Cr Rico*

An application for leave of absence was submitted for Cr Rico for tonight's meeting.

Cr Martin – Cr Nardi

That leave of absence be granted to Cr Rico for tonight's meeting.

CARRIED

49.2 *Cr Collinson*

Cr Collinson sought leave of absence for the Council Meeting on 17 April 2012.

Cr Martin – Cr Nardi

That leave of absence be granted to Cr Collinson for the Council Meeting on 17 April 2012.

CARRIED

50. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

50.1 Council Meeting – 21 February 2012

Cr Collinson – Cr Nardi

That the Minutes of the Council Meeting held on 21 February 2012 be confirmed with a correction that Cr Olson be noted as being in attendance at the meeting.

CARRIED

51. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

54. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

54.1 T32.2 May Street No 42 (Lot 75)

S & C Hillyard: Providing revised elevation for the proposed double garage door at 42 May Street and setting out reasons for one double door.

Cr Martin – Cr Olson

That the correspondence from Mr & Mrs Hillyard be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 56.2).

CARRIED

55. ORDER OF BUSINESS

Cr de Jong – Mayor Ferris

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

CARRIED

56. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

Mayor Ferris made the following impartiality declaration in the matter of 6 Habgood Street: "As a consequence of one of the objectors being known to me through work, 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".

56.1 T29.4 Habgood Street No. 6 (Lot 5016)

Applicant: M Fallace

Owner: M & A Fallace

Application No. P135/11

Mr van Ooran (neighbour) addressed the meeting in support of the Committee's recommendation.

Mr Fallace (owner) addressed the meeting in support of the Committee's recommendation and providing information on previous surveys carried out on the site.

Cr Wilson – Cr Martin

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

That the application be deferred pending submission of revised plans responding to Conditions 1, 2 and 3 of the officer's report dated 6 March 2012. Plans are to incorporate existing and proposed hard landscaping and a streetscape plan which

includes 4 and 8 Habgood Street. Amended plans are to be clearly legible in relation to site datum survey overlays and in a format that is easily reproduced.

CARRIED

56.2 T32.2 May Street No. 42 (Lot 75)
Applicant/Owner: S & C Hillyard
Application No. P9/12

The letter from Mr & Mrs Hillyard, referred from correspondence (MB Re 54.1) was tabled.

The Acting Town Planner provided the following additional information:

Garage Door

The Town Planning & Building Committee at its meeting of 13 March 2012 resolved to recommend deferral of Development Application P9/12 pending further development of design options for the garage doors including the possibility of separated garage door entrances.

The applicant has submitted additional information in response to the Committee's resolution, which was received on 16 March 2012. The additional information (attached) comprises:

- *Letter from the applicant/landowner outlining garage door concept*
- *Letter from heritage consultant, including photographs and elevation*

The applicant considers that the separated garage door arrangement is not practical on this site due to:

- *a desire to keep the width of the garage to a minimum to reduce visual impact*
- *the current garage width allows for a roof pitch in keeping with the existing dwelling whilst ensuring the roof height does not mask the dwelling*

It should also be noted that increasing the width of the garage will require additional excavation into the existing slope, increasing the impact of the development on the natural topography of the land.

The applicant, on advice from the heritage consultant, proposes to continue with the single opening design. The garage door is to be a timber panel-lift design with detailing that gives the impression of two doors, thus 'breaking up' the expanse of the garage door and creating visual interest.

Public Consultation

The public consultation period for the application closed at 4:30pm on 20 March 2012. The report published in the agenda recommended conditional approval subject to no objections being received by close of advertising. No objections were received.

Conclusion

The additional information provided by the applicant is considered to adequately address the concerns raised by the Town Planning & Building Committee. Increasing the width of the garage to accommodate separate doors is unlikely to improve the appearance of the garage from the street and will require additional excavation in the front setback area. The proposed garage door creates visual interest at the street level and is designed to complement the existing heritage dwelling. It is recommended that the proposed development be approved subject to appropriate conditions.

RECOMMENDATION

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

- vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback from the parapet wall to the southern boundary;*

- (b) vary the streetscape requirements of the Residential Design Codes of Western Australia and Local Planning Policy No. 142 Residential Development to permit a 1m setback from the garage to the front boundary;
- for the construction of a garage, parapet wall, front fence and retaining wall at No. 42 (Lot 75) May Street, East Fremantle, in accordance with the plans date stamped received on 20 January 2012, and the elevations date stamped received on 16 March 2012, subject to the following conditions:
1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 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 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.
 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 garage is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the 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. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
 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, 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.
 13. 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/builders is to contact Council's Works Supervisor.*
- (f) 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.*
- (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"*

Elected members expressed their appreciation of the efforts made by the applicants to comply with the Committee's request regarding the garage door.

