

18 September 2007

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 18 SEPTEMBER 2007 COMMENCING AT 6.35PM.

INDEX

- 280. DECLARATION OF OPENING OF MEETING**
 - 280.1 Present*
- 281. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 282. RECORD OF APPROVED LEAVE OF ABSENCE**
- 283. RECORD OF APOLOGIES**
- 284. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 285. PUBLIC QUESTION TIME**
- 286. APPLICATIONS FOR LEAVE OF ABSENCE**
- 287. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 287.1 Council Meeting – 21 August 2007*
- 288. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
- 289. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 290. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 291. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
 - 291.1 T90.4 Angwin Street No 13 (Lot 4)*
 - 291.2 T90.4 Angwin Street No 13 (Lot 4)*
- 292. ORDER OF BUSINESS**
- 293. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**
 - 293.1 T90.3 Oakover Street No 88 (Lot 306)*
 - 293.2 T90.4 Angwin Street No 13 (Lot 4)*
 - 293.3 T90.6 Canning Highway No 253 (Lot 351)*
 - 293.4 Town Planning & Building (Private Domain) Committee – 11 September 2007 - Adoption*
 - 293.5 T90.7 May Street No 22 (Lot 67)*

18 September 2007

MINUTES

294. FINANCE ITEMS

294.1 *Accounts for Payment*

294.2 *Monthly Financial Report for Period Ending 31 July 2007*

295. REPORTS OF CHIEF EXECUTIVE OFFICERS

295.1 *Brief Reports of Chief Executive Officer*

(A) *2007 Election Results*

(B) *George Street Works*

296. CONFIDENTIAL BUSINESS

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

297.1 *Mayor O'Neill - Hamilton Street Footpath*

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

299. CLOSURE OF MEETING

18 September 2007

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 18 SEPTEMBER 2007 COMMENCING AT 6.35PM.

280. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

280.1 Present

Mayor J O'Neill	Presiding Member
Cr S Dobro	
Cr A Ferris	
Cr J Harrington	
Cr D Martin	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr J Roberts	Executive Manager Finance & Administration
Mr C Warrener	Acting Town Planner (To 7.40pm)
Ms J May	Minute Secretary

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

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

282. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

283. RECORD OF APOLOGIES

Nil.

284. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

285. PUBLIC QUESTION TIME

Nil.

286. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

287. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

287.1 Council Meeting – 21 August 2007

Cr Ferris – Cr Martin

That the Minutes of the Council Meeting held on 21 August 2007 be confirmed with the following correction to MB Ref 273.7 T82.1 George Street No 90 (Lot 436):

That the words "The adoption of the Committee's recommendation which is as follows" be deleted from the motion. CARRIED

288. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

18 September 2007

MINUTES

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

Nil.

291. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

291.1 T90.4 Angwin Street No 13 (Lot 4)

K McPhail: Advising that both her husband and herself strongly object to any relaxation of the requirement to provide screening to the balconies to 13 Angwin Street

Cr Ferris – Cr Martin

That the email from Mrs McPhail be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 293.2).

CARRIED

291.2 T90.4 Angwin Street No 13 (Lot 4)

S Booth: Submitting comments from David Caddy of TPG WA Pty Ltd in support of Mr & Mrs Booth's request to have the planning approval requirement for screening to balconies on their residence at 13 Angwin Street, deleted.

Cr Ferris – Cr Martin

That the correspondence from Mrs Booth be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 293.2).

CARRIED

292. ORDER OF BUSINESS

Cr Ferris – Cr Martin

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

CARRIED

293. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

293.1 T90.3 Oakover Street No 88 (Lot 306)

The following additional information was provided by the Acting Town Planner:

At its meeting on 11 September the Committee considered an application for a double garage and modifications to the front fence at 88 Oakover Street.

The Committee supported the garage but not the front fence modifications.

It recommended:

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

- (a) variation to the west side boundary setback pursuant to the Residential Design Codes from 7.5m to 2.114m;*
- (b) variation to the permeability of the portion of the front fence above 1.2m high facing Oakover Street pursuant to Local Planning Policy 143 from 60% to 30%;*

for the construction of a double garage and replacement front fence at No. 88 (Lot 306) Oakover Street, East Fremantle in accordance with the plans date stamp received on 31 August 2007 subject to the following conditions:

- 1. 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.*
- 2. 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*

18 September 2007

MINUTES

- licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
3. *the proposed garage and front fence are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*
 4. *all stormwater 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. *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

Discussion regarding the modifications to the fence focused on the concern that raising the height of the fence next to Marmion Street would detract from the appearance and views of the house from the street.

