



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 18 NOVEMBER, 2008 COMMENCING AT 6.37PM.

342. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

342.1 Present

Mayor A Ferris	Presiding Member
Cr D Arnold	
Cr C Collinson	
Cr B de Jong	
Cr S Dobro	
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr C Warrener	Town Planner (To 9.40pm)
Ms J May	Minute Secretary

343. ACKNOWLEDGEMENT OF COUNTRY

Mayor Ferris made the following acknowledgement:

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

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

The Mayor welcomed 12 members of the public in the gallery and introduced Council members and staff.

345. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

346. RECORD OF APOLOGIES

Nil.

347. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

348. PUBLIC QUESTION TIME

Nil.

349. APPLICATIONS FOR LEAVE OF ABSENCE

349.1 Cr Wilson

Cr Wilson sought leave of absence for the Council Meeting on 9 December 2008.

Cr de Jong – Cr Rico

That Cr Wilson be granted leave of absence for the Council Meeting on 9 December 2008. CARRIED

349.2 Cr Collinson

Cr Collinson sought leave of absence for the Council Meeting on 9 December 2008.

Cr de Jong – Cr Rico

That Cr Collinson be granted leave of absence for the Council Meeting on 9 December 2008. CARRIED

350. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

350.1 Council Meeting – 21 October 2008

Cr Nardi – Cr Collinson

That the Minutes of the Council Meeting held on 21 October 2008 be confirmed.

CARRIED

351. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

351.1 Pat Garrity

Mayor Ferris announced the joyous birth of a daughter, Caitlyn Ann, to Council's Works Manager Pat Garrity and his wife Rachael on 13 November 2008.

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

Nil.

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

Nil.

354. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

354.1 T103.2 Angwin Street No 27 (Lot 45)

Dominic Maddestra: Advising he was prepared to reduce the height of the proposed fence at 27 Angwin Street to 1.8 metres.

Cr Arnold – Cr Rico

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 359.8). CARRIED

354.2 T100.9 May Street No 41 (Lot 613)

Tony & Kate Smith: Submitting response in relation to neighbours' comments on their proposal for two storey additions to 41 May Street.

Cr Arnold – Cr Rico

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 356.3). CARRIED

354.3 T103.2 Angwin Street No 27 (Lot 45)

Dominic Maddestra: Requesting that the development application for 27 Angwin Street be withdrawn from tonight's agenda to allow an opportunity to discuss the proposal on site with elected members and have the matter considered at the December meeting.

Cr Arnold – Cr Rico

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 359.8). CARRIED

354.4 T100.11 Fortescue Street No 6

Phil Beck: Requesting that the development application for 6 Fortescue Street be withdrawn from tonight's agenda to allow an opportunity to address any potential issues and have the matter considered at the 9 December Council meeting.

Cr Arnold – Cr Rico

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 359.6). CARRIED



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355. ORDER OF BUSINESS:**Cr Rico – Cr Arnold**

That the order of business be changed to allow member of the public to speak to town planning applications. CARRIED

356. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

Cr Dobro made the following impartiality declaration in the matter of 33 Osborne Road: "As a consequence of my friendship with the applicant, Mr John Kirkness, and the owners, Brian & Liz Lovell, 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."

356.1 T100.3 Osborne Road No 33 (Lot 20)**Applicant: John Kirkness****Owner: Brian & Elizabeth Lovell****Application No P181/2008**

Mr Kirkness advised the meeting that he was in support the Committee's recommendation and was available to answer any queries elected members may have.

Cr Dobro – Cr Olson

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

That Council advises the applicant that it is prepared to initiate an amendment to the Town of East Fremantle Town Planning Scheme No 3 to recode 33 Osborne Road from R12.5 to R17.5 subject to the owners agreeing in writing to include the existing single house on the Heritage List, and prior to finalisation of a scheme amendment for a caveat to be registered on the title of the property to ensure the retention of this house and its curtilage in perpetuity. CARRIED

356.2 T100.5 Pier Street No 3A (Lot 2)**Applicant & Owner: WJ & FS Enright****Application No P179/2008**

Ms Smith (adjoining owner) addressed the meeting in relation to:

- negative impact of proposal
- inaccuracy of information provided
- structural integrity of the wall

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

Cr Dobro – Cr Nardi

That the application be deferred to the next Council Meeting on 9 December 2008 to provide the opportunity for the applicants and adjoining neighbour to arrive at a mutually agreed position. CARRIED

356.3 T100.9 May Street No 41 (Lot 613)**Applicant: Dale Alcock Home Improvement****Owner: Tony & Kate Smith****Application No P172/2008**

The letter from Mr & Mrs Smith, referred from Correspondence (MB Ref 354.2), was tabled.

Ms Jones (adjoining owner) addressed the meeting objecting to the proposal on the grounds of:

- bulk and scale
- loss of amenity for use of backyard
- incorrect setback calculations

Ms Jones was informed that setback calculations prepared by Council's Town Planner were consistent with provisions of the R Codes.



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Ms Digby (adjoining owner) addressed the meeting objecting to the proposal on the grounds of:

- bulk and scale of proposal
- overshadowing of her property

Mr Sardi & Livie (Dale Alcock Homes) and Mr & Mrs Smith addressed the meeting in support of their proposal.

357. ADJOURNMENT

Mayor Ferris – Cr Dobro

That the meeting be adjourned at 8.25pm to allow further discussion on the development application for 41 May Street. CARRIED

358. RESUMPTION

Cr de Jong – Cr Olson

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

359. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**359.1 T100.9 May Street No 41 (Lot 613) (Continued)**

Cr Dobro – Cr Wilson

That the application be deferred to provide an opportunity for the applicant to provide revised plans that better address the bulk and scale of the second storey addition and its impact on 39 and 43 May Street. CARRIED

359.2 T100.10 View Terrace No 16 (Lot 5)

Applicant: Greg Rowe & Associates

Owner: Mark Trupp & Jennifer McDonald

Application No P201/2007

Mr Trupp (owner) advised the meeting that he, Aaron Lohman (Greg Rowe & Associates), and Andrea Veccia-Scavalli (Matthews Architecture) were available to answer queries should elected members had any issues they wished to raise regarding this proposal.

Cr Nardi – Cr de Jong

That Council grant approval for the following:

- (a) variation to wall height on the south side for a WC, mini-bar area, library and en-suite pursuant to Local Planning Policy 142 from 6.5m to 8m;**
- (b) variation to wall height on the east side for an upper floor en-suite and master bedroom pursuant to Local Planning Policy 142 from 6.5m to 8.5m;**
- (c) variation to wall height on the west side for a balcony, living room and WC pursuant to Local Planning Policy 142 from 6.5m to 8.4m;**

for additions to the rear of the single house at No. 16 (Lot 5) View Terrace, East Fremantle comprising a master bedroom, en-suite, library, mini-bar area, WC, living area, and balcony, and minor alterations and additions to the existing ground floor plan and entry in accordance with the amended plans date stamp received on 21 October 2008 subject to the following conditions:

- 1. prior to the issue of a building licence a schedule of materials and finishes be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**

4. 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 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. 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) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (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) *discretions have been granted on the basis of a number of matters specific to this site and this application including retention of the original house, setbacks of the original house which affect the development, and the lesser impact of this non compliant development over the compliant development.*

CARRIED UNANIMOUSLY

359.3 Town Planning & Building (Private Domain) Committee – 11 November 2008 - Adoption

Cr Dobro – Cr Nardi

That the recommendations contained in the Minutes of the Town Planning & Building (Private Domain) Committee meeting held on 11 November 2008 be adopted except for the recommendations pertaining to the following, which have already been dealt with or will be considered below:

T100.3	MB Ref 356.1	Osborne Road No 33 (Lot 20)
T100.5	MB Ref 356.2	Pier Street No 3A (Lot 2)
T100.6	MB Ref 359.4	Fletcher Street No 2A (Lot 306)
T100.7	MB Ref 359.5	Wolsely Road No 23 (Lot 304)
T100.9	MB Ref 356.3	May Street No 41 (Lot 613)
	& 359.1	
T100.10	MB Ref 359.2	View Terrace No 16 (Lot 5)
T100.11	MB Ref 359.6	Fortescue Street No 6
T103.1	MB Ref 359.7	King Street No 44 (Lot 445)
T103.2	MB Ref 359.8	Angwin Street No 27 (Lot 45)
T103.3	MB Ref 359.9	Stratford Street No 26 (Lot 86)
T103.5	MB Ref 359.10	Pier Street No 26A (Lot 1)

CARRIED

Cr Dobro made the following impartiality declaration in the matter of 2A Fletcher Street: "As a consequence of the applicant, Mr Marcus Burt, being the coach of my 8yr old daughter's soccer team, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

359.4 T100.6 Fletcher Street No 2A (Lot 306)

Applicant: Landcraft Construction

Owner: John Smith

Application No: P177/2008

Cr Olson – Cr de Jong

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



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That Council exercise its discretion in granting approval for a variation to the north side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 4.135m for the construction of a pitched roof gazebo at No. 2A (Lot 306) Fletcher Street, East Fremantle in accordance with the plans date stamp received on 24 September 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying the following:
 - (a) the length of the gazebo being reduced from 9.87m to 9.00m; and
 - (b) the east side setback area to remain as a garden bed and not be paved.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed gazebo is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 gazebo may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Wilson made the following impartiality declaration in the matter of 23 Wolsely Road: "As a consequence of the applicant, Mr Deane Barker, having done some work for me in the past, 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."

359.5 T100.7 Wolsely Road No. 23 (Lot 304)
Applicant: Deane Barker
Owner: John Richard & Patricia Olive Westaway
Application No. P115/2008
Cr Olson – Cr Collinson

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 Local Planning Policy 142 to allow boundary walls along three side boundaries;

- (b) variation to Local Planning Policy 142 to allow a boundary wall along the north side which is higher than 3m;
- for the construction of alterations and additions to 23 Wolsely Road comprising:
- remove carport on the west side, and construct a concrete double garage and store room in its place;
 - replace a skillion roofed carport on the east side with a pitched roof carport;
 - construct a 7m long x 4.5m wide x 5m high pitched roof patio at the rear of the new carport;
 - remove a covered pergola at the rear and build a 15m long x 8.5m wide x 5m high gable roofed alfresco with outdoor kitchen;
 - construct a covered timber deck off the family room at the rear, and install two sets of French doors and sliding window side lights;
 - enlarge the family room by enclosing a portion of the verandah on the west side in accordance with the plans date stamp received on 23 September 2008 subject to the following conditions:
1. prior to the issue of a building licence amended plans are to be submitted specifying that the doors for the double garage on the west side are solid to the satisfaction of the CEO in consultation with relevant officers.
 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 4. the proposed alterations and additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 7. all parapet walls are to be fair faced brickwork, limestone or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
 - (f) *the covered pergola and alfresco may not be enclosed without the prior written consent of Council.*
 - (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- CARRIED

359.6 T100.11 Fortescue Street No 6
Applicant: Carl Huston
Owner: The Baptist Union of Western Australia Inc.
Application No. P111/2008

The following additional information was provided by the Chief Executive Officer:

The Chief Executive Officer made the following declarations:

- (i) *As part owner of 10 Fortescue Street, the Chief Executive Officer believes that, by virtue of the traffic and streetscape implications arising from the development proposal, there is potentially a financial interest to be disclosed and the Chief Executive Officer hereby discloses a financial interest in the proposal.*
- (ii) *The adjoining owners, the Paino's, are well known to me by virtue of being my neighbours, nevertheless I declare that all advice given in this report has been given impartially and on the merits of the issues concerned.*

Additional Information 1

It was today noted that an error occurred in respect of one of the attachments to the officer's report on this planning application.

Attachment 12 was listed under "Background" as "photos of site showing parking".

Attachment 12 was referred to in the report, in part, as follows:

Existing Parking Utilisation

The proposed kindergarten is a new development. Yet already, not infrequently, parking is an issue at the site due to other church related or church approved activities (see for example photos attached as Attachment 12).

The photos show the proposed site of the classrooms being used for parking, on a day when other church parking was full and "spilling over" onto the road and verge.

In other words, whilst the parking provision for the proposed kindergarten has been addressed, what has not been satisfactorily addressed is how parking is to be provided for the other church related activities, particularly when there will be even less parking available for those activities.

This issue was raised with the applicant by the Town Planner in an email dated 12 August (see Attachment 13).

The response from the applicant was to advise "that if there was a problem, we would be happy to negotiate and potentially modify some of our times to satisfy Council." The applicant went on to say "For example, we could have the two classes starting 15 minutes apart to spread out the traffic". The applicant also advised that "negotiations could be made with the tenant" (referring to a group which rents room at the church two days a week) "with regards to starting/finishing times etc".



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Despite these reassurances the overall parking situation remains something of an uncertainty.

Unfortunately, due to an administrative error, the photos which were provided as Attachment 12 were the wrong photos.

The "photos" (actually just two different versions of the same photo) were an aerial photo taken approximately two years ago and showing not a single vehicle on the entire site! The photos which should have been provided are attached as "A". These were taken by the Ranger on 5 November 2008 around 9.30am.

I have also attached, as "B", photos taken the day after the Committee meeting by the Ranger, of his own volition, after he noticed traffic congestion in the area on that morning (ie 11 November).

To summarise the point of this issue, the photos show situations on two separate days, in which almost all available parking on the overall church site are taken.

Approximately 20 of the bays are located in the old basketball court which has been converted to a carpark.

However these bays will disappear with the kindergarten proposal.

The situation would be better understood and better manageable if some relevant conditions had been placed on the use of the major additions to the church which were approved in 1998.

Those additions were for offices and a crèche and with respect to parking provision, the Town Planner's report simply read "Given church use provides the maximum demand, 39 car spaces should be adequate". 39 spaces refers to the number of spaces the church was said to be providing. By virtue of the current proposal, this has now dropped to 17 and this has raised the issue of whether there should firstly be a review of parking requirements and parking provision, for the whole site, based on existing uses before proceeding to make a decision on the kindergarten application.

A review of the conditions of approval for the 1998 additions also suggests that it would be justified to clarify whether those conditions are being adhered to.

At this point I am planning to distribute further advice with the agenda.

Additional Information 2

This memo is to advise that this matter will effectively be withdrawn from the agenda for the 18 November meeting.

After reviewing a number of issues following receipt of the attached letter and attachments from the applicant – in particular conditions attached to Council's 1998 approval of major extensions to the Church and overall parking requirements for the three proposed buildings, I suggested to Associate Pastor Phil Beeck, who spoke on behalf of the Church at Tuesday's Committee meeting, that the matter be deferred to allow for a review of these issues.

After consulting with Church authorities Mr Beeck agreed, although at the time of writing I am still awaiting the written confirmation I requested from him.

The deferral was on the understanding that the intention was that the matter would be considered at the following Council Meeting of 9 December.

In short, whilst the matter remains on the agenda it is the intention that the Mayor advise, with respect to the item, that it is being deferred.

The letter from Mr Beeck, referred from Correspondence (MB Ref 354.4) was tabled.



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Mayor Ferris – Cr Dobro**That the application be deferred, as per the applicant's request, to the Town Planning & Building Committee (Private Domain) meeting on 2 December 2008.****CARRIED**

Cr Collinson made the following impartiality declaration in the matter of 44 King Street: "As a consequence of the applicant and adjoining owner being known to me as neighbours, 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."

359.7 T103.1 King Street No. 44 (Lot 445)
Applicant & Owner: Phillip Edward Jankowski
Application No. P173/2008

Cr Dobro – Cr Arnold**The adoption of the Committee's recommendation which is as follows:****That Council pursuant to s.214 of the Planning and Development Act 2005 directs the owner of 44 King Street to undertake works to ensure that the building additions comply in all respects with the Planning Approval granted by Council on 21 December 2004, and such works are to be completed within 60 days of the date of this decision.****CARRIED UNANIMOUSLY**

359.8 T103.2 Angwin Street No. 27 (Lot 45)
Applicant & Owner: Riverview Asset P/L
Application No. P182/2008

The two letters from Mr Maddestra, referred from Correspondence (MB Ref354.1 & 354.3) were tabled.

Mayor Ferris – Cr Olson**That this application be deferred, as per the applicant's request, to the Town Planning & Building Committee (Private Domain) meeting on 2 December 2008.****CARRIED**

Cr Wilson made the following impartiality declaration in the matter of 26 Stratford Street: "As a consequence of my friendship with the applicant and the fact that my son plays on the same cricket team as the applicant's son, 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."

359.9 T103.3 Stratford Street No. 26 (Lot 86)
Applicant & Owner: Jane Marie Ahern
Application No. P175/2008

Cr de Jong – Cr Nardi**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 west side (front) boundary setback for a porch pursuant to the Residential Design Codes from 7.5m to 6m;**
- (b) variation to the north side boundary setback for a deck that is 0.596m above natural ground level pursuant to the Residential Design Codes from 7.5m to 3.955m;**

for the construction of alterations to a single storey house at 26 Stratford Street comprising:

- remove french doors and wall for the family room and install new bi-fold doors;**
- pool fence, brick wall and retaining wall, and remove soil in rear lawn area;**
- remove verandah and construct new deck;**
- steel framed roof over bi-fold doors;**
- new window into existing brickwork and replace existing window of kitchen;**
- extend front porch with timber slat canopy;**
- build new garden bed under shade frame;**
- extend shade frame over entrance;**

in accordance with the plans date stamp received on 23 September 2008 subject to the following conditions:



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1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed alterations are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. 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.
5. 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.
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:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the porch at the front and deck at the rear may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Olson made the following impartiality declaration in the matter of No. 26A Pier Street: "As a consequence of my having worked in the past with Ms Lisa Engelbrecht who submitted comment on the proposal on behalf of Webb & Brown-Neaves 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."

359.10 **T103.5 Pier Street No. 26A (Lot 1)**
Applicant: Webb & Brown-Neaves
Owner: Pietro & Pamela Bongiascia
Application No. P180/2008

Cr Nardi – Cr Olson

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 wall height for a garage next to the east side boundary pursuant to Local Planning Policy 142 from 3m to 3.5m;
- (b) variation to roof height pursuant to Local Planning Policy 142 for a small section at the front from 8.1m to 8.3m;

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- (c) variation to the east side boundary setback for a balcony, upper living area and stairway pursuant to the Residential Design Codes from 1.6m to 1.58m;
- (d) variation to the west side boundary setback for a balcony, bedrooms 2 and 3 and a bathroom pursuant to the Residential Design Codes from 2.2m to 1.5m;
- (e) variation to the width of a garage as a percentage of the property frontage pursuant to the Residential Design Codes from 50% to 54.67%;

for the construction of a 2-storey house at No. 26A (Lot 1) Pier Street, East Fremantle comprising:

Ground floor: Double garage & store, porch, entry, laundry, 1 bedroom, en-suite, powder room, kitchen, dining room, living room, and alfresco;

First floor: Balcony, upper living room, 3 bedrooms, 3 built-in robes, void and a bathroom.

in accordance with the plans date stamp received on 30 September 2008 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. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. 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.
5. 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.
6. 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.
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. 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.
9. 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.
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:

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- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the alfresco may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

359.11 **T104.1 A Guide to Meeting Procedures Brochure**
Cr Dobro – Mayor Ferris

That this matter be referred to the Town Planning & Building Committee (Private Domain) meeting on 2 December 2008. CARRIED

The Town Planner left the meeting at 9.40pm.

360. FINANCE

360.1 **Monthly Financial Activity Statement for Period Ending 31 October 2008**
By John Roberts Executive Manager Finance & Administration on 14 November 2008

PURPOSE

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

BACKGROUND

The monthly Financial Activity Statement for the period ending 31 October 2008 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital Works/Major Capital Project Status Report

ATTACHMENT

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

REPORT

Introduction/Comments

The following is summary information on the attached financial reports:



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The October 2008 year to date report shows an overall surplus of \$4,573,549 compared to the year to date budget of \$3,918,212 as adopted by Council at its Special Council Meeting of 9 July 2008. Revenue and expenditure variances are generally small and favourable at this stage of the financial year and are generally timing in nature. The surplus is large at the start of the year as the full year rate revenue is brought to account. This surplus will decrease in the remaining months of 2008/09 as it is used to fund expenditure providing works and services. A mid year budget review will be undertaken based on the December 2008 YTD financial statements. Any significant permanent surplus monies may be reallocated to other programmes or projects.

The variance of \$655,337 can be analysed as follows:

- The YTD Operating Revenue is \$5,604,317 compared to the YTD budget of \$5,522,167, a favourable variance of \$82,150. The variance is due primarily to the receipt of grant income earlier than budgeted, and higher than anticipated parking facilities income offset by lower than anticipated lease fee income .
- The YTD Operating Expenditure is \$2,073,196 compared to the YTD budget of \$2,268,051, a favourable variance of \$194,855. The variance is due primarily to expenditure on parks & reserves maintenance, waste collection and the delay in commencing certain administration projects.
- The YTD Capital Expenditure is \$119,230 when compared to the YTD budget of \$465,982, a favourable variance of \$346,752. The variance is due primarily to delays in commencing capital works projects due to tendering and scheduling activities. The significant Stratford Street catchment drainage project commenced in September 2008.

Statutory Requirements

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

Relevant Council Policies

Significant accounting policies are adopted by Council on a periodic basis. These policies are used in the preparation of the statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The October 2008 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2008 to 31 October 2008 be presented to the Council for information.

RECOMMENDATION

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

Cr Rico – Cr Collinson

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

CARRIED

18 November 2008

MINUTES

- 360.2** **Accounts for Payment**
By John Roberts, Executive Manager Finance & Administration on 14 November 2008

PURPOSE

To endorse the list of payments for the period 1 October 2008 to 31 October 2008.

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 period beginning 1 October 2008 and ending 31 October 2008 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 October 2008 and ending 31 October 2008, be received, as per the following table:

<i>October 2008</i>		
Voucher Nos	Account	Amount
3324 – 3359	Municipal (Cheques)	\$43,706.76
EFT9724 – EFT9828	Electronic Transfer Funds	\$531,135.47
Payroll	Electronic Transfer Funds	\$142,250.49
	Municipal Total Payments	\$717,092.72

Cr Olson – Mayor Ferris

That the List of Accounts for the period beginning 1 October 2008 and ending 31 October 2008 be received. CARRIED

361. HEALTH & GENERAL PURPOSES

- 361.1** **Progress Report on the East Fremantle Festival December 2008**
By Shelley Cocks Principal Environmental Health Officer on 14 November 2008

PURPOSE

The purpose of this report is to advise Council on the progress in respect of the East Fremantle Festival to be held on 7 December 2008.

ISSUES

The Festival committee comprising Councillors Dobro, Wilson, Olson, Rico, Arnold and Nardi, Principal Environmental Health Officer Shelley Cocks and Festival Coordinator Cynthia Williamson have been meeting on a monthly basis.

FINANCIAL/RESOURCE/BUDGET IMPLICATIONS

The 2008/09 Budget has allocated a sum of \$34,000 for expenditure on the East Fremantle Festival including \$10,000 for payment to the Festival Coordinator. An income account of \$16,000 has been allocated for the Festival and currently the income target has been exceeded.



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A Lotterywest grant application has been submitted requesting a sum of around \$10,000 to assist with the infrastructure required to ensure a successful community event. The application was successful and a sum of \$9,800 was made available for our Festival.

Stall holder fees have been increased in the 2008/09 Fees and Charges with a standard unpowered stall costing \$50.00 and a standard powered stall costing \$100.00. Certain stalls will be allocated to local sporting groups and charitable organisations at a reduced rate to ensure ample local participation.

DISCUSSION

Festival committee meetings held thus far indicate a high level of satisfaction in relation to the 2007 Festival and there has been ample opportunity to discuss those areas which perhaps could be improved upon in future festivals.

Whilst the weather was exceptionally good in 2007, the warmth highlighted some areas which could be improved upon such as the provision of adequate seating, shade, access to drinking water and sun screen.

It was felt that more food stalls were required owing to the pressure of sheer numbers in 2007 however the healthy theme was definitely appreciated and will be a feature of this year's festival. We will also look at providing more variety of low fat ethnic food and more options of healthy fruit juices and other beverages. This has been achieved.

The children's entertainment being confined to Glasson Park was appreciated by parents and children alike, and it is anticipated that this will remain the same in 2008. The point was made, however, by committee members and members of the public that further entertainments could be provided throughout the other stalls. This has been taken on board with the Festival Coordinator sourcing more interactive activities for the children and their own entertainment utilising the amphitheatre in Glasson Park. The variety of goods within the artisan market has been extended this year, to cater for a wider variety of tastes.

The lack of ready access to ATMs and eftpos facilities may be averted by reference to this fact in advertising material.

It is proposed that the Festival Headquarters will be manned by Councillors and the Festival Committee. Select Council staff will also contribute. This is an important role on the day of the Festival, and gives the opportunity for Councillors to engage with their community in an enjoyable setting. We have discussed having Council information available within this forum and your thoughts are welcome in this regard. If you wish to be available for an hour during the Festival, please notify Festival Committee Chair Alex Wilson or Shelley Cocks.

CONCLUSION

Arrangements are well in hand regarding the progress of the 2008 East Fremantle Festival. The coordinator is complying with the terms of her contract and has produced the attached progress report for consideration by Council. With only one Festival meeting to go before the event we are hopeful of another successful Festival. **ATTACHMENT**

RECOMMENDATION

That Council endorses the Festival Coordinator's Progress Report

Cr Dobro – Cr Wilson

That Council endorse the Festival Coordinator's Progress Report.

CARRIED

362. TOWN PLANNING/PUBLIC DOMAIN, WORKS & RESERVES**362.1 Disposal of Surplus Plant and Equipment**

By Patrick Garrity, Acting Operations Manager, on 5 November 2008

PURPOSE

The purpose of this report is to gain Council approval for the disposal of surplus plant and equipment utilising the service provided by Pickles Auctioneers.

REPORT**Introduction/Comments**

The following surplus plant and equipment are listed for disposal approval:

- Ursus Tractor
- Tandem Trailer Water Cart

BACKGROUND***Ursus Tractor - 8KE 5356 Model 3512***

In November 2004 Council acquired a Massey Ferguson tractor with a Howard roller mower. This allowed the Town's larger playing fields to be cut and fertilised completely by Council staff as the mowing had previously been carried out by the City of Melville and the fertilising undertaken with the use of the Ursus tractor.

Following this, the Ursus tractor's sole use was for towing a tandem trailer supporting a 300ltr tank containing water. In order to water the trees a hydraulic arm was fitted onto the Ursus which could then be extended out onto the verge and over the dish surrounding the tree thus allowing water to be pumped from the trailer through the arm and into the dish. The problem of moving parts is friction, and through the summer months, with continued use, this system started to experience minor problems developing to major mechanical failures which rendered the tractor idle in the yard waiting for various parts to be machined and manufactured. While the Ursus was out of action, we lost a number of trees, and a contractor was brought in to complete the watering of the Town's verge planting program with their services still continuing.

The Ursus Tractor has now sat in the depot for the last 4 years still not working and not likely to be repaired as the costs of making the required parts for a machine of this vintage (1992) are prohibitive. The trailer is too heavy for any vehicle other than a truck to tow, which is not practical.

It is the reporting officer's request that Council approve the disposal of the Ursus Tractor and the Water Cart.

Statutory Requirements

Local Government Act 1995 s.3.58(2)(a)

Relevant Council Policies

Nil

Principal Activity Plan Implications

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

Monies gained from the sale of the plant and equipment is to be kept in the plant and equipment reserve.

Conclusion(s)

That the listed plant be disposed of at public auction.

RECOMMENDATION(S)

That Council approves the disposal of the following items at public auction:

- Ursus Tractor
- Tandem Trailer Water Cart

Cr Dobro – Cr de Jong

That Council approves the disposal of the following items at public auction:

- Ursus Tractor
- Tandem Trailer Water Cart.

CARRIED

363. REPORTS OF CHIEF EXECUTIVE OFFICER**363.1 Annual Report for the year to 30 June 2008**

By Stuart Wearne, Chief Executive Officer, on 14 November 2008

PURPOSE

To accept the 2007/2008 Annual Report and appoint a date and time to hold the annual general meeting of electors.

REPORT

The 2007/08 Annual Financial Statements have been completed by staff for audit purposes. The statements have been presented to the auditors in accordance with the Local Government Act and Financial Regulations.

An Audit Committee meeting was held on Wednesday, 15 October 2008 with Council's auditors in attendance. The Committee's recommendation to accept the 2007/08 Annual Financial Statements was adopted by Council on 21 October 2008.

It is requested that Council endorse the annual report (which includes the Annual Financial Statements) and appoint the date and time for the general meeting of electors.

ATTACHMENT

Statutory Requirements

Section 5.27 of the Local Government Act requires that Council hold a general meeting of electors within 56 days after the acceptance of the annual report for the previous financial year.

Matters to be discussed at the Electors' Meeting include:

- the contents of the annual report
- any other general business

Section 5.29 of the Local Government Act requires the Chief Executive Officer to give at least 14 days:

- local public notice of the meeting
- notice to each council member

RECOMMENDATION(S)

That

1. Council accept the Annual Report for the 2007/2008 financial year
2. the Electors' General Meeting be held on Wednesday, 10 December 2008 commencing at 6.30pm.

Mayor Ferris advised that he had a prior engagement on the recommended date of 10 December and suggested the following evening, Thursday, 11 December, 2008.

Cr Rico – Cr Arnold

That

- 1. Council accept the Annual Report for the 2007/2008 financial year**
- 2. the Electors' General Meeting be held on Thursday, 11 December 2008 commencing at 6.30pm.**

CARRIED

363.2

South West Group Nominations for Membership for 2009

By Stuart Wearne, Chief Executive Officer, on 5 November 2008

PURPOSE

To appoint delegates to various South West Group Committees for 2009.

BACKGROUND

In November 2007 the following appointments were made:

South West Corridor Development and Employment Foundation Inc

Cr Arnold

South West Corridor Planning & Infrastructure Committee

Cr Collinson

South West Corridor Environment and Services Committee

Crs Rico and Arnold

At the Council Meeting held on 21 October 2008 a report regarding this issue was received and elected members wishing to serve on any particular Committee were requested to advise Council staff.

Cr Rico has indicated she wishes to continue membership of the South West Corridor Environment and Services Committee.

Cr Arnold has indicated he is prepared to continue membership of the South West Corridor Environment and Services Committee and the South West Corridor Development and Employment Foundation Inc. However, should any other elected member wish to sit on either Committee, he is happy to withdraw his nomination.

Cr Collinson has indicated he wishes to continue membership of the South West Corridor Planning & Infrastructure Committee.

REPORT

The following information on each Committee is provided:

South West Corridor Development Foundation Inc

Role

To facilitate and promote development of the South Metropolitan region.
Carry out projects to promote regional development and skills development.
Manage the Industry Direct web portal.

Membership

Staff or elected representative from each of six region LGAs
Representatives from State or Federal Agencies*
Representatives from organisations*
Individuals*

*as approved by the Management Committee

Meeting Frequency

This Committee meets six times per year plus an Annual General Meeting.

South West Corridor Planning and Infrastructure Committee

Role

To consider transport, land release and regional planning issues and provide advice to the South West Group.

To improve the understanding of transport, land release and planning issues amongst member LGAs.

To provide a forum to develop transport, land release and regional planning policy and projects.

To implement the recommendations of Travelling Together.

Membership

Councillor from each of the member LGAs

Two planning and/or engineering staff members from each of the member LGAs.

Meeting Frequency

Five times per year.

South West Corridor Environment and Services Committee

Role

To consider environment, recreation and community services issues and provide advice to the South West Group.

To improve the understanding of environment, recreation and community services amongst member LGAs

To provide a forum to develop environment, recreation and community services policy and projects.

To implement the recommendations of the Beeliar Regional Park Management Plan.

Membership

To nominees from each of six member LGAs.

Meeting Frequency

Four times per year.

RECOMMENDATION

That:

1. Cr Arnold be elected as Council's representative on the South West Corridor Development Foundation Inc
2. Crs Arnold & Rico be elected as Council's representatives on the South West Corridor Environment and Services Committee
3. Cr Collinson be elected as Council's representative on the South West Corridor Planning & Infrastructure Committee.

Cr Nardi – Cr de Jong

That:

1. **Cr Arnold be elected as Council's representative on the South West Corridor Development Foundation Inc**
2. **Crs Arnold & Rico be elected as Council's representatives on the South West Corridor Environment and Services Committee**
3. **Cr Collinson be elected as Council's representative on the South West Corridor Planning & Infrastructure Committee.**

CARRIED

363.3

Membership of Town Planning & Building Committee

The CEO noted quorum issues in relation to Town Planning & Building Committee meetings which periodically occurred and with respect to the issue of increasing membership of the Committee to seven, noted the effect of this would be to increase the quorum required from three to four members, which thus wouldn't address the issue of concern which had been identified. Nevertheless there was an opportunity to consider a revised membership of the Committee.



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Cr Nardi – Cr Olson**That Cr Nardi be appointed as a member of the Town Planning & Building Committee (Private Domain).****CARRIED**
ABSOLUTE MAJORITY**363.4 Southern Metropolitan Regional Council - RRRC**

Mayor Ferris outlined the current situation in relation to the ongoing odour problem at the RRRC.

Mayor Ferris – Cr Rico**That the Town of East Fremantle:**

1. affirms its total commitment to the operation of the Regional Resource Recovery Centre (RRRC) by the Southern Metropolitan Regional Council (SMRC) in providing an efficient and environmentally beneficial waste and recycling service for the region.
2. strongly supports the objective of the Waste Avoidance and Resource Recovery Act of helping state and local governments to continuously improve their waste services and significantly divert waste from landfill.
3. requests the Premier of Western Australia the Hon Colin Barnett MLA have the Minister for the Environment establish an independent community consultative committee to work in liaison with the DEC and the SMRC to help resolve community concerns relating to the RRRC
4. requests that the Chief Executive Officer of the SMRC to provide a report on the actions the Council intends to take in relation to the development of an *Odour Action Plan* as requested by the Director General, DEC, Mr Keiran McNamara in his letter to the SMRC of 5 November 2008.

CARRIED UNANIMOUSLY**363.5 Site visits relating to town planning application**

The CEO raised a number of issues relating to this subject, which had been the subject of a memo to elected members advising the matter would be raised at the meeting, and discussed a number of options. Elected members made various suggestions.

363.6 East Fremantle Baptist Church Application

In additional response to an issue earlier raised by Cr de Jong in relation to Item 359.6, the Chief Executive Officer further discussed aspects relating to his joint authorship of the officer's report on this application and responded to a number of questions concerning the declarations made by the CEO prior to that item being considered.

The CEO provided advice regarding:

- how he came to be involved in the matter and the reason for his continuing involvement
- the relevant statutory provisions and
- feedback from church representatives regarding the CEO's involvement since the matter was discussed at Committee.

The CEO stated that notwithstanding his comments regarding the statutory legitimacy of his actions and the reasons why he had come to be involved, if elected members would nevertheless prefer that he not be further involved in this matter, for example for reasons of potential public perception, he would readily agree with this, as he would not wish any elected member, or Council as a whole, to feel in any way compromised.

The Mayor then asked each elected member, in turn, to state their position on this matter.

Every elected member indicated they were satisfied with the explanation provided by the CEO and had no objection to any continuing involvement by the CEO in this matter.

363.7 13 Sewell Street
The Chief Executive Officer outlined the current situation in relation to property 13 Sewell Street.

363.8 Traffic in Petra Street
The Chief Executive Officer briefly discussed a letter received from Mr Watkins of 9 Petra Street re Petra Street traffic which Mr Watkins asked be passed on to all Councillors. This will be sent to all elected members.

363.9 City of Joondalup – Appointment of Independent Design Panel
The Chief Executive Officer referred to a recent newspaper article regarding the City of Joondalup establishing a Design Advisory Panel to assist with assessing development plans. It was noted the Town of East Fremantle had established such a panel over 20 years ago. The article will be distributed to elected members.

363.10 National Waste Policy
The Chief Executive Officer referred to an article, to be distributed to all elected members, regarding the development of a National Waste Policy.

363.11 Fremantle Society
The Chief Executive Officer reminded elected members that the Fremantle Society's AGM would be held at the Royal George on Monday, 1 December 2008.

364. CONFIDENTIAL BUSINESS

364.1 Left Bank Bar & Café
Cr Dobro – Cr Olson
That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(d) of the Local Government Act. CARRIED

The CEO provided an update on the current situation.

365. OPENING OF MEETING TO PUBLIC

Cr Nardi – Cr Rico
That the meeting be reopened to members of the public. CARRIED

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

Nil.

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

Nil.

368. CLOSURE OF MEETING

There being no further business, the meeting closed at 11.40pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 18 November 2008, Minute Book reference 342. to 368. were confirmed at the meeting of the Council on

.....

Presiding Member