Cr Martin – Cr Olson

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 nil setback from the parapet wall to the southern boundary;**
- (b) vary the streetscape requirements of the Residential Design Codes of Western Australia and Local Planning Policy No. 142 Residential Development to permit a 1m setback from the garage to the front boundary;**

for the construction of a garage, parapet wall, front fence and retaining wall at No. 42 (Lot 75) May Street, East Fremantle, in accordance with the plans date stamped received on 20 January 2012, and the elevations date stamped received on 16 March 2012, subject to the following conditions:

- 1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 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 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.**
- 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 garage is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the 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. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
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, 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.
13. 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) *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.*
- (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".*
- CARRIED

56.3

T34.2 Royal George Hotel – Concept Proposal

The following report from the Manager Planning Services was considered

Royal George Hotel – Concept Proposal

By Jamie Douglas Manager Planning Services on 14 March 2012

INTRODUCTION

A "concept proposal" has been submitted by Matthews Architecture for the re-development and change of use of the Royal George Hotel. The applicant has stressed the submission is not a development application but "rather a commencement of dialogue regarding revival of the Royal George Hotel". Accordingly Council's support for and involvement in the re-development proposal is sought.

THE PROPOSAL

The proposal is to accommodate the following uses;

- Basement – Council funded community space to include a gallery, meeting area, exercise classes etc.
- Ground floor a Wine Bar and Café and a Meeting room for offices above
- First floor - offices
- Car park – opportunity for monthly markets

It is submitted that 20 car bays plus 1 equal access bay could be accommodated on site with an additional 15 on street spaces which could be attributed to uses on site. The proposal acknowledges a car parking shortfall under the Scheme's requirements. It is submitted that a variation to the Scheme's applicable car parking requirements is warranted on the basis of *the offer of a community gathering space in the development*. Details of conservation works that are required to be undertaken or the proposed internal and external redevelopment works are not provided.

Requested Financial Commitment from Council

The proposal requires that Council make a number of financial commitments in support of the proposed community space within the development as follows:

- Council will be required to contribute to an annual building maintenance fund through monthly or quarterly instalments in advance, to be administered on the upkeep of the building at the absolute discretion of Matthews Architecture.
- There will be no requirement or reporting by Matthews Architecture in any way in regards to the building.
- A twenty year lease is proposed with two five year options to Council (in respect to the 'community space').
- Council would be responsible for all insurances, maintenance issues and outgoings related to the Community space that is agreed upon in the lease agreement.
- Parking bays required for the exclusive use of the community will be Council's responsibility.
- The Council will be responsible for the funding and implementation of the fit out and refurbishment of the space to be made available for community use.

- Drawings for any building works required to accommodate the community facility are to be either produced by Matthews Architecture or to be assessed approved by Matthews Architecture. Any assessment of drawings and or review of external drawings will be charged on an hourly rate basis at Matthews Architecture's director's hourly rate.

CONSIDERATION

- **Development Proposal**

The applicant (Clinton Matthews) originally met with the CEO, Manager Planning Services, The Mayor and Councillor de Jong on 18 August 2011. At that meeting Mr. Matthews explained that he was the National Trust's preferred developer and explained his preliminary views with respect to the redevelopment of the building. He also explained that he was shortly leaving on an extended overseas trip but that his staff would be submitting some drawings to progress the application in his absence. None were received and his letter of 9 February 2012 was the next contact with Council.

It is regrettable that a period of six months has elapsed and yet the applicant has not developed his concept sufficiently to allow for it's assessment as an application for Planning Approval. Indeed, subsequent to the subject letter, the applicant has indicated that he has changed his mind with respect to ground floor activities and is now contemplating some form of retail and a café use.

It is a matter of concern that, notwithstanding past experience with the former 'preferred developers' the National Trust did not conduct a full and open advertising process for 'Expressions of Interest' and then move through a selection process to identify a preferred developer from applicants with established credentials and capacity immediately after the former developers withdrew. During this time, the building has continued to deteriorate and there has been no material progress towards it's conservation and redevelopment.

- **Financial Commitment from Council**

Council is yet to determine if a 'community space' within the building is supported by community demand for such a facility or that the indicated space and parking provisions are appropriate for such a facility. A demand analysis and business case would be a necessary precursor to any such undertaking.

However of more pressing concern are the proposed financial contributions from Council. It is suggested that Council would not only pay rent on the basis of a 5+5 year lease but would, fit out the space, pay all outgoings and contribute in advance to the overall maintenance of the building at the total discretion of Matthews Architecture. Further all design work would be undertaken or approved by Matthews Architecture at the Director's hourly rate. In essence Council is being asked not only to sign a blank cheque but to submit to the determination of the applicant in respect to the conservation and redevelopment of the building.

CONCLUSION

There is insufficient information provided to reach any preliminary conclusions in respect to the conservation of the building or the acceptability of the many broader planning impacts implied by the proposal.

Any involvement by Council in respect to community uses on the site would necessarily be predicated by a Business Case to identify demand and use requirements for a community facility in this location before any commitment could be progressed. The proposal, represents such a high degree of risk for Council that, it is considered, it cannot be accepted as a basis for any ongoing dialogue with the applicant.

RECOMMENDATION

That the applicant be advised that;

1. based on the information provided, Council cannot indicate support for the proposed development concept.
2. the 'offer proposal' for Council involvement and contribution to the redevelopment proposal contains a level of risk that is unacceptable and is not considered to be an appropriate basis for further dialogue in respect to possible Council involvement.

Mr Matthews (Matthews Architecture) addressed the meeting stressing, in response to the officer's report, that he was not submitting a development proposal at this time, but rather a concept proposal which was intended to promote a "commencement of dialogue" between himself and Council in order to progress the project.

Elected members asked various questions of Mr Matthews including issues related to the Conservation Plan, cost estimates for works required to the building and given the ownership of the building, what funding the National Trust had allocated for works.

The Acting Executive Manager Finance & Administration entered the meeting at 7.30pm.

Mr Matthews stated that any works to the building would be carried out in strict accordance with the Conservation Plan, however, contrary to previous advice, the building was in relatively good repair and these works could be staged over a number of years, as funding became available. Mr Matthews said he had not done a "budget analysis". Mr Matthews would not comment on the issue of National Trust funding of the building however requested a workshop with elected members to ascertain what Council wanted for the building to allow him to draw up a proposal for submission to the National Trust. Mr Matthews stated he was not a developer but rather, regarded the project as a "conservation job".

Mr Matthews said he could not go into the issue of any signed agreements with the National Trust other than to say he has the option of a head lease.

57. ADJOURNMENT

Cr Wilson – Cr Nardi

That the meeting be adjourned at 7.40pm to allow elected members to further discuss this matter. CARRIED

58. RESUMPTION

Cr Wilson – Cr Olson

That the meeting be resumed at 8.00pm with all those present prior to the adjournment, in attendance. CARRIED

59. TOWN PLANNING & BUILDING (PRIVATE DOMAIN) (CONTINUED)**59.1 T34.2 Royal George Hotel – Concept Proposal (Continued)**

Mayor Ferris – Cr Wilson

That:

1. the applicant be advised that based on the limited information provided, Council cannot indicate support for the proposed development concept
2. Council hold a workshop with elected members and relevant staff to confirm its redevelopment options for the Royal George Hotel
3. following the workshop, Council enter into further dialogue with Matthews Architecture. 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 Nardi, Martin, Olson, Wilson, de Jong and the Mayor voted in favour of the recommendation with Cr Collinson having voted against the motion.

Following Council's decision, Mr Matthews requested permission to speak and with the approval of the Mayor, stated that in the near future he may seek development approval to establish his architectural offices in the building, together with a firm of archaeologists and a gymnasium involving Tony Brideson.

The Mayor stated he would need to take that up with Council officers.

Cr Wilson made the following impartiality declaration in the matter of 7 Gill Street: "As a consequence of the owners being known to me as our sons are best friends, 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".

59.2 T29.3 Gill Street No. 7 (Lot 6) – Alterations/Additions
Applicant/Owner: Glenn Frewin
Application No. P7/2012

Cr Wilson – Cr de Jong

That the matter be deferred to allow further information and discussions regarding Condition 3 of the Committee's recommendation. CARRIED

Cr Martin made the following impartiality declaration in the matter of the Local Planning Policy – Town Centre Redevelopment Guidelines: "As a consequence of the correspondent being a friend of mine, 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".

59.3 T33.1 Local Planning Policy – Town Centre Redevelopment Guidelines – Request for Amendment

Cr Martin – Cr Wilson

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

That Council not approve the requested amendment to the Local Planning Policy – Town Centre Redevelopment Guidelines to delete the following notation:

****Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area. CARRIED***

60. EN BLOC RECOMMENDATION

Cr Nardi – Cr de Jong

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 13 March 2012 in respect to Items MB Ref 60.1 to 60.8 CARRIED

60.1 T29.1 Irwin Street No. 47 (Lot 205)
Applicant/Owner: Terence Pestana
Application No. P16/12

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

- (a) vary the side setback requirements of the Local Planning Policy 142 Residential Development to permit a setback of 2.3m to the deck at the Northern boundary;**
- (b) vary the site works requirements of the Residential Design Codes of Western Australia to permit a Finished Floor Level to the deck of RL 10.0 within 3m of the Northern boundary; and**
- (c) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the western wall of the deck to intrude 2.6m over the Western boundary**

for the construction of a deck at No. 47 (Lot 205) Irwin Street, East Fremantle, in accordance with the plans date stamped received on 27 January 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 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.
 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 deck 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, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 7. Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
 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. 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *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”.

- 60.2 **T29.2 Irwin Street No. 79 (Lot 220) – Alterations and Additions to Existing Dwelling**
Owner: Richard and Nicki Liley
Applicant: Define Creations Design and Drafting
Application No. P21/2012

That Council grant approval for alterations and additions to the existing residence at No. 79 (Lot 220) Irwin Street in accordance with the plans date stamp received on 31 January 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. Prior to the issue of a building licence, plans shall be submitted and approved by Council, which show the proposed carport set back in line with the front wall of bedroom 2 and bedroom 3 of the existing dwelling.
3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.
5. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site and clear of all boundaries.
7. 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.
8. The existing chimney/s shown on the elevations shall be retained.
9. 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 by Council.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*
- (e) *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”.

60.3 **T32.3 Philip Street No. 1 (Lot 3 on Strata Plan 22544)**
Applicant: Quality Dolphin Pools
Owner: J N Hart
Application No. P10/12

That Council exercise its discretion in granting approval for a variation of the site works requirements of the Residential Design Codes of Western Australia to permit excavation of 1.8m in the Philip Street front setback area for the construction of a swimming pool at No. 1 (Lot 3) Philip Street, East Fremantle, in accordance with the plans date stamped received on 23 January 2012, subject to the following conditions:

1. The approval is for construction of the swimming pool and spa only. The proposed planter walls, screen walls, cabana and dwelling do not form part of this approval.
2. Detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy 143 Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
3. 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 special approvals, conditions of this planning consent or with Council's further consent.
4. The proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. Protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
6. 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.
7. 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.
8. Swimming pool is to be sited a distance equal to the depth of the pool from the boundary and building, or be certified by a structural engineer and approved by Council's Building Surveyor.
9. Prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
10. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
11. 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.
12. The proposed swimming pool 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.
13. 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.

14. 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.
15. 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.
16. 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) *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.*
- (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".*

60.4 T32.4 Oakover Street No. 76 (Lot 315)

Applicant: Patio Living

Owner: J Turner & J Kerr

Application No. P23/12

That Council exercise its discretion in granting approval to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback to the southern boundary for the construction of a carport at No. 76 (Lot 315) Oakover Street, East Fremantle, in accordance with the plans date stamped received on 8 February 2012 and additional plans date stamped received on 28 February & 6 March 2012, subject to the following conditions:

1. A detailed schedule of external materials and finishings (including paint colours) are to be submitted and approved by the Chief Executive Officer, prior to the issue of a building licence.

2. The carport is to remain open-sided at all times.
3. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed carport 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 by Council.
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. 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) 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.*
 - (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
 - (h) In relation to condition 2, any enclosure of the carport, including installation of gates and/or roller doors, will require separate approval from Council.*
 - (i) 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".*

60.5 T32.5 Speedy Cheval No. 15 (Lot 307) – Single Storey Residence

Owner: Joel Thornton

Applicant: Mark Wesley

Application No. P20/2012

That Council grant approval for single house at No. 15 (Lot 307) Speedy Cheval in accordance with the plans date stamp received on 31 January 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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. all stormwater is to be disposed of on site and clear of all boundaries.**
- 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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.**
- 8. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.**

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

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*
- (e) *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”.*

60.6 T33.2 Residential Design Guidelines

That:

- (a) the amended draft Local Planning Policy -Residential Design Guidelines be released for public advertising
- (b) the Consultation Program identified in this report be endorsed
- (c) following completion of the Consultation Program the draft Local Planning Policy -Residential Design Guidelines be advertised pursuant to Clause 2.4 of Town Planning Scheme No. 3.
- (d) Council engage public relations expertise to provide advice and support for the process.

60.7 T33.3 Planning & Development Services – Status Report

That the report be received.

60.8 T34.1 Conservation Works Town Hall & Former Police Station

That the report ‘Conservation Works Town Hall & Former Police Station’ be received subject to compliance with procurement requirements in relation to package 6 (Town Hall external woodwork) and further quotations being obtained, if required.

The Manager Planning Services left the meeting at 8.30pm

61. FINANCE**61.1 Audit Committee Meeting – 12 March 2012**

Cr de Jong – Cr Olson

- (i) That the Minutes of the Audit Committee Meeting held on 12 March 2012 be received and the following Committee recommendations be adopted en bloc.

CARRIED

- (ii) **A8.1 2011 Compliance Audit Return**

That Council adopt the Compliance Audit Return for the period 1 January to 31 December 2011.

- (iii) **A8.2 Local Government Department review of Annual Financial Reports**

That the information be received, and the Local Government Department thanked for making Council aware of this issue.

60.2 Finance Committee Meeting – 12 March 2012

20 March 2012

MINUTES

- (i) **Cr Olson - Cr Wilson**
That the Minutes of the Finance Committee Meeting held on 12 March 2012 be received. CARRIED
- (ii) **F8.1 Accounts for Payment – February 2012**
Cr Olson – Cr Wilson
The adoption of the Committee’s recommendation which is as follows:
That the List of Accounts for the period beginning 1 February and ending 29 February 2012 be received. CARRIED
- (iii) **F8.2 Monthly Financial Activity Statement for Period Ending 31 January 2012**
Cr Olson – Cr Nardi
The adoption of the Committee’s recommendation which is as follows:
That the Financial Activity Statement for the period ending 1 July 2011 to 31 January 2012 be received. CARRIED
- (iv) **F8.3 2011/2012 Budget Review**
The following additional report prepared by the Acting Executive Manager Finance & Administration was considered:

2011/2012 Budget Review

By Bill Bond, Acting Executive Manager Finance & Administration, on 16 March 2012

PURPOSE

The purpose of this report is to facilitate further consideration of the 2011/12 Budget review.

BACKGROUND

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 (as amended). The results of the budget review are to be submitted to Council within 30 days of the review [FM Regulation 33A (2) and (3).] A copy of the review and Council’s recommended solutions are to be forwarded to the Department of Local Government within 30 days of the Council meeting (Financial Regulation 33A(4)).

REPORT

This report, together with the financial information attached, form part of the budget review. A review has been carried out using actual figures as at 31 December 2011 and projected estimates to 30 June 2012. Included is a detailed breakdown of each program showing projections to 30 June 2012. It is proposed that budget amendments be made where the material variances have been listed in the budget reallocation column

ATTACHMENT

In respect to material variances, Council is required to establish materiality levels either as a percentage and/or dollar value as per Financial Management Regulation 34(5). These materiality levels are to be used in the preparation of monthly Financial Activity Statements and undertaking the annual Budget review. Council adopted materiality levels of 10% or \$10,000 whichever the greater, at the 12 April 2009 Council meeting.

These variances were listed with the report forwarded to the Finance Committee Meeting of the 12 March 2012. The minutes read:

That this item be held over to the Council Meeting to allow a further officer review of the budget incorporating:

1. *comments on variations discussed at Committee – particularly in relation to town planning and public works.*
2. *amendments on various items raised in the Mayor’s queries.*

Following the abovementioned review, elected members are advised as follows:

Projected Surplus

The original surplus of \$8,899 has now been increased to \$97,133 with the addition of more up to date costs and expenditure estimates.

The areas identified were as follows and all changes have been highlighted in yellow within the Budget Review document.

A summary of these items by programme is as follows

Previous identified surplus	\$8,899
Governance	\$42,000
Community Amenities	\$36,500
Recreation & Culture	-\$39,060
Transport	\$18,000
Other Property & Services	\$2,000
Capital Expenditure	<u>\$28,794</u>
 New Surplus	 <u>\$97,133</u>

Budget Requests

The following items have already been before Council and have been included in the Budget Review:

1. The light replacement at the Raceway Park playground was required because the existing light was found to be unauthorised (probably installed by the developers), potentially dangerous and not connected through a Town of East Fremantle meter box.
2. The East Fremantle Soccer Club grant which was rejected last year was re-submitted this year and accepted by the Department of Sport and Recreation. Council will be required to meet their third of the total price which is \$34,545.
3. The Tricolore Community Centre building which had some roof reconstruction in previous years was not included in the 2011/12 Budget, however a Federal funding grant for the PV Cells which Council received requires that this work be carried out prior to the installation of these cells.
4. Foreshore Stabilisation Project required Council to match the funding from the Swan River Trust, however was not included in the 2011/12 Budget.
5. The demolition of the old former East Fremantle Playgroup building was considered urgent and this was undertaken at a cost of \$10,633.

New Budget Requests

During the meeting the officers were asked to consider the possibility of including in this year's Budget the following items:

Infrastructure Footpaths, Riverside Road

Red Herring to Marine Education Boat Shed to be replaced with reinforced concrete to match the rest of the footpath on Riverside Road. Cost \$45,714 (see Capital Expenditure Projects Submitted but not included in 2011/2012 Budget).

Sculpture

The possibility of Council purchasing one of the sculpture works from the Cottesloe Sculptures by the Sea exhibition to the value of approximately \$45,000 as part of the Other Culture funds within the Recreation & Culture Programme

These items, if approved by Council (see Recommendation 4 below) will reduce the budget surplus to \$6,419.

Detailed budget reallocations

The two budget review documents have now been combined and the attached is a detailed list of projected budget variances. It is intended to undertake budget reallocations as per the amounts shown in the attached report by 31 March. The March Financial Activity Statement will show the revised budget against which budget variances will be calculated.

ATTACHMENT**RECOMMENDATION**

That Council:

1. maintain the materiality threshold for each program of activity at 10% or \$10,000, whichever the greater.
2. adopt this Budget Review report for 2011/12 financial year.
3. approve amendments to the Adopted 2011/12 Budget, in line with the financial projections to 30 June 2012 as detailed in the attached schedule.
4. approve new budget requests as identified in this report.
5. incorporate the remaining surplus into the 2011/12 Budget deliberations.

Mayor Ferris tabled the following email he had circulated to elected members and staff:

"I have just been through the budget review document which now delivers a surplus of \$97,133 before the two new projects and a surplus of \$6,419 when all projects are accounted for

I don't have any real issues with the changes apart from some of the savings in projects that were budgeted for in 2011/12 and the impact these savings will have on the 2012/13 budget.

The revised report shows:

Item	Original Budget	Revised Budget	Saving
<i>Integrated Planning Framework</i>	<i>60,000</i>	<i>30,000</i>	<i>30,000</i>
<i>Municipal Inventory</i>	<i>50,000</i>	<i>10,000</i>	<i>40,000</i>
<i>Infill Density Survey</i>	<i>30,000</i>	<i>15,000</i>	<i>15,000</i>
<i>EF Oval Masterplan</i>	<i>41,665</i>	<i>21,665</i>	<i>20,000</i>
<i>Community Events</i>	<i>40,000</i>	<i>15,000</i>	<i>25,000</i>
<i>Art Awards</i>	<i>20,000</i>	<i>0</i>	<i>20,000</i>
TOTAL	241,665	91,665	150,000

Whilst the budget review is providing an up to date estimate of what we will spend on these projects in 2011/12 and hence the cashflow saving of \$150,000 against these projects most of these projects will need to have funding provided in 2012/13 to meet Council's commitment to these projects. The EF Oval Masterplan for example has a commitment of \$50,000 which was made by Council early in the financial year (not sure why we only have \$41,665 in the budget). Clearly this project and the funding commitment needs to be carried forward to 2012/13, however Council wont have the cash to do so if we only have a revised surplus of \$6,419.

In adopting the recommendations in the report and the additional items elected members will need to be aware that most of the projects listed above will need to be budgeted for in 2012/13."

Considerable discussion took place on the matter with the Chief Executive Officer and Acting Executive Manager Finance & Administration answering queries raised by elected members.

Cr Martin drew attention to a discrepancy in the figures in the officer's report listed under Projected Surplus. It was noted the total New Surplus was the correct figure of \$97,133. (The errors (Community Amenity amended to \$36,500, Transport amended to \$18,000

and a new item of Other Property & Services \$2,000) have been corrected in the report contained within these Minutes)

Mayor Ferris – Cr Wilson

That Council:

1. maintain the materiality threshold for each program of activity at 10% or \$10,000, whichever the greater.
2. adopt this Budget Review report for 2011/12 financial year.
3. approve amendments to the Adopted 2011/12 Budget, in line with the financial projections to 30 June 2012 as detailed in the attached schedule.
4. approve the new budget requests for Infrastructure Footpaths, Riverside Road of \$45,714 and the \$45,000 for a sculpture, with the funds for the sculpture to be transferred into a newly created reserve known as “Arts & Sculpture Reserve” whose purpose is to provide Council with the opportunity to purchase art works or sculptures for the Town, subject to the adoption of an art acquisition policy.
5. incorporate the remaining surplus into the 2011/12 Budget deliberations.

CARRIED

61. REPORTS OF ELECTED MEMBERS

61.1 Cr Collinson – SMRC

Cr Collinson provided an update of SMRC matters which included:

- The Materials Recovery Facility
- The resignation of the CEO, Mr Stuart McAll
- The current application before the Department of Environment and Conservaton for renewal of the Waste Composting Facility and Green Waste Facility licence
- Odour complaints
- Withdrawal of the City of Rockingham

Cr Wilson – Cr de Jong

That Cr Collinson’s report be received.

CARRIED

62. REPORTS OF THE CHIEF EXECUTIVE OFFICER

62.1 Updates from Chief Executive Officer on Various Items

SMRC

Stuart McAll has resigned.

A Media Release is attached.

ATTACHMENT

I believe it would be appropriate if Council passed a resolution acknowledging Stuart’s efforts and achievements over the past 17 years.

A suggested resolution is:

“Council notes the recent resignation of Stuart McAll from the SMRC and requests the CEO to write to Mr McAll thanking him for his efforts and achievements over the past 17 years and wishing him well in his future career.”

A copy of recent correspondence from the CEO to the Department of Environment and Conservation in relation to the SMRC licence renewal is also attached. **ATTACHMENT**

Staff Appointments

A verbal update will be given.

Local Government Reform

A verbal update will be given.

In addition, the attached newspaper article might be noted. This refers to Cr Rico's unsuccessful attempt at the 31 January WALGA meeting to move a motion which had been worded by the CEO and which referred to a poll of electors. Had this been successful this may have led to WALGA including the concept in their submission to the Review Panel and would have preceded the subsequent initiative by the four western suburbs Mayors. **ATTACHMENT**

As can be seen it was the fact the motion was not raised at the Zone which was used to defeat it.

It could not have been raised at the preceding zone meeting, being a Special Meeting on the issue, at least by the Town, because no Council delegates attended that meeting.

Manera Building

Following another broken undertaking by Main Roads, I was advised today to expect a report in the next 7-10 days.

Request for Noise Barriers - Stirling Highway Extension Canning Highway to Marmion Street

The CEO recently made representations to Main Roads regarding this issue.

Whilst Main Roads appear sympathetic, the situation is that Main Roads have not been funded to carry out such "retrofit" works, at this or any other location, notwithstanding it is a consideration in respect of new works.

Nevertheless it is understood that if there was any chance of retrofit funding being granted, at least for this site, there is unlikely to be a better time to seek it from the government, give it is understood:

- (i) the planned High Street works include noise barriers
- (ii) the High Street works will entail works on the Stirling Highway extension between High Street and Marmion Street.

At this point the CEO has, in addition to responding to several Duke Street residents, written to Adele Carles on the issue. It is also intended to write to the Minister for Transport.

One potential issue is that there is no Council decision on the matter.

This is not a particular problem at this stage, as any decision to carry out noise barrier works would be subject to consultation with Council by Main Roads and a formal stance could be taken at that time.

However it would be preferable if the actions of the Chief Executive Officer, which implicitly support a noise barrier, could be endorsed.

Elected members should note that, in the CEO's view, any elected member who can hear noise from the Stirling Highway extension at their property (and would thus benefit from a noise barrier) arguably has a declarable interest in the matter.

Communications Strategy

Following a workshop held on 15 February, a draft report from Bluebottle was recently received. This was subsequently reviewed by the CEO with Shelley Kissing-Doyle and Leigh Sinclair, who are now working on a revised report, taking into account the matters discussed.

Website Management

At the abovementioned meeting this issue was also discussed.

It was arranged for Shelley Kissing Doyle to discuss the situation further with Ethan, Council's current web designer/manager, in the first instance.

Community Events

Following receipt of a proposal involving 4 or 5 events from Cynthia Williamson, a workshop with Cynthia was held on 6 March.

Cynthia is now following up on proposals arising from that workshop. It is noted the first planned event was for May.

Gazebos

One gazebo has been erected. I am advised the other two gazebos will be completed by the end of the week.

Town Centre

As previously verbally advised, Russell Quinn was successful with his appeal against Main Roads' position on the Canning Highway setbacks and is now proceeding with his making the necessary financial arrangements to allow the development to commence.

East Fremantle Oval Precinct Master Plan

The second workshop was held on 29 February and a report subsequently received from SRD Consulting. It has been arranged for this to be discussed with the Mayor and Deputy Mayor in the first instance.

Swan Yacht Club

Council is still awaiting a response from the Club to a draft lease, which they have had for some time and is in the hands of the Club's solicitors for review.

King Street Footpath

This has commenced.

Plympton Parking & Access Study

Tenders closed last Friday. Six tenders were received. These are currently being assessed by Manager Planning Services.

RECOMMENDATION TO COUNCIL

That the report be received.

The CEO provided the following additional information:

Staff Appointments

- Mr Les Mainwaring had been appointed as Council's Executive Manager Finance & Administration and would be commencing with the Town on 23 April 2012.
- Ms Carly Pidco had been appointed as Council's Senior Town Planner, on a 4 days per week basis.

Local Government Reform

The Chief Executive Officer advised that he had been informed the Review Panel's draft report would be issued on 13 April and there would, subsequently be a very limited response period.

SMRC

The CEO sought support for the resolution he had proposed regarding Mr Stuart McAll.

(i) Mayor Ferris – Cr Olson

Council notes the recent resignation of Stuart McAll from the SMRC and requests the CEO to write to Mr McAll thanking him for his efforts and achievements over the past 17 years and wishing him well in his future career. **CARRIED**

20 March 2012

MINUTES

Request for Noise Barriers - Stirling Highway Extension Canning Highway to Marmion Street

Following a request from Cr Martin, the CEO explained the basis of comments regarding arguably declarable interests, noting:

- (i) Pursuant to s.5.60B of the Local Government Act, the Mayor had undoubtedly had a proximity interest in the issue due to the location of his land with respect to the Stirling Highway extension.
- (ii) Pursuant to s.5.60A of the Local Government Act, any elected member whose property was affected by the traffic noise, to the point where it was reasonable to expect the installation of noise barriers would increase their property value (however marginally) arguably had a financial interest in the matter. Further, whilst the Act does not define the word "adjacent", legal precedents indicate that if a degree of proximity exists in relation to the particular circumstances, then s.5.60B may also apply in the circumstances at issue.

Cr Martin confirmed the noise could be heard from her property, however it "did not bother" her. Cr Martin acknowledged that this may not be the case with another owner.

Cr Collinson stated he did not consider he had a declarable interest as he could barely hear any noise, due to the Royal George and other buildings between his property and the Stirling Highway extension.

Mayor Ferris declared an interest in the following item as his land adjoins the Stirling Highway extension and left the meeting at 9.35pm.

Cr Wilson declared an interest in the following item as her property is affected by noise from the vehicles using the Stirling Highway extension and left the meeting at 9.35pm.

In the absence of the Mayor, the Deputy Mayor assumed the Chair.

- (ii) **Cr Olson – Cr Nardi**
That Council endorses the actions of the CEO to date in encouraging MRWA to satisfactorily address the increased traffic noise issue. CARRIED

Mayor Ferris and Cr Martin returned to the meeting at 9.40pm and it was noted they did not speak or vote on the previous motion.

The Mayor resumed the Chair.

- (iii) **Cr Wilson – Cr de Jong**
That the remainder of the CEO's report be received. CARRIED

62.2 Elected Members Communications and IT Allowance

The CEO advised that as per Council's Policy F7.1 elected members were required to complete a statutory declaration verifying use of personal computers/phones for Council business and circulated relevant declarations for elected members to complete.

63. CONFIDENTIAL BUSINESS

63.1 Confidential Updates from Chief Executive Officer on Various Items

Cr Wilson – Cr de Jong

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

A confidential report prepared by the Chief Executive Officer was considered.
CONFIDENTIAL ATTACHMENT

Cr Nardi – Cr Collinson
That the report be received. CARRIED

20 March 2012

MINUTES

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

Nil.

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

Nil.

66. CLOSURE OF MEETING

There being no further business, the meeting closed at 10pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 March 2012**, Minute Book reference **42. to 66.** were confirmed at the meeting of the Council on*

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Presiding Member