



**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS,  
ON TUESDAY, 15 SEPTEMBER 2009 COMMENCING AT 6. 37PM.**

**268. DECLARATION OF OPENING OF MEETING**

The Deputy Mayor (Presiding Member) declared the meeting open.

**268.1 Present**

Deputy Mayor S Dobro      Presiding Member  
Cr C Collinson  
Cr D Nardi  
Cr R Olson  
Cr M Rico  
Cr A Wilson  
Mr S Wearne                      Chief Executive Officer  
Mr J Roberts                      Executive Manager Finance & Administration to 8.45pm  
Mr C Warrener                    Town Planner to 8.15pm  
Mrs P Cooper                      Minute Secretary to 8.45pm

**269. ACKNOWLEDGEMENT OF COUNTRY**

Deputy Mayor Dobro 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."*

**270. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**

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

**271. RECORD OF APPROVED LEAVE OF ABSENCE**

Nil.

**272. RECORD OF APOLOGIES**

Mayor Alan Ferris  
Cr Barry de Jong

**273. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**274. PUBLIC QUESTION TIME**

Nil.

**275. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Dobro sought leave of absence for the 1<sup>st</sup> meeting in October (ie 6 October).

Cr Olson – Cr Rico

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

CARRIED

**276. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**276.1 Council Meeting – 1 September 2009**

Cr Nardi – Cr Collinson

That the Minutes of the Council Meeting held on 1 September 2009 be confirmed.

CARRIED



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**277. ANNOUNCEMENTS BY ACTING MAYOR WITHOUT DISCUSSION****277.1 2009 Environmental Community Grants**

The Acting Mayor read a letter recently received from the Minister for Environment, Hon Donna Faragher JP MLC, advising Council of the success of its application for an Environmental Community Grant to assist with funding for the revegetation of John Tonkin Reserve following the removal of the noxious invasive plant *Juncus acutus* which had become widespread.

The letter read in part:

*"Dear Ms Cocks*

*...The release of this funding is the first stage in delivering the State Government's pre-election commitment to provide \$6m over four years to support community based work that benefits the Western Australian environment.*

*This current round of funding is providing a total of \$1.53m.*

*I greatly appreciate the important conservation work undertaken by individuals and community organisations, and I am delighted to advise that your project has been granted funding of \$20,000 towards the costs identified in your application for the 2009 grants program..."*

The Deputy Mayor thanked Shelley Cocks and the CEO for their work and success in obtaining this grant.

**277.2 Historical Research**

The Acting Mayor read a thank you note to Deborah Elliott from Mr Brendon Abbott for the detailed information Ms Elliott provided following a request for historical information regarding a George Street boot maker.

**277.3 Cr Dobro – Retirement from Council**

The Acting Mayor advised that it would be her last Council meeting. The Acting Mayor thanked the Chief Executive Officer and his staff for their assistance and support over the last four & half years. Cr Dobro thanked her Council colleagues and the Mayor for their support and advised that she felt she had grown both personally and professionally and took the opportunity to congratulate her colleagues who had renominated.

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

Nil.

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

Nil.

**280. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)****280.1 T82.7(a) & (b) Locke Crescent No. 21 (Survey Strata Lots 1 & 2)**

*Emails from Peter D Webb & Associates and Brent de Pledge asking that the matter be withdrawn from the Council agenda as the Pietroniros have decided to provide perspective drawings as requested at the Town Planning & Building Committee meeting held on 8 September 2009.*

**Cr Olson – Cr Rico**

**That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 282.4).**

CARRIED



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**281. ORDER OF BUSINESS****Cr Olson – Cr Rico**

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

**282. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**

*The Chief Executive Officer, Mr Stuart Wearne, left the meeting at 6.45pm.*

**282.1 T82.4 Sewell Street No. 13 (Lot 224)**  
**Applicant & Owner: Timothy Hall**  
**Application No. P100/2009**

Revised options relating to the carport addition were tabled.

**ATTACHMENT**

Mr John Monaghan (owner) addressed the meeting in support of the development proposal advising that his preference is for the original application as it is visually more in keeping with the existing residence. Mr Monaghan also advised that it was their intention to install a sliding gate.

Discussion ensued on the carport addition with the Town Planner stating that it would be his preference for the original submission as it was more integral with the residence.

*The Chief Executive Officer, Mr Stuart Wearne, returned to the meeting at 6.50pm.*

**Cr Collinson – Cr Nardi**

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

- (a) variation to the south side boundary setback pursuant to the Residential Design Codes for a pantry and a kitchen from 1m to 0.5m and from 1.5m to 1.2m respectively;
- (b) variation to the east side (front) boundary setback for a carport pursuant to the Residential Design Codes from 6m to 5m;
- (c) variation to Local Planning Policy 142 to permit an additional boundary wall up to 3.6m high for the carport;

for the construction of renovations and extensions to the single storey house at No. 13 (Lot 224) Sewell Street, East Fremantle comprising:

- a kitchen, dining/living room and alfresco linking