



19 October 2010

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 19 OCTOBER, 2010 COMMENCING AT 6.35PM.

276. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

276.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr R Lilleyman	
Cr S Martin	
Cr R Olson	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Ms G Basley	Acting Town Planner (To 7.45pm)
Mrs P Cooper	Minute Secretary (To 8.26pm)

277. 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.”

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

There were 4 members of the public in the gallery at the commencement of the meeting.

279. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

280. RECORD OF APOLOGIES

Cr D Nardi
Cr M Rico

281. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

282. PUBLIC QUESTION TIME

Nil.

283. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

284. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

284.1 Council Meeting – 21 September 2010

Cr Collinson – Cr Lilleyman

That the Minutes of the Council Meeting held on 21 September 2010 be confirmed.

CARRIED

285. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

285.1 East Fremantle Croquet Club

The Mayor attended the opening of the East Fremantle Croquet Club on Saturday 16 October and presented the line marker recently purchased for the Club by Council.



19 October 2010

MINUTES

- 285.2** **East Fremantle Lawn Tennis Club**
The Mayor attended the opening of the East Fremantle Lawn Tennis Club on Saturday 16 October.
- 285.3** **Swan Canning Policy Forum 'Discover your Rivers' Launch**
The Mayor participated in a media interview and photo shoot as part of the launch of the Swan Canning Policy Forum's (C21) 'Discover your Rivers' community awareness campaign.
- 286.** **QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
Nil.
- 287.** **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
Nil.
- 288.** **CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
Nil.
- 289.** **ORDER OF BUSINESS**
Cr Martin – Cr Lilleyman
That the order of business be changed to allow members of the public to address planning applications. CARRIED
- 290.** **TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**
- 290.1** **Alcester Street No. 3 (Lot 210)**
Applicant & Owner: Mark & Tamara Zammit
Application No. P135/2010
Mr Mark Zammit (applicant) addressed the meeting in support of the Committee's recommendation.
- Cr Martin – Cr Olson**
The adoption of the Committee's recommendation which is as follows:
That Council grant approval for a change of use from 'Garage/Cellar/Store/Workshop' to 'Garage/Activity/Study' at No. 3 (lot 210) Alcester Street, East Fremantle in accordance with the correspondence dated 23 September 2010 subject to the following conditions:
1. The proposed garage/study/activity room is not to be used for any other form of habitable or residential purposes other than the approved uses.
 2. The proposed garage/study/activity room is to be used as an incidental component of the approved predominant use of the site being dwelling only and shall not be let or sold as a separate tenancy.
 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. 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) ***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.***
 - (b) ***This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***

- (c) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.* CARRIED

290.2 Marmion Street No. 148 (Lot 3713)
Applicant & Owner: Paul Bailey
Application No. P99/2010

Mr Andrew Carville (Town Planner) and Mr Paul Bailey (owner) addressed the meeting in support of the proposed two storey residence.

Cr Wilson – Cr Collinson

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

That the application for the construction of a 2-storey house at No.148 (Lot 3713) Marmion Street, East Fremantle be refused to allow the submission of revised plans showing the retention of the existing residence.

THE MOTION ON BEING SUBMITTED WAS LOST

Cr Olson – Cr Lilleyman

That Council exercise its discretion in granting approval for the construction of a 2-storey house at No.148 (Lot 3713) Marmion Street, East Fremantle in accordance with the plans date stamp received on 10 June 2010 subject to the following conditions:

1. An archival record to the satisfaction of the Chief Executive Officer in consultation with relevant officers is to be prepared of the original residence including photos inside and outside of the residence and this information to be provided to the Town of East Fremantle and the Local History Collection at the City of Fremantle Library.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed alterations and 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, 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. 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 applicants' expense.
9. A separate application is required for the demolition.
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) 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 alfresco may not be enclosed without the prior written consent of Council.*

CARRIED

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

Crs de Jong, Lilleyman & Olson and Mayor Ferris voted in favour of the motion with Crs Collinson, Martin & Wilson having voted against the motion.

291. EN BLOC RECOMMENDATIONS

Cr de Jong – Cr Lilleyman

That Council gives consideration to dealing with the following matters en-bloc.

CARRIED

Cr de Jong – Cr Lilleyman

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 12 October 2010.

CARRIED

- (A) Oakover Street No. 81 (Lot 1)**
Applicant/Owner: Rachel Smith
Application No.P168/2010

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

- variation to the site works to allow site works up to 0.85 metres in lieu of the 0.5 metres requirement of the R-Codes 2008;
- variation to allow an extension of the boundary wall, when it does not adjoin an existing boundary wall in the R12.5 coded areas; and
- variation to allow a reduced setback of 0.3 metres to the southern boundary for the carport in lieu of the 1.0 metres required under the R-Codes 2008;

for the construction of alterations and additions at No. 81 (Lot 1) Oakover Street, East Fremantle in accordance with the plans date stamp received on 21 September 2010 subject to the following conditions:

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



19 October 2010

MINUTES

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. 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) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

- (B) **Preston Point Road No. 8 (Lot 2)**
Applicant & Owner: Janet Williamson
Application No. P143/2010

That Council exercise its discretion in granting approval for a variation to the open space requirements to allow 43.7% open space provision in lieu of the 45% required under the Residential design Codes 2008 for the construction of a single storey residence at No.8 (Lot 2) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 20 August and 2 September 2010 subject to the following conditions:

1. Materials and finishes are to be of a high standard and of a consistent style with surrounding residences to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a 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. 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) *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.*
- (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*



19 October 2010

MINUTES

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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *The applicant is recommended to increase the setback to the southern boundary to create additional open space.*

- (C) **Silas Street No. 9 (Lot 1)**
Applicant/Owner: Chris & Kerry Eoannidis
Application No. P127/2010

That Council exercise its discretion in granting approval for a solid fence to 1.2m in height with impermeable vertical infill timber panels to 1.8m in height on both the St Peter's Road and the Silas Street frontage of No. 9 (Lot 1) Silas Street, East Fremantle as shown on documentation received 7 October 2010 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. 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.
3. 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) **Philip Street No. 19 (Lot 80)**
Applicant: Patrick Healey
Owner: Robert & Karen Walker
Application No. P129/2010

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

- Variation to the western boundary setback being nil in lieu of the 1.0 metre required under the R-Codes 2008;
- variation to the proposed boundary wall height being an average of 3.3m in lieu of the 2.7m average required under the Residential R-Codes 2008; and
- variation to the external wall heights being 3.5 metres in lieu of the required 3.0 metre requirement of the R-Codes 2008;

for the construction of alterations and additions at No. 19 (Lot 80) Philip Street, East Fremantle in accordance with the plans date stamp received on 3 August 2010 and 9 September 2010 subject to the following conditions:

1. The materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than



19 October 2010

MINUTES

where varied in compliance with the conditions of this planning approval or with Council's further approval.

3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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. 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. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
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. 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).*

- (E) **Oakover Street No. 52 (Lot 991)**
Applicant & Owner: Carolyn Morrish
Application No. P133/10

That Council exercise its discretion in granting approval for a variation to the building height to allow 3.25 metres in lieu of the required 3.0 metres as per the building height requirements for Category A development under the Residential Design Codes 2008 for the construction of alterations and additions at No. 52 (Lot 991) Oakover Street, East Fremantle in accordance with the plans date stamp received on 5 August 2010 subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer 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 conditions of this planning approval or with Council's further approval.
4. 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.
5. 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.

6. 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.
7. All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
8. Any 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.
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. That the roofing be selected/treated to Council's satisfaction to reduce reflectivity.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

- (F) **Glyde Street No. 13 (Lot 24)**
Applicant & Owner: Chris Samson & Gillian Denny
Application No. P137/2010

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

- variation to the building setback on the southern and western elevations being nil in lieu of the required 1.0 metre as per the building setback requirements of the Residential Design Codes 2008;
- variation to the retained levels on the southern and western elevations being a maximum of 1.0 metre in lieu of the required 0.5 metre;
- variation the maximum permitted height, the average height requirement and the permitted number of boundary walls of the building on boundary requirement relating to properties zoned R20 as per the Residential Design Codes 2008;



19 October 2010

MINUTES

- variation to the building height being 2.8 metres in lieu of the required 2.4 metres as per the building height requirements for an outbuilding (studio) of the Residential Design Codes 2008;
- for the construction of alterations and additions at No. 13 (Lot 24) Glyde Street, East Fremantle in accordance with the plans date stamp received on 10 August 2010 subject to the following conditions:
1. The proposed studio is to be used as an incidental component of the approved predominant activity only and shall not be let or sold as a separate tenancy.
 2. The proposed studio shall not be used for any form of habitable or residential purposes.
 3. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
 4. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
 5. 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.
 6. 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.
 7. 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.
 8. All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 9. Any 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. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
 11. This planning approval to remain valid for a period of 24 months from date of this approval.
 12. 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.
 13. 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.
 14. Swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 15. 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.

16. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.

Footnote:

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

- (a) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

**292. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)**

- 292.1** *Irwin Street No. 32 (Lot 250)
Applicant: Mark Farrell
Owner: Mark Farrell
Application No. P7/2010*

Cr Martin – Cr Lilleyman

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

That Condition (1) of the planning approval granted on 19 March 2010 for alterations/additions including a carport at No. 32 (Lot 250) Irwin Street be amended to read: "The proposed carport to be in compliance with Part 2 (ii) of Local Planning Policy No. 142 – Residential Development to the satisfaction of the Chief Executive Officer in consultation with relevant officers". CARRIED

- 292.2** *East Street No. 48 (Lot 96)
Applicant & Owner: Annique & Shane Buckland
Application No. P152/2010*

Cr Lilleyman – Cr de Jong

That Council exercise its discretion in granting retrospective planning approval for a double gate on the northern boundary of No. 48 (Lot 96) East Street, East Fremantle as shown on photos received 31 August 2010 and subject to the following conditions:

1. The double gates are to be altered to open inward or be sliding gates which do not open outwards.
2. 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.
3. The works to be completed within 30 days.

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.*



19 October 2010

MINUTES

- (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) *Council's decision was due to concerns arising from the safety issues involved with having the gates opening outwards.* CARRIED

Cr Olson made the following impartiality declaration in the matter of 31 Woodhouse Road: "As a consequence of the owner's son, David Castles, being known to me, 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".

292.3 **Woodhouse Road No. 31 (Lot 301)**
Applicant: Brooking Design Practice
Owner: Selwyn & Wendy Castles
Application No. P132/2010

Cr de Jong – Cr Wilson

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

That Council:

- (a) exercise its discretion in granting approval for a variation to the privacy setback requirements on the eastern elevation being 3.75 metres in lieu of the required 7.5 metres required under the R-Codes 2008 for the construction of upper floor balcony and balustrade additions and alterations to the garage fascia and the lower floor balustrades at No. 31 (Lot 301) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010; and
 - (b) exercise its discretion in granting retrospective approval for a variation to the minor incursion to the front setback area to allow 550 millimeters in lieu of the maximum permitted 500 millimeters as per the R-Codes 2008;
- for the construction of front steps at No. 31 (Lot 301) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010 subject to the following conditions:
1. Materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 3. The proposed works are not to be commenced until Council has received an application for a 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. All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building 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.*



19 October 2010

MINUTES

- (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).* CARRIED

Cr Martin made the following impartiality declaration in the matter of 50 Staton Road: "As a consequence of the owner, Mr Mark David, being known to me due to having previously worked with him, 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".

292.4 Staton Road No. 50 (Lot 305)
Applicant: Nulook Homes
Owner: Mark & Tracy David
Application No. P136/2010

Cr Martin – Cr de Jong

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

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

- variation to the external wall heights being 3.6 metres in lieu of the required 3.0 metre requirement of the R-Codes 2008; and
- variation to the pitched roof height being 6.6 metres in lieu of the 6.0 metres required under the R-Codes 2008;

for the construction of alterations and additions at No. 50 (Lot 305) Staton Road, East Fremantle in accordance with the plans date stamp received on 31 August 2010 subject to the following conditions:

1. The materials and finishes are to be of a high standard and to match the existing residence 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 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. 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.
5. any new crossovers which are constructed under this approval 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.
6. 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.
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.*



19 October 2010

MINUTES

- (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).* CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 10 Hubble Street: "As a consequence of applicant, Mr John Chisholm, being known to me due to our children attending the same primary school, 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".

292.5 **Hubble Street No. 10 (Lot 211)**
Applicant: John Chisholm Design
Owner: Deborah House
Application No. P153/2010

Cr de Jong – Cr Martin

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

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

- (a) variation to the front setback requirements to allow the retention of a 2.2 metre front setback in lieu of the 4 metres requirement of the R-Codes 2008;**
- (b) variation to allow an additional boundary wall;**
- (c) variation to the boundary setback requirements to allow a reduced setback of 1.0 metre for the kitchen in lieu of the 1.5 metres required under the R-Codes 2008;**

for alterations and additions at No. 10 (Lot 211) Hubble Street, East Fremantle in accordance with the plans date stamp received on 1 September 2010 and subject to the following conditions:

- 1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
- 2. Materials and finishes are to be of a high standard and to match the existing dwelling.**
- 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 conditions of this planning approval or with Council's further approval.**
- 4. 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.**
- 5. 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.**
- 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) *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.***
- (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.***



19 October 2010

MINUTES

- (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.* CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 41 Oakover Street: "As a consequence of applicant, Mr John Chisholm, being known to me due to our children attending the same primary school, 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".

292.6 **Oakover No. 41 (Lot 286)**
Applicant: John Chisholm Design
Owner: Edwin Fletcher & Narelle Guest
Application No. P162/2008

Cr de Jong – Cr Olson

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

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

- variation to allow a wall height of 3.3 metres in lieu of the 3.0 metres required under the R-Codes 2008;
- variation to allow the top of the pitched roof to a height of 6.6 metres in lieu of the 6.0 metres required under the R-Codes 2008; and
- variation to allow a boundary wall where it does not adjoin an existing boundary wall;

for alterations and additions at No. 41 (Lot 286) Oakover Street, East Fremantle in accordance with the plans date stamp received on 17 September 2010 subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of the building licence.
2. Materials (including those of the garage door) and finishes are to be of a high standard and to match the existing dwelling and a schedule of these to be submitted to the Chief Executive Officer for endorsement prior to the issue of the 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 conditions of this planning approval or with Council's further approval.
4. 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.
5. 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.
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) *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;*
- (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*



19 October 2010

MINUTES

report should be lodged with Council and one copy should be given to the owner of the affected property;

- (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); and*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Collinson and Cr Olson made the following impartiality declaration in the matter of 16 East Street: "As a consequence of the applicant, Mr Robert Fittock, being known to us due to our serving together on the South Metropolitan Zone Committee, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

Mayor Ferris made the following impartiality declaration in the matter of 16 East Street: "As a consequence of the applicant, Mr Robert Fittock, being known to me due to his role as a councillor with the City of Fremantle, 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".

292.7 East Street No. 16 (Lot 42)
Applicant: Robert Fittock
Owner: PW Covich
Application No. P126/2010

Cr de Jong – Cr Martin

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

That the application for alterations/additions to the residence at No. 16 (Lot 42) East Street, East Fremantle be deferred pending the submission of revised plans showing a significant reduction in overshadowing and compliance with the open space requirements of the R-Codes.

CARRIED

Cr Wilson made the following impartiality declaration in the matter of 17 Bedford Street: "As a consequence of the applicant, Ms Linda Horko, being known to me due to our children having attended the same primary school, 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".

292.8 Bedford Street No. 17 (Lot 631)
Applicant & Owner: Michael & Linda Horko
Application No. P145/2010

Cr de Jong – Cr Martin

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

That Council exercise its discretion in granting approval for a variation to the building height to allow wall heights to exceed the 3.0 metres required under the R-Codes for the construction of alterations and additions at No. 17 (Lot 631) Bedford Street, East Fremantle in accordance with the plans date stamp received on 25 August 2010 subject to the following conditions:

- 1. Materials and finishes to be lightweight and ideally clad weatherboard and a schedule of materials and finishes to be submitted prior to the issue of a Building Licence for the Chief Executive Officer's endorsement.**
- 2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**

4. The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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).*

CARRIED

Mr Gary Dundon, President – East Fremantle Junior Football Club entered the meeting at 7.35pm.

293. FINANCE

293.1 Accounts for Payment

By Terry Paparone, Chief Clerk, on 15 October 2010

PURPOSE

To endorse the list of payments for the period 1 September to 30 September 2010.

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 September and ending 30 September 2010 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 September and ending 30 September 2010 be received, as per the following table:

September 2010		
Voucher No's	Account	Amount
3955-3982	Municipal (Cheques)	\$36,373.50
EFT12421 – EFT12561	Electronic Transfer Funds	\$783, 441.89
Payroll	Electronic Transfer Funds	\$166,133.64
Loans	Direct Debits	18,738.43
	Municipal Total Payments	\$1,004,687.46



19 October 2010

MINUTES

Cr Olson – Cr Martin

That the List of Accounts for the period beginning 1 September and ending 30 September 2010 be received. CARRIED

Ms Gemma Basley, Acting Town Planner, left the meeting at 7.45pm.

294. REPORTS OF CHIEF EXECUTIVE OFFICER

Cr Wilson made the following impartiality declaration in the following matter: "As a consequence of my son being a member of the East Fremantle Junior Football Club, 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".

294.1 East Fremantle Junior Football Club Community Sport and Recreation Facilities Fund (CSRFF) 2011/2012 – 2013/2014
By Shelley Cocks Principal Environmental Health Officer and Stuart Wearne, Chief Executive Officer on 15 October 2010

PURPOSE

To facilitate Council consideration of an application for funding from the East Fremantle Junior Football Club under the Community Sport and Recreation Facilities Fund.

BACKGROUND

The East Fremantle Junior Football Club submitted an application on 12 October 2010 for funding for the installation of additional floodlights to allow the whole ground to be used for training.

A copy of the application is attached.

ATTACHMENT

REPORT

Introduction/Comments

This proposal is part of the Club's future strategy for the development of facilities and will provide for the use of the entire oval in the evening which will allow increased numbers of Club teams, and others, to train. For example, subject to Council approval, it might also help accommodate requests from groups such as the East Fremantle Women's Football Club, to use the facility for training.

The proposed works entail the design, supply and installation of a Musco sports lighting system comprising:

- 3 x 25 metre Musco towers each containing 4 Musco fixtures
- Power supply upgrade at the club to facilitate the increased lighting, and a final commissioning of the lighting system.

The lighting proposed is significantly energy efficient, according to both the technical data received and Council's electrician consultant.

Further, the lighting upgrade will incorporate appropriate switching to allow partial lighting of the ground so that the proposed northern light towers only need to be switched on when required. Additionally a timer to ensure lights are off when not required will be installed as an additional energy efficiency measure.

Further, the proposed tower heights and lighting design will prevent light spill into the surrounding areas and prevent glare above the horizontal line of the towers. This should ensure that residents in Preston Point Road are not subjected to excessive light during night training sessions.

The Club has received estimates of the construction costs totalling \$165,000 (exclusive of GST). Projected contributions from the three organisations are as follows-

- | | |
|--------------------------|--------|
| ▪ Town of East Fremantle | 55,000 |
|--------------------------|--------|



19 October 2010

MINUTES

▪ Department of Sport & Recreation	55,000
▪ East Fremantle Junior Football Club	55,000
TOTAL	\$ 165,000

Relevant Council Policies*Council Policy No 3 – Recreation*

1. *The basic purpose of recreation is to enrich the lives of people and to improve the quality of life of a community:*
2. *Recreation endeavours to cater for every age group, meeting the needs of young children, adolescent young people, adults, the elderly and disabled:*
3. *Recreation covers the whole spectrum of human interest including play, sport, drama, music, dance, art, crafts, literature, social gatherings, community service and many others:*
4. *Recreation should provide for individual choice and allow freedom for a wide range of recreation opportunities to develop:*
5. *Any recreation program should encourage community involvement in its planning, organisation and implementation.*

Strategic Plan Implications

This item is in accordance with the Strategic Plan by way of compliance with:

- Strategic Direction “*Fostering a range of recreation and physical activities*”.
- Social Initiative 1.11 “*Continue to support community organisations and sporting and recreational organisations operating in the Town*”.
- Environmental Initiative 2.7 “*Continue to develop innovative children’s playgrounds and upgrading of sporting and recreational facilities*”.

Financial/Resource/Budget Implications

In order for the East Fremantle Junior Football Club to progress their application, they are seeking Council’s financial support. Should the project be successful, Council would be required to give funding consideration of \$55,000 in the 2010/2011 budget deliberations.

Discussion

The CSRFF application guidelines state that Council must provide a priority ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with any other grant application received from other clubs. At this time, Council has received no other grant applications for this funding round. As the funding round closes on 31 October 2010, it is not anticipated any further applications will be accepted.

RECOMMENDATION(S)

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Junior Football Club for \$165,000 for the installation of additional lighting.(Council’s requested contribution being \$55,000), with a project rating of “B”, and a priority rating of 1 subject to:

1. the grant sought from Council being approved in the course of the 2011/2012 budget deliberations.
2. pursuant to (1) above, if included in the adopted 2011/2012 budget, the grant to be subject to any conditions of approval adopted at that time.

19 October 2010

MINUTES

3. pursuant to (2) above, Council reserves the right to make approval of the grant subject to the Club meeting all ongoing operating costs including power and maintenance costs.
4. Council's contribution not exceeding \$55,000 or 1/3 of the total cost of the project, whichever is the lesser.
5. The Club being responsible for any GST liabilities.

Mr Gary Dundon (President – East Fremantle Junior Football Club) addressed the meeting in support of the Club's grant application.

Cr Lilleyman – Cr Collinson

That the Town of East Fremantle support the CSRFF grant application by the East Fremantle Junior Football Club for \$165,000 for the installation of additional lighting.(Council's requested contribution being \$55,000), with a project rating of "B", and a priority rating of 1 subject to:

1. the grant sought from Council being approved in the course of the 2011/2012 budget deliberations.
2. pursuant to (1) above, if included in the adopted 2011/2012 budget, the grant to be subject to any conditions of approval adopted at that time.
3. pursuant to (2) above, Council reserves the right to make approval of the grant subject to the Club meeting all ongoing operating costs including power and maintenance costs.
4. Council's contribution not exceeding \$55,000 or 1/3 of the total cost of the project, whichever is the lesser.
5. The Club being responsible for any GST liabilities. CARRIED

294.2**2010 Christmas Closure Period**

By Stuart Wearne, Chief Executive Officer, on 13 October 2010

PURPOSE

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

- half a day from 12 noon Friday, 17 December 2010 to allow all employees to attend the staff Christmas party; AND
- 3½ working days over the Christmas/New Year period commencing midday Friday, 24 December 2010. Council's operations would recommence on Tuesday, 4 January 2011.

BACKGROUND

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

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

REPORT**Comments/Discussion**

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

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

RECOMMENDATION

That Council:

1. approve the closure of the administration centre from midday Friday, 17 December 2010 to allow all staff members to attend a Christmas function.
2. approve the closure of the administration centre and operational areas for a period of 3½ working days being half a day from midday 24 December 2010 and three days consisting of Wednesday, 29 December, Thursday, 30 December and Friday, 31 December 2010.
3. advertise the closure in such a manner as to ensure that adequate notice is given to the public.

Cr Wilson – Cr Collinson

That Council:

1. **approve the closure of the administration centre from midday Friday, 17 December 2010 to allow all staff members to attend a Christmas function.**
2. **approve the closure of the administration centre and operational areas for a period of 3½ working days being half a day from midday 24 December 2010 and three days consisting of Wednesday, 29 December, Thursday, 30 December and Friday, 31 December 2010.**
3. **advertise the closure in such a manner as to ensure that adequate notice is given to the public.** CARRIED

Mrs Peta Cooper, Minute Secretary, left the meeting at 8.26pm.

294.3 Cricket/Lacrosse Club Car Park

The Chief Executive Officer tabled plans of the proposed carpark finishes and photos of the works in progress. **ATTACHMENT**

Suggestions were made by elected members with respect to increased plantings and the proposed varieties.

The CEO advised that he would discuss the suggestions with the Operations Manager and that before any plantings were carried out, further advice would be provided to elected members.

Cr Wilson – Cr De Jong

That the plan be endorsed.

CARRIED UNANIMOUSLY

294.4 Green House “Going Solar” Family fun Day : East Fremantle Oval

The CEO advised this event is scheduled for 11am – 4pm Saturday 23 October.

Council staff had recently become aware of the event due to radio advertising and queries from the public.

The CEO further advised the East Fremantle Football Club had not sought permission to hold the event, that Council approval had not been granted and information from the Club had been requested.

294.5 Munro Street No. 18 – SAT Appeal

The CEO advised Ms Christie had appealed the recent SAT decision which had vindicated the Town’s position on the fence heights and dismissed the Christie’s appeal.

The Town Planner and CEO had prepared a response to the appeal.

294.6 Graffiti

The CEO provided advice on the recent sentence to detention of a 15 year old graffiti offender” tag “ARKE”, whose graffiti offences included a number of offences carried out in East Fremantle.

19 October 2010

MINUTES

Noel Nimmo and the PEHO, Shelley Cocks, had played an important role with respect to the documentation underpinning the conviction.

The East Fremantle related offences resulted in a 3 month period of detention. The total period of detention was 17 months.

294.7 Mining & Transport of Uranium

The CEO advised that the motion recently carried by Council, at the instigation of Cr Collinson, had been carried at the WALGA South Metropolitan Zone meeting.

294.8 Reform

The CEO provided an update on the Minister's "reform" programme, in particular advice on proposed new legislation relating to corporate planning requirements.

The CEO also advised he had been contacted by Adele Carles on the issue and Ms Carles was very supportive of the Town's position on amalgamation, to the point Ms Carles had written to the Minister on the issue.

294.9 FPA Signs/Dredging/Plume

The CEO advised elected members with regard to FPA public warning temporary signage which he had authorised to be erected at several riverbank locations in the Town.

The signage involved the plume from the current dredging and simply warned users of the river to exercise caution due to reduced visibility.

A subsequent article in the "Fremantle Gazette" had put a particular slant on the matter which the CEO did not agree with, namely that the Town had no concerns about the plume, whereas others, such as Adele Carles, were concerned about the effect of the plume on river life.

The CEO noted his comments to the press had not concerned this issue and he would take this matter up with the Gazette at an appropriate time.

294.10 Wedding – Red Herring

The CEO advised elected members of arrangements made in respect of a forthcoming large wedding reception in respect of which the CEO had allowed the temporary placement of a gazebo within a verge area, by the river, near to the Red Herring.

294.11 Staffing

The CEO provided an update on recent staff appointments.

295. CONFIDENTIAL BUSINESS

**295.1 Royal George Hotel – SAT Appeal
Mayor Ferris – Cr de Jong**

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(a) of the Local Government Act as it relates to a matter which is subject to legal advice. CARRIED

The meeting was closed to members of the public at 10.08pm.

The Chief Executive Officer discussed with elected members a proposal from the National Trust with respect to the Royal George which had been raised at a recent SAT mediation.

Elected members discussed the proposal.

The Mayor advised the meeting that he had been contacted by Andy Cobb following the mediation and Mr Cobb had raised with him a number of matters in relation to the Royal George, including matters which Mr Cobb advised had been discussed at the mediation.

Mr Cobb had subsequently written to the Mayor and a number of other persons, about the situation, including an ex Councillor and the Minister for Local Government.

Other Councillors present advised they had also been contacted by Mr Cobb, either by telephone or by email, and in some cases the elected members advised Mr Cobb had stated he would also be referring the matter to the press.

The CEO advised the mediation process was intended to be confidential and that he considered a breach of that requirement had occurred, which he would take up with Council's solicitors.

296. OPENING OF MEETING TO PUBLIC

Mayor Ferris – Cr de Jong

That the meeting be re-opened to members of the public at 10.36pm. CARRIED

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

Nil.

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

Nil.

299. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.37pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 19 October 2010, Minute Book reference 276. to 299. were confirmed at the meeting of the Council on

.....

Presiding Member