The applicant has subsequently submitted drawings and photographs, which illustrate the impact of the changes to the fence on the property.

The attached drawings and photographs are submitted to Council in support of the modifications to the front fence.

It is recommended that the Committee's recommendation to Council include the following discretion:

"variation to the permeability of the portion of the front fence above 1.2m high facing Marmion Street pursuant to Local Planning Policy 143 from 60% to 0%;"

Mr Keenan & Ms Neil-Kappelle (owners) addressed the meeting in support of their proposal.

Cr Dobro – Cr Olson

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

- (a) **variation to the west side boundary setback pursuant to the Residential Design Codes from 7.5m to 2.114m**
 - (b) **variation to the permeability of the portion of the front fence above 1.2m high facing Marmion Street pursuant to Local Planning Policy 143 from 60% to 0%;**
 - (c) **variation to the permeability of the portion of the front fence above 1.2m high facing Oakover Street pursuant to Local Planning Policy 143 from 60% to 30%;**
- for the construction of a double garage and replacement front fence at No. 88 (Lot 306) Oakover Street, East Fremantle in accordance with the plans date stamp received on 31 August 2007 subject to the following conditions:**

1. **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.**

18 September 2007

MINUTES

2. 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.
3. the proposed garage and front fence are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater 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. 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) Council granted discretion to the front fence along Marmion Street as the existing residence is still visible from the street.
- (b) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (c) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (d) 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**293.2 T90.4 Angwin Street No 13 (Lot 4)**

An email from K McPhail and a letter from S Booth, referred from Correspondence (MB Ref 291.1 & 291.2), were tabled.

The following addition information from the Acting Town Planner was considered:

Pursuant to further consideration of the Committee's recommendation and recent officer level discussion, it is suggested that the following recommendation would better reflect the intent of the originally proposed officer recommendation:

That:

1. Council refuses to amend its Planning Approval dated 2 March 2004 for the removal of rear balcony screens for the following reasons:
 - (a) non compliance with the Acceptable Development criteria given in section 3.8.1 of the R Codes
 - (b) non compliance with clauses 10.2(a), 10.2(c), 10.2(j), 10.2(o), 10.2(p) and 10.2(z) of the Town of East Fremantle Town Planning Scheme No 3
2. Pursuant to Town Planning Scheme No 3 sub-clause 8.4.1 Council grant planning approval for modifications to the front fence at 13 Angwin Street in accordance with the plans date stamp received on 31 August 2007 subject to the following conditions:
 - (a) a retrospective acknowledgement being obtained from Council's Building Surveyor for the unauthorised works to the front fence.
 - (b) the applicant/owner is to provide screening along the south side boundary in the front setback to the satisfaction of Council; and
 - (c) 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 of Council does not include acknowledgement or approval of any other unauthorised development which may be on the site.

18 September 2007

MINUTES

- (b) a copy of the approved plans as stamped by Council are attached and the application for a retrospective acknowledgement is to conform with the approved plans unless otherwise approved by Council.
- (c) in regard to the condition relating to the finish of the neighbour's side of the boundary wall for the rubbish bin recess area it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.

Mr & Mrs McPhail (neighbours) addressed the meeting strongly opposing the relaxation of the condition relating to screening of balconies at 13 Angwin Street and setting out aspects of the new residence which severely impact on their privacy.

Mrs Booth (applicant) addressed the meeting in support of her request and assured Council that she wished to work with the neighbours to solve the issues raised.

Cr Dobro – Cr Ferris**That:**

1. Council refuses to amend its Planning Approval dated 2 March 2004 for the removal of rear balcony screens for the following reasons:
 - (a) non compliance with the Acceptable Development criteria given in section 3.8.1 of the R Codes
 - (b) non compliance with clauses 10.2(a), 10.2(c), 10.2(j), 10.2(o), 10.2(p) and 10.2(z) of the Town of East Fremantle Town Planning Scheme No 3
2. Pursuant to Town Planning Scheme No 3 sub-clause 8.4.1 Council grant planning approval for modifications to the front fence at 13 Angwin Street in accordance with the plans date stamp received on 31 August 2007 subject to the following conditions:
 - (a) a retrospective acknowledgement being obtained from Council's Building Surveyor for the unauthorised works to the front fence.
 - (b) the applicant/owner is to provide screening along the south side boundary in the front setback to the satisfaction of Council; and
 - (c) 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 of Council does not include acknowledgement or approval of any other 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 retrospective acknowledgement is to conform with the approved plans unless otherwise approved by Council.*
- (c) *in regard to the condition relating to the finish of the neighbour's side of the boundary wall for the rubbish bin recess area it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

CARRIED

293.3

T90.6 Canning Highway No 253 (Lot 351)

The following additional information was provided by the Acting Town Planner:

The Town Planning & Building Committee recommended:

"That the application for signage on the building at No. 253 (Lot 351) Canning Highway, East Fremantle be deferred to allow discussions to take place with the applicant/s regarding a more acceptable proposal."

The applicant subsequently emailed a modified signage plan, which substantially reduces the amount of signage fixed to the upper facia of the building, and if the ground level sign (black with Acton gold lettering) is removed, in the view of the writer is a much better result.

18 September 2007

MINUTES

Initially it was felt that the flag-pole should be removed, however as this is an integral part of the original building is considered appropriate to retain.

It is therefore recommended that Council make the following decision:

That Council grants approval for the fixing and painting of signage to the front of the building at No. 253 (Lot 351) Canning Highway, East Fremantle in accordance with the signage plan date stamp received on 12 September 2007 subject to the following conditions:

- 1. prior to the issue of a Sign Licence the applicant is to submit amended signage plans which remove the black with gold lettering ground level sign next to the west side property boundary.*
- 2. The flag pole can remain however it is not to be used for advertising purposes however national flags, club flags etc may be flown on special occasions.*
- 3. 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.*
- 4. the proposed works are not to be commenced until Council has received an application for a Sign Licence and the Sign Licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
- 5. this planning approval to remain valid for a period of 24 months from date of this approval.*

Mr Hewitt (applicant) addressed the meeting in support of his amended proposal.

Cr Ferris – Cr Martin

That Council grants approval for the fixing and painting of signage to the front of the building at No. 253 (Lot 351) Canning Highway, East Fremantle in accordance with the signage plan date stamp received on 12 September 2007 subject to the following conditions:

- 1. the flag pole can remain however it is not to be used for advertising purposes however national flags, club flags etc may be flown on special occasions.*
- 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 Sign Licence and the Sign Licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
- 4. this planning approval to remain valid for a period of 24 months from date of this approval.*

Amendment

Mayor O'Neill – Cr Olson

That Condition 1 of the proposed motion read:

- 1. *The flag pole can remain.***

THE AMENDMENT WAS CARRIED AND FORMS PART OF THE MOTION

The motion, as amended, was put.

18 September 2007

MINUTES**Cr Ferris – Cr Martin**

That Council grants approval for the fixing and painting of signage to the front of the building at No. 253 (Lot 351) Canning Highway, East Fremantle in accordance with the signage plan date stamp received on 12 September 2007 subject to the following conditions:

1. the flag pole can remain.
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 Sign Licence and the Sign Licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. this planning approval to remain valid for a period of 24 months from date of this approval.

CARRIED**293.4 Town Planning & Building (Private Domain) Committee – 11 September 2007 - Adoption****Cr Ferris – Cr Wilson**

That the recommendations contained in the Minutes of the Town Planning & Building (Private Domain) Committee meeting held on 11 September 2007 be adopted except for the recommendations pertaining to the following, which will be considered separately or have already been dealt with

T90.3	MB Ref 293.1	Oakover Street No 88 (Lot 306)
T90.4	MB Ref 293.2	Angwin Street No 13 (Lot 4)
T90.6	MB Ref 293.3	Canning Highway No 253 (Lot 351)
T90.7	MB Ref 293.5	May Street No 22 (Lot 67)

CARRIED**293.5 T90.7 May Street No 22 (Lot 67)****Cr Martin – Cr Wilson**

That the matter be deferred to allow the applicant to work with Council officers to address some of the Town Planning & Building Committee's concerns. CARRIED

The Acting Town Planner left the meeting at 7.40pm.

294. FINANCE ITEM**294.1 Accounts for Payment**

By John Roberts, Executive Manager Finance & Admin on 17 September 2007

PURPOSE

To endorse the list of payments for the period 1 August 2007 to 31 August 2007.

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 August 2007 and ending 31 August 2007 require endorsement by the Council.

18 September 2007

MINUTES**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the period beginning 1 August 2007 and ending 31 August 2007 be received, as per the following table:

<i>August 2007</i>		
Voucher Nos	Account	Amount
2943 – 2975	Municipal (Cheques)	\$57,560.61
EFT8270 – EFT8374	Electronic Transfer Funds	\$383,149.81
Payroll	Electronic Transfer Funds	\$128,404.29
	Municipal Total Payments	\$569,114.71

Cr Ferris – Cr Martin

That the List of Accounts for the period beginning 1 August 2007 and ending 31 August 2007 be received. CARRIED

294.2

Monthly Financial Report for Period Ending 31 July 2007

By John Roberts Executive Manager Finance & Admin on 15 August 2007

PURPOSE

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

BACKGROUND

The monthly financial statements for the period ending 31 July 2007 are appended and include the following:

- Capital Works/Major Capital Project Status Report
- Monthly Statement of Financial Activity
- Management Schedules Report
- Schedule of Investments
- Schedule of Rating information

ATTACHMENTS

The attached Management Statements are 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 explanatory information on the attached financial information:

1. **Capital Works/Major Capital Project Status Report**
This report details Council's capital projects with the following information:
 - A timeline showing the estimated completion date.
 - Who the responsible Officer is.
 - The current status in the detail section of the report.
 - The budget and actual expenditure.
2. **Monthly Statement of Financial Activity (Appendix 1)**
This information is in line with statutory requirements.

3. **Management Schedules (Appendix 2)**
This report shows all income and expenditure accounts throughout the schedules. If income/expenditure was allocated evenly, then 8.33% of the budget would be expended.
4. **Schedule of Investments (Appendix 3)**
The information provides Council with details of Municipal, Trust and Reserve Fund balances and a summary of investments held by Council. The report also shows the investments that are redeemed during each month.
5. **Schedule of Rating Information (Appendix 4)**
This report details rates raised and received.

Statutory Requirements

Local Government Act 1995 (As amended)

Local Government (Financial Management Regulations 1996 (As amended)

Relevant Council Policies

Significant accounting policies adopted by Council on an annual basis. These are included in the Statutory Reports submitted to Council on a monthly basis

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The Monthly Financial Statements show Councils income and expenditure in line with budget estimates.

Conclusion

The attached Management Accounts for the period 1 July 2007 to 31 July 2007 are presented to the Council for information.

RECOMMENDATION

That the Monthly Statement of Financial Activity for the period ending 31 July 2007 be received.

Cr Ferris – Cr OlsonThat the Monthly Statement of Financial Activity for the period ending 31 August 2007 be received. CARRIED**295. REPORTS OF CHIEF EXECUTIVE OFFICERS****295.1 Brief Reports of Chief Executive Officer***By Stuart Wearne, Chief Executive Officer, on 14 September 2007***(A) 2007 Election Results**

The results of the above elections are attached.

ATTACHMENT

Mayor elect Alan Ferris, returning Councillor elect Maria Rico and newly elected Councillors David Arnold, Cliff Collinson and Barry de Jong are all congratulated and in the case of the new elected members welcomed on board.

It is proposed that a Special Council Meeting be held on either Monday, 22 October or Tuesday, 23 October to provide for the swearing in of the elected members, appointment of Committees, delegates to external Committees etc.

RECOMMENDATION

That a Special Council Meeting be held on Monday, 22 October 2007 to provide for the swearing in of elected members, appointment of Committees etc.

ALTERNATIVE RECOMMENDATION

That a Special Council Meeting be held on Tuesday, 23 October 2007 to provide for the swearing in of elected members, appointment of Committees etc.

Cr Dobro – Cr Ferris

That a Special Council Meeting be held on Monday, 22 October 2007 to provide for the swearing in of elected members, appointment of Committees etc. CARRIED

(B) George Street Works

The George Street drainage/road works are due to commence on Monday, 17 September.

A copy of the letter which has been delivered to Hubble Street residents regarding works at the George and Hubble Street intersection is attached. **ATTACHMENT**

RECOMMENDATION

That the information be received.

Cr Ferris – Cr Olson

That the information be received. CARRIED

296. CONFIDENTIAL BUSINESS

Nil.

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

297.1 Mayor O'Neill - Hamilton Street Footpath

"Council request from the Chief Executive Officer a brief report regarding kerbing in Hamilton Street that was part of the Hamilton Street footpath upgrade."

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 7.45pm

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 18 September 2007, Minute Book reference 280. to 299. were confirmed at the meeting of the Council on
.....

Presiding Member