

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 16 JUNE 2009 COMMENCING AT 6.35PM.

160. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

160.1 Present

Mayor A Ferris	Presiding Member
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 9.35pm)
Ms J May	Minute Secretary

161. 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.”

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

The Mayor welcomed 13 members of the public in the gallery and introduced Council members and staff.

163. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

164. RECORD OF APOLOGIES

Nil.

165. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

166. PUBLIC QUESTION TIME

Nil.

167. APPLICATIONS FOR LEAVE OF ABSENCE

167.1 Cr Arnold

An application for leave of absence for work related reasons was submitted by the CEO on behalf of Cr Arnold.

Cr Rico – Cr Wilson

That leave of absence be granted to Cr Arnold for this meeting.

CARRIED

167.2 Cr Dobro

Cr Dobro sought leave of absence for the Council Meetings on 7 and 21 July 2009.

Cr Rico – Cr Wilson

That leave of absence be granted to Cr Dobro for the Council Meetings on 7 and 21 July 2009.

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- 167.3 Cr Collinson**
Cr Collinson sought leave of absence for the Council Meeting on the 7 July 2009.
- Cr Rico – Cr Wilson**
That leave of absence be granted to Cr Collinson for the Council Meeting on 7 July 2009. CARRIED
- 167.4 Cr Nardi**
Cr Nardi sought leave of absence for the Council Meeting on the 7 July 2009.
- Cr Rico – Cr Wilson**
That leave of absence be granted to Cr Nardi for the Council Meeting on 7 July 2009. CARRIED
- 167.5 Mayor Ferris**
Mayor Ferris sought leave of absence for the Council Meeting on the 7 July 2009.
- Cr Rico – Cr Wilson**
That leave of absence be granted to Mayor Ferris for the Council Meeting on 7 July 2009. CARRIED
- 168. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
- 168.1 Council Meeting – 19 May 2009**
Cr Nardi – Cr Collinson
That the Minutes of the Council Meeting held on 19 May 2009 be confirmed. CARRIED
- 169. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
- 169.1 Tony Jones**
The Mayor advised that Tony Jones, a Bedford Street resident and prominent sculptor had recently received the Order of Australia and that the Chief Executive Officer had written to Mr Jones on behalf of Council offering appropriate congratulations.
- 169.2 Peter Sardelic**
The Mayor read a thank you letter from Mr Peter Sardelic, a resident of Preston Point Road, with respect to financial assistance towards his participation in the World Transplant Games, which the Chief Executive Officer had recently arranged.
- 169.3 Pilgrim House**
The Mayor read a thank you from Uniting Church Homes with respect to the efforts of Council staff to provide a safer access by their Pilgrim House residents (many of whom use walking frames or gophers) to the northern side of Wolsely Road. The letter concluded *“Please extend my thanks to the Operations Manager Patrick Garrity, whom I sound sympathetic and accommodating to our needs during our meeting.”*
- 169.4 Hannah Fritchley**
The Manager referred to a thank you letter to Principal Environmental Health Officer, Shelley Cocks, and Senior Ranger, Andrew Driver, following the efforts of “the Ranger, Shelley, Shelley’s daughter and Shelley’s husband” with respect to looking after and subsequently returning their dog, “little rascal” Stella, who had gone missing.
- The letter concluded *“Once again, I thank you for your kindness yesterday – it makes me feel very safe and secure to know that we live in a friendly and well looked after community.”*
- 170. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
Nil.



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

Nil.

172. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**172.1 T50.6 Locke Crescent No 21 (Survey Strata Lot 1)**

Cr Rico – Cr Collinson

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 174.2 & 177.1).

CARRIED**173. ORDER OF BUSINESS**

Cr Wilson – Cr de Jong

That the order of business be changed to allow members of the gallery to speak to town planning matters.

CARRIED**174. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****174.1 T50.4 Clayton Street No. 27A (Lot 304)***Applicant: Michael Pratt c/- Sandtracks Design**Owner: Alex Nelson Farfan & Sharnee Bea Farfan**Application No. P62/2009*

Mr & Mrs Farfan (owners) addressed the meeting in support of their proposal.

Cr Nardi – Cr Olson

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

That Council exercise its discretion in granting approval for variations to wall height on the north and south sides pursuant to the Residential Design Codes from 6m to 6.65m for the construction of additions to the 2-storey house at No. 27A (Lot 304) Clayton Street, East Fremantle comprising:

Ground Floor: new alfresco;

First Floor: hallway, master bedroom & en-suite, and balcony;

in accordance with the plans date stamp received on 22 April 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, 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



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natural angle of repose and/or another method as approved by the Town of East Fremantle.

7. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
8. 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 alfresco may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Nardi made the following impartiality declaration in the matter of 21 Locke Crescent: "As a consequence of the applicant and designer, Mr Brent de Pledge, 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."

174.2 T50.6 Locke Crescent No 21 (Survey-Strata Lot 1)**T50.7 Locke Crescent No. 21 (Survey Strata Lot 2)**

Applicant: De Pledge Design

Owner: Pietro & Rosanna Pietroniro

Application No. P60/2009

The letter from De Pledge Design, referred from Correspondence (MB Ref 172.1) was tabled.

The following additional information was provided by the Town Planner:

At its meeting on 9 June 2009 the Town Planning & Building Committee considered an application for a 2-storey house at the corner of Locke Crescent and Habgood Street (proposed survey-strata Lot 1).

The Committee supported the application subject to the following condition:

1. *prior to the issue of a building licence revised drawings be submitted showing:*
 - (a) *simplification of the design including removal of the turrets; and*
 - (b) *compliance with the open space requirements pursuant to the Residential Design Codes;**to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*

The applicant has submitted plans amended to comply with this condition.

In regard to 1(b) there was divided opinion amongst Committee members regarding the necessity for the application to strictly comply with the open space requirement as the variation involved only 1.35% (approximately 6m²), which is considered very minor.

In addition the overall open space contribution, taking into consideration the application for the adjoining property (proposed survey-strata Lot 2), represents more than 57% of the property which presently constitutes 21 Locke Crescent.



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While the applicant has amended the plans to comply this particular change is not considered to be so serious as to warrant the application of 1(b).

The Committee also considered that the applicant should provide more specific details regarding the materials, colours, and finishes proposed for construction of the house therefore the following condition is suggested:

Prior to the issue of a building licence the applicant/owner is to provide a schedule specifying the materials, colours and finishes for the proposed development to the satisfaction of the CEO in consultation with relevant officers.

Mr De Pledge addressed the meeting seeking reconsideration of the request for a relaxation of the open space requirement as proposed in the original application.

175. ADJOURNMENT

Cr Wilson – Cr de Jong

That the meeting be adjourned at 7.15pm to allow further consideration of this matter. CARRIED

176. RESUMPTION

Cr Rico – Cr Collinson

That the meeting be resumed at 7.28pm with all those present prior to the adjournment, in attendance. CARRIED

**177. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)****177.1 T50.6 Locke Crescent No 21 (Survey-Strata Lot 1)
T50.7 Locke Crescent No. 21 (Survey Strata Lot 2)**

Applicant: De Pledge Design

Owner: Pietro & Rosanna Pietroniro

Application No. P60/2009

Cr Wilson expressed a number of concerns regarding the proposal, which Cr Wilson advised had also been raised by a number of other elected members during the adjournment.

Cr Wilson stated the concerns related primarily to the bulk and scale of the proposed development, particularly with respect to proposed lot 1 and particularly taking into account the existing lesser bulk and scale of buildings in the locality. Pursuant to these concerns Cr Wilson stated the belief that the proposed development would have a detrimental impact on the amenity of the existing streetscape.

Cr Dobro supported Cr Wilson's views and expressed a further concern that given these issues the density bonus provided for under Clause 5.3.1 of the Scheme, could not be properly granted if Council did not believe "there will be an improvement in the overall amenity of the streets as a result of the development".

Cr Wilson – Cr Dobro

That the application be deferred to allow the applicant to consider a redesign of the proposed development, particularly on proposed Lot 1, taking into account the expressed concerns. CARRIED

177.2 T50.8 Aldgate Place No 7 (Lot 16)

Applicant: Philip Griffiths Architects

Owner: Greg & Leonie Wallace

Application No. P51/2009

Mr Griffiths (applicant) addressed the meeting in support of the proposal.

Cr Dobro – Cr Nardi

The adoption of the Committee's recommendation.



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Amendment*Cr Collinson – Cr Wilson**That the application be deferred pending a site visit to be arranged by the Town Planner.*LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER

The motion for the adoption of the Committee's recommendation was put.

Cr Dobro – Cr Nardi**The adoption of the Committee's recommendation which is as follows:****That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6.0m to 5.965m for the construction of additions to the single storey house at No. 7 (Lot 16) Aldgate Place, East Fremantle comprising:****Ground Floor: new kitchen, casual lounge & pergola;****First Floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom; in accordance with the plans date stamp received on 31 March 2009 subject to the following conditions:**

1. a report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.
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. the proposed 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.
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. 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 pergola may not be enclosed without the prior written consent of Council.***
- (e) the applicant is advised to consult with the Heritage Council of WA in regard to updating the 1995 Conservation Plan once works are completed. CARRIED***



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177.3 **T50.10 Walter Street No 25A (Lot 2)**
Applicant: Solar Dwellings
Owner: Jason Amaranti & Yusenkha Oseda
Application No. P58/2009

Mr Woodland (Solar Dwellings) addressed the meeting in support of the proposal.

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:

- (a) variation to the east side boundary setback for a garage wall pursuant to the Residential Design Codes from 1m to 0m;
 - (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°;
- for the construction of a 2-storey house at No. 25A (Lot 2) Walter Street, East Fremantle comprising:

Ground Floor: double garage, porch, entry, store under stairs, study, guest bedroom & en-suite, family, meals and kitchen, laundry;

Upper Floor: 2 bedrooms, built-in-robe & en-suite, bathroom, sitting room, and balcony;

in accordance with the plans date stamp received on 21 April 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed 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.
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 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***



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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) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Wilson declared an interest in the following item as her property adjoins the rear boundary of the subject lot and left the meeting at 8.01pm.

177.4 T50.11 Preston Point Road No. 114 (Lot 4965)
Applicant: Steve Pritchard for Domination Homes
Owner: Linley Michelle Morris
Application No. P38/2009

Mr Patterson (applicant) addressed the meeting in support of the proposal.

Cr de Jong – Cr Dobro

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 south side (rear) boundary setback for a garage pursuant to the Residential Design Codes from 6m to 4.11m;**
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°;**
- (c) variation to wall height on the east side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 6.8m;**
- (d) variation to wall height on the west side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 6.7m;**

for the construction of a 2-storey house at No. 114 (Lot 4965) Preston Point Road, East Fremantle comprising:

Ground Floor: alfresco, porch, entry, family room, 2 bedrooms, powder room, bathroom, laundry, verandah & double garage at the rear;

First Floor: balcony, living, dining, kitchen, 2 bedrooms, 2 built-in-robos, ensuite & toilet;

in accordance with the amended plans date stamp received on 21 May 2009 subject to the following conditions:

- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. the proposed 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.**
- 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.**

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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. 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:

- (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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *the 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

Cr Wilson returned to the meeting at 8.05pm and it should be noted that she neither spoke nor voted on the foregoing item.

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Cr Dobro made the following impartiality declaration in the matter of 12 Silas Street: "As a consequence of my friendship with the applicant and the fact that my partner served as an elected member 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."

177.5 Silas Street No. 12 (Lot 594)
Applicant: John Kirkness
Owner: Desert Storm Pty Ltd
Application No. P53/2009

By Chris Warrener, Town Planner on 10 June 2009.

BACKGROUND**Description of Proposal**

An Application for Planning Approval for alterations and additions to the medical practice offices at 12 Silas Street comprising:

- Enclose front verandah and convert the space into an enlarged waiting room;
- Construct a 6.25m² office at the front for the practice manager.

There will be no increase in present staffing arrangements.

Statutory Considerations

Town Planning Scheme No. 3 – Town Centre

Local Planning Strategy – Town Centre Precinct (LPS)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact

Attachments

Extract from Municipal Heritage Inventory (MI)
Applicant's email response to panel comments
Heritage Impact Statement

Documentation

Plans and relevant forms date stamp received on 1 April 2009

Date Application Received

1 April 2009

Additional information

8 May 2009: Applicant's email response to panel comments

No. of Days Elapsed between Lodgement & Meeting Date

76 days

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

19 April 2005 Council grants conditional approval for an extension of the existing medical centre comprising a two storey addition to the east, and an additional four residential units of 3 levels to the east of the medical centre;

2 May 2006 WAPC conditionally approves the amalgamation of Lots 594 and 621 (12 Silas Street & 25 May Street);

11 December 2007 Town Planning & Building Committee recommends that an application to amend the parking requirement be deferred to allow a report to be prepared in respect to the correspondence received from J Kirkness dated 10 December 2007;

- 19 December 2007 Council adopts the Town Planning & Building Committee recommendation regarding the application to amend the planning requirement in relation to the condition requiring car parking, which states:
*“Cr Dobro – Mayor Ferris
That the matter be deferred to allow a report to be prepared in respect to the correspondence received from J Kirkness dated 10 December 2007.”*
- 6 March 2008 Owner requests deferral of parking matter.
- 19 May 2009 Council defers consideration of an application for additions at the front pending the submission of a Heritage Impact Statement.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel (TPAP) at its meeting held on 28 April 2009 and the following comments were made:

- enclosure of the verandah will create a better presentation to the street
- new office appears small - unusable
- may be worth retaining the form of the proposed office structure but enlarging it slightly
- not clear whether a new consulting room or storage space is being created in the north western corner of the building.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Site Inspection

By Town Planner on 21 April 2009

REPORT

Background

At its meeting on 19 May 2009 Council considered an application for additions to the medical centre at 12 Silas Street, and decided:

“That the applicant be requested to provide an independent Heritage Impact Statement on the proposal, which is to Council's satisfaction, and obtained from an appropriate consultant who is registered with the Heritage Council.”

The property contains a building, which has a “B” management category rating in the MI.

The MI states the following for B-rated properties:

“Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement to be required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.”

The application for additions was not accompanied with a Heritage Assessment/Impact Statement, and Council therefore requested the applicant provide an independent Heritage Impact Statement.

The applicant subsequently submitted the attached Heritage Impact Statement, which concludes:

“.....it is concluded that the proposed adaptation and additions to the subject place at No. 12 Silas Street will not adversely affect its cultural heritage significance in its present urban context, and can be supported in heritage terms.”



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IssuesPlot ratio

The additions to the medical centre increase its plot ratio from 0.597 to 0.617.

The property comprises 508.57m²; the existing buildings cover 303.25m², and the additions increase the building coverage to 314m².

TPS 3 states:

"5.8.3 Plot Ratio

Except as otherwise permitted by the local government, the maximum plot ratio in the Commercial Zones are to be as follows:

(a) Town Centre : 0.5:1"

Council's discretion is required to be exercised for the plot ratio to be increased from 0.5:1 to 0.617:1.

Discussion

The proposed additions do not result in the need for any more on-site car parking than is already provided (1 handicapped space at the front and 4 undercover spaces below the recently built 2-storey additions at the rear).

The increase in the plot ratio is considered minor, and is supported.

RECOMMENDATION

That Council grants approval for a variation to plot ratio in the Town Centre zone pursuant to Town Planning Scheme No 3 from 0.5:1 to 0.617:1 for the construction of alterations and additions to the medical practice offices at No. 12 (Lot 594) Silas Street, East Fremantle comprising:

- enclose front verandah and convert the space into an enlarged waiting room;
 - construct a 6.25m² office at the front for the practice manager;
- in accordance with the plans date stamp received on 1 April 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed additions are not to be 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. 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.*



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- (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).

Mr Kirkness (applicant) addressed the meeting advising he supported the recommendation and was available to answer any queries elected members may have.

Cr de Jong – Cr Olson

That Council grants approval for a variation to plot ratio in the Town Centre zone pursuant to Town Planning Scheme No 3 from 0.5:1 to 0.617:1 for the construction of alterations and additions to the medical practice offices at No. 12 (Lot 594) Silas Street, East Fremantle comprising:

- enclose front verandah and convert the space into an enlarged waiting room;
- construct a 6.25m² office at the front for the practice manager;

in accordance with the plans date stamp received on 1 April 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed additions are not to be 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. 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

177.6 T50.3 Hamilton Street No 22 (Lot 25)

Applicant: The Design Mill

Owner: Tonia and Darren Monument

Application No. P64/2009

The Town Planner provided the following additional information:

The Town Planning & Building Committee considered an application for additions to the house at 22 Hamilton Street.

It decided to support the application with the inclusion of the following condition:



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1. *prior to the issue of a building licence amended plans are to be submitted specifying that the carport roof form is simplified to the satisfaction of the CEO in consultation with relevant officers.*

By email dated 11 June 2009 the applicant submitted plans amended to show a simplified carport roof form in accordance with the wishes of the Committee.

Council is herein requested to approve this application based on the amended plans date stamp received on 11 June 2009 and with the deletion of proposed condition 1.

Considerable discussion took place regarding the revised carport roof form with elected members generally agreeing that the pitch of the revised roof form should be increased to generally match that the existing residence.

Cr Olson – Cr de Jong

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

That Council exercise its discretion in granting approval for a variation to the south side boundary setback for an en-suite pursuant to the Residential Design Codes from 1.0m to 0m for the construction of ground floor additions to the single storey house at No. 22 (Lot 25) Hamilton Street, East Fremantle comprising a single carport on the north side, a family room, laundry and alfresco at the rear, and an en-suite on the south side in accordance with the plans date stamp received on 4 May 2009 subject to the following conditions:

1. **prior to the issue of a building licence amended plans are to be submitted specifying that the carport roof form is simplified 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. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
5. **the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
6. **all stormwater is to be disposed of on site, 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 applicant's expense.**
9. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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



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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) *the alfresco and carport 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

177.7

T50.5 View Terrace No. 23A (Lot 1)**Applicant & Owner: Trevor John Lowenhoff & Martene Elizabeth Seminara****Application No. P63/2009****Cr de Jong – Cr Wilson****The adoption of the Committee's recommendation which is as follows:**

That Council exercise its discretion in granting approval for a variation to the northwest side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.8m for the construction of a 4.68m long x 4.2m wide x 3.8m high patio next to the northwest boundary of No. 23A (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 29 April 2009 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed patio 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. 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.*



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- (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 patio may not be enclosed without the prior written consent of Council.

CARRIED**177.8 T50.9 George Street No. 117 (Lots 370 & 371)****Applicant: Michael Pollock****Owner: Anna Taylor & Mark Wilson****Application No. P57/2009****Cr Dobro – Cr de Jong****The adoption of the Committee's recommendation which is as follows:****That Council grant approval for the construction of a verandah at the rear of the single storey terrace house at No. 117 (Lots 370 & 371) George Street, East Fremantle in accordance with plans date stamp received on 17 April 2009, subject to the following conditions:**

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed verandah 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. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
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 verandah may not be enclosed without the prior written consent of Council.*

CARRIED*The Town Planner left the meeting at 9.35pm.*

178. FINANCE**178.1 *Monthly Financial Activity Statement for Period Ending 30 April 2009***
*By John Roberts Executive Manager Finance & Administration on 15 May 2009***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 30 April 2009 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:

The April 2009 year to date report shows an overall actual surplus of \$2,446,654 compared to the year to date budget of \$1,152,827, as amended by Council at its meeting of 17 April 2009. Revenue and expenditure variances 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 has been undertaken, based on the January 2009 YTD financial statements.

The variance of \$1,293,627 can be analysed as follows:

- The YTD actual Operating Revenue is \$6,767,771 compared to the YTD budget of \$6,425,765, a favourable variance of \$342,006. The variance is due primarily to the receipt of a Community Infrastructure Project grant, higher than anticipated building licence fee and parking facilities income offset by grant income not yet received.
- The YTD actual Operating Expenditure is \$5,035,274 compared to the YTD budget of \$5,377,158, a favourable variance of \$341,884. The variance is due primarily to lower than anticipated expenditure on parks & reserves maintenance; recycling costs; town planning and health operating costs; and the delay in commencing certain administration projects.
- The YTD actual Capital Expenditure is \$735,118 when compared to the YTD budget of \$1,308,128 a favourable variance of \$573,010. 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. The footpath program has commenced with works being completed in Irwin and Dalgety Streets and the program will be completed in May 2009. The road resurfacing program has been completed, the timing variance is due to a delay in receiving invoices.

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 April 2009 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 30 April 2009 be presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2008 to 30 April 2009 be received.

Cr Olson – Cr de Jong

That the Financial Activity Statement for the period ending 1 July 2008 to 30 April 2009 be received. CARRIED

178.2 2009/2010 Budget – Differential Rates

By John Roberts, Executive Manager Finance and Administration 22 May 2009

PURPOSE

To:

- (i) facilitate consideration of an officer proposed differential rate for commercial and residential properties with respect to the 2009/2010 Budget
- (ii) facilitate consideration of a ratepayer proposed differential rate for unimproved residential property.

BACKGROUND

Work is underway to produce a final draft of the 2009/2010 Budget for the consideration of the Council. The issue of differential rates forms part of those considerations.

REPORT**Differential Rates**

Council currently levies differential rates for its residential and commercial properties. The purpose of imposing such a differential rate is to obtain a fair rate distribution and reduce the burden on residential areas by moving a minor percentage of the rates from the residential sector to the commercial sector. It is considered this differential should be maintained.

Council levied the following rates in 2008/2009:

	Rate in Dollar	Minimum Rate
• Residential	7.5700	\$650.00
• Commercial	10.4939	\$800.00

Vacant land

In 2008 a revaluation of properties occurred. This revaluation is undertaken by the Valuer General's Office (VGO) office every three years. As a consequence of increased property



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values since 2005 GRV's were increased for the 2008/2009 financial year. The GRV reflects a notional rental valuation of a property.

In the case of vacant land difficulties arise as there is generally no market for the rental of vacant land. To overcome this the VGO calculates the GRV on a percentage of market value. This is currently 5%. Due to some significant increases in vacant land valuations it follows there were also significant increases in vacant GRV's.

Until approximately 12 years ago the Town of East Fremantle had only one rate in the dollar for all properties, whether residential, commercial or vacant land. At that time Council adopted 2 different categories of rates – Residential (which includes vacant land) and Commercial. No objections to the imposition of a higher commercial rate have been received for at least 10 years.

After the 2008/2009 Rates notices were sent out in late July 2008, a local resident queried the large increase in his GRV which effectively resulted in the rates payable on a vacant block which he owned being higher than adjoining developed land. The ratepayer raised the issue with the CEO, the author, the Mayor and a number of Councillors, Brendon Grylls and the Office of the Valuer General. The ratepayer requested that Council consider having a reduced (differential) rate for vacant properties.

In discussions with the VGO's office in 2008, VGO staff acknowledged that the 5% of market value formula which is being applied was now too high and advised the office intended reducing this to 3% for 2009/10. However the office recently advised this date has now been changed to 2010/11, subject to the necessary changes in legislation occurring.

Also in 2008, a survey of all 30 metropolitan local governments indicated only 8 had a differential rating for residential land and of these, only 3 had a *reduced* rate, with the other 5 adopting a *higher* rate, presumably with the objective of encouraging property owners to develop their vacant land.

An analysis has been undertaken of current vacant land in the Town of which there are currently 166 vacant blocks. The calculated rates for these properties in 2009/2010 was \$319,138. If Council adopted a differential rate for vacant land, effectively reducing the GRV by 40% (5%-3%), the 2009/2010 calculated rates for the vacant land would be reduced to \$191,483.

The current budget is in a balanced position. Any differential rate for vacant land would require reducing services to offset the \$127,655 shortfall or would require an additional increase of approximately 2.7% to other ratepayers to maintain service levels.

Only 1 resident has requested a differential rate for vacant land. (Whilst irrelevant from a policy viewpoint it could be noted that the landowner concerned recently submitted a planning application to build on the property.)

Conclusion

It is quite arguable that the current system is unfair. For example in 2008 the ratepayer in question paid \$1,632.10 in rates for his View Terrace property, \$2,576.84 for his Dalgety Street residence and \$6,952.30 for his vacant block in Bolton Street. However it is concluded that the proper means of addressing the situation is via amendments to the Valuation of Land Act 1978. It is an issue the State Government has caused, it is an issue the State Government is well aware of and it is concluded the onus is on the State Government to address the issue, if they agree it is an issue which needs addressing.

In short it is concluded that Council continue with differential rate for Residential and Commercial properties only, with no distinction for vacant land.

At the budget meeting held 27 May 2009, consideration was given to levels of rate increases required to maintain current levels of service delivery to the community. In

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respect to the rate increases for 2009/2010, it is proposed that there be a rate increase to keep up with cost increases.

As a consequence of these deliberations Council staff are preparing the 2009/2010 budget with a 5.0% rate increase.

Consistent with the outcome of the budget workshop, the differential rates proposed for 2009/2010 are as follows:

	Rate in Dollar	Minimum Rate
• Residential	7.9485	\$682.00
• Commercial	11.0186	\$840.00

In order that a differential rate be applied, it is a requirement under Section 6.36 of the Local Government Act 1995 for the proposed rate to be advertised for 21 days. In so doing, it is necessary to explain the objects and reasons for levying a differential rate. This advertising has already been organized in order to not impede the budget process. Council is not bound to adopt the advertised rate; the relevant statutory provisions provide that Council may only adopt a rate after the 21 day advertising process and consideration of any submissions received.

It might be noted in the event that if the advertised rate is not adopted, and a different rate (or even no rate) adopted, no further advertising is required.

RECOMMENDATION

That differential rates be imposed for commercial and residential properties for the 2009/2010 financial year for the Town of East Fremantle and the following rates be endorsed for advertising purposes:

	Rate in Dollar	Minimum Rate
• Residential	7.9485	\$682.00
• Commercial	11.0186	\$840.00

Cr Olson – Cr de Jong

That differential rates be imposed for commercial and residential properties for the 2009/2010 financial year for the Town of East Fremantle and the following rates be endorsed for advertising purposes:

	Rate in Dollar	Minimum Rate
• Residential	7.9485	\$682.00
• Commercial	11.0186	\$840.00

CARRIED**179. REPORTS OF CHIEF EXECUTIVE OFFICER****179.1 Meeting Schedule 2009/2010**

By Stuart Wearne, Chief Executive Officer, on 12 June 2009

PURPOSE

The purpose of this report is to facilitate a decision by Council on the meeting schedule to be employed in 2009/10.

Council is required, under Section 13 of the Local Government (Administration) Regulations 1996, to advertise its meeting schedule at least once a year for the next twelve months. The meeting schedule for 2009/2010 will need to be resolved and advertised prior to July 1 2009.



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BACKGROUND

At the Council Meeting of 3 June 2008, Council resolved as follows:

“That:

1. *a Council meeting be held on the 1st Tuesday of the month (except during December 2008) to consider mainly Health and Public Domain matters and any other items of an urgent nature including Town Planning.*
2. *a Council meeting being held on the 3rd Tuesday of the month (except during the month of December 2008 when the meeting is held on the 2nd Tuesday) to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including Health or Town Planning/Public Domain matters.*
3. *a Special meeting of Council be held on 9 July 2008 for the purpose of adopting the 2008/09 Budget.*
4. *a Town Planning & Building Committee (Private Domain) meeting be held on the 2nd Tuesday of the month except during the month of December when the meeting is held on the 1st Tuesday of the month.*
5. *meetings of the Finance Committee to be held on the 15 October 2008, 18 March 2009 and 24 June 2009.*
6. *the Chief Executive Officer produce a 2009/2010 Budget Timetable.*
7. *an informal Council Meeting, not open to the public, to be held on the 4th Tuesday of the month to allow discussion of issues of a more strategic or broad policy nature.*
8. *special meetings of any of the standing committees to be called if such meetings are required.*
9. *the above arrangements not to apply for January 2009 and the Chief Executive Officer be delegated authority to deal with any items of an urgent nature which cannot be held over to the round of meetings in February 2009.*
10. *the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.”*

REPORTCouncil Meetings

It is considered the “two Council meetings per month” system is working well and provides an efficient means of having matters considered by Council expeditiously.

Where there have been no, or insufficient items for the “non planning” meeting, these meetings have been appropriately cancelled, pursuant to the relevant Delegation of Authority (which includes consultation with the Mayor).

The only issue has been the occasional referral of planning issues to the first Tuesday meeting, ie the “non planning” Council meeting, which, whilst the reasons have been understandable on each occasion, has raised the resource issue of the Town Planner’s attendance (with consequent cost implications) for what might be one item which could appropriately have been considered at the “planning” Council meeting. On occasion this has been a Committee/Council decision and on other occasions pursuant to a SAT appeal where SAT have referred a matter to the “next meeting of Council”. I have asked the Town Planner to be conscious of this issue.

Town Planning & Building Committee (Private Domain)

The current system is working well and I am pleased with the operations, at both officer and elected member level, of this Committee.

Finance Committee

This Committee has also been working well.

In the 2008/2009 meeting schedule, Council proposed three Finance Committee meetings, the last of which is scheduled to be held on 24 June 2009. Council also recently resolved to hold a budget workshop on 27 May 2009.

The following timetable is proposed for the 2009/2010 budget deliberations and the adoption of the financial statements for 2008/09

2009/2010 Budget

7 July 2009

Council Meeting to Adopt 200/2010 Budget.

2008/2009 Financial Statements

31 August 2009

Completion of 2008/2009 Financial Statements including Pensioner Rebate, ESL, HACC and Roads to Recovery returns.

Early Sept 2009

Annual Audit of 2008/2009 Financial Statements by Council auditor.

30 Sept 2009

Audit sign-off of 2008/2009 Financial Statements by Council auditor.

14 Oct 2009

Annual Financial Statements Report to Audit Committee. Representation by External Auditor.

20 Oct 2009

Annual Financial Statements Report to Council for Adoption.

It is proposed to hold the following ordinary Finance Committee Meetings during the 2009/10 year:

- 14 October 2009
- 10 March 2010
- 16 June 2010

Combined Town Planning/Public Domain, Works & Reserves Committee/Health & General Purpose Committee

The previous decision was to call these meetings if required.

It has not been necessary to call any special meetings of these combined committees.

This situation arises mainly because the monthly "non town planning" Council meetings often involve "works" and health & general purpose related issues, whereas under the "old" one Council meeting per month system, such items would have generally been referred to the relevant committee.

The situation may change in the current year as new initiatives are considered.

4th Tuesday Informal Briefings

Elected members decided recently to cancel the scheduled 4th Tuesday Informal Briefings, but rather to hold these as required. This is supported.

December Meetings

Given the difficulty of completing correspondence from the December "planning" Council meeting, processing licences and finalising other tasks associated with this time of the year prior to the normal Christmas closure, last year Council forwent the 1st Council Meeting in December and brought forward the Town Planning & Building (Private Domain) and 2nd Council Meeting by one week.

It is not considered necessary to forego the first Council Meeting in December this year, given it is scheduled to be held on 1 December, bringing the second Council Meeting to be held on 15 December. This allows ample time to finalise matters prior to the Christmas break, bearing in mind the January recess. As has been the case in the past, should any urgent business arise which needs to be considered during this recess, a special Council meeting can be convened.

CONCLUSION

In consideration of the overall circumstances the following arrangements are recommended.

RECOMMENDATION

That:

1. a Council meeting be held on the 1st Tuesday of the month to consider mainly Health and Public Domain matters and any other items of an urgent nature including Town Planning.
2. a Council meeting being held on the 3rd Tuesday of the month to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including Health or Town Planning/Public Domain matters.
3. a Town Planning & Building Committee (Private Domain) meeting be held on the 2nd Tuesday of the month.
4. meetings of the Finance Committee to be held on the:
 - 14 October 2009
 - 10 March 2010
 - 16 June 2010
5. special meetings of any of the standing committees to be called if such meetings are required.
6. the above arrangements not to apply for January 2010 and the Chief Executive Officer be delegated authority to deal with any items of an urgent nature which cannot be held over to the round of meetings in February 2010.
7. the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.

Absolute Majority Resolution Required

Given a number of elected members would be away in early July (school holidays), discussion took place on a suitable date to convene a Special Council Meeting for the purpose of considering the 2009/2010 Budget. It was agreed that this Special Council Meeting would take place on either Wednesday, 15 or 22 July, following discussion between the Mayor and Chief Executive Officer in relation to elected member availability and staff leave.

Cr de Jong – Cr Olson

That:

1. a Council meeting be held on the 1st Tuesday of the month to consider mainly Health and Public Domain matters and any other items of an urgent nature including Town Planning.
2. a Council meeting being held on the 3rd Tuesday of the month to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including Health or Town Planning/Public Domain matters.
3. a Town Planning & Building Committee (Private Domain) meeting be held on the 2nd Tuesday of the month.
4. meetings of the Finance Committee to be held on the:
 - 14 October 2009
 - 10 March 2010
 - 16 June 2010
5. special meetings of any of the standing committees to be called if such meetings are required.
6. the above arrangements not to apply for January 2010 and the Chief Executive Officer be delegated authority to deal with any items of an urgent nature which cannot be held over to the round of meetings in February 2010.
7. the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.

CARRIED UNANIMOUSLY
ABSOLUTE MAJORITY

179.2 Bus Tour of Town

The CEO reminded elected members of the bus tour scheduled for Saturday, 20 June 2009 to inspect roads and footpaths to be included in the 2009/2010 budget.



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Elected members discussed the need for the inspection and decided that Saturday, 4 July 2009 between 9am-11am was a more convenient time for the majority of elected members.

The CEO requested elected members to advise of any particular locations they would like included in this inspection.

179.3 Local Government Reform

The CEO provided an update on this issue, including advice on an event organised by the Property Council of Australia which he had attended and at which the Minister was the guest speaker. The CEO stated that the Minister's speech reinforced all of the concerns which he had expressed in his earlier report regarding the nexus between the amalgamation issue and the desire of the property and development sectors for less local government involvement and faster decision making with respect to development applications, which the Minister supported.

179.4 Royal George Art & Community Centre

The CEO provided a verbal report on the development application currently before Council which is currently subject to advertising; the notice to tenants to vacate the building by 27 August 2009 which was issued at the request of the National Trust and advice on two funding applications relating to the Royal George Hotel which have recently been submitted.

With respect to the current application, the Chief Executive Officer noted that whereas an earlier application had included a wine bar, this element had been deleted as a result of contention to whether this would result in the development being deemed a "hotel" – noting a hotel was an "X" use for this site.

The CEO advised however that one of the developers, Mr Andy Cobb, had confirmed today that if legal advice indicated that a wine bar would not be problematic with respect to obtaining a planning approval, then he wished the wine bar(s) (to be the subject of a small bar license) to be re-incorporated into the proposal (notwithstanding the CEO's view that this would require further advertising).

With respect to the funding applications, the first application, reportedly for \$1.4m, has been submitted by the National Trust under the Heritage Fund and the second application had been submitted by the Fremantle Society and sought \$2,067,872 under the Jobs Fund (Community Fund).

The CEO advised the Fremantle Society had requested a letter of support from Council with respect to their application and in that respect tabled a letter of support which he had submitted on behalf of Council.

ATTACHMENT

The CEO advised the Fremantle Society had subsequently twice written thanking Council for the CEO's letter of support and noting the National Trust had also endorsed the letter.

179.5 128 George Street

The CEO advised that at the close of advertising, three expressions of interest had been received for the use of this building and it was anticipated that a report would be prepared for the July meeting of Council.

179.6 SMRC/Waste Levy Increase

The CEO advised that given the number of recent developments regarding the SMRC, in consultation with the Mayor, he had requested Mr Stuart McAll to address Council regarding the situation. It was proposed Mr McAll attend a Special meeting of Council to be held on Tuesday, 23 June 2009.

The CEO advised if this meeting were held he would report on the waste levy situation at that meeting.

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Cr de Jong – Cr Olson

That a Special Council Meeting be held on Tuesday, 23 June 2009 at 6.30pm to consider SMRC and the waste levy issue. CARRIED UNANIMOUSLY

179.7 Voting Delegates - WALGA AGM 8 August 2009

The CEO drew attention to the requirement for Council to nominate two voting delegates to attend the WALGA AGM on Saturday 8 August 2009. Voting delegates were generally two of Council's three WALGA delegates.

Mayor Ferris advised that he would be interstate and unable to attend. Cr Collinson indicated he would be able to attend. Cr Olson advised that he would have to check his availability.

179.8 Community Safety Plan

The CEO advised that Council's Principal Environmental Health Officer had requested all elected members complete the Community Safety Plan survey which was earlier forwarded to elected members.

179.9 Calendar

The CEO advised that elected members were still to provide feedback on the calendar which he considered needed more work.

It was suggested that this could be informally discussed further at the conclusion of next week's Special Council Meeting on 23 June, 2009.

179.10 Date of East Fremantle Festival

The CEO advised that he understood Cr Wilson had wished to raise this matter

Cr Wilson advised that Council needed to set a date for the Festival and also recommended that Cynthia Williamson be reappointed as Festival Co-ordinator and wished to foreshadow a motion in that regard under "Notices of Motion by Elected Members for Consideration at the Following Meeting".

The CEO advised that the matter could be appropriately dealt with at this meeting given all elected members other than Cr Arnold were present and the matter was largely operational.

Cr Wilson – Cr Dobro

That the East Fremantle Festival be held on the first Sunday in December 2009 and Ms Cynthia Williamson be appointed as Festival Coordinator for the 2009 Festival. CARRIED

180. CONFIDENTIAL BUSINESS

Nil.

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

Nil.

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

Nil.



16 June 2009

MINUTES

183. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.15pm

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 June 2009**, Minute Book reference **163. to 183** were confirmed at the meeting of the Council on*

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Presiding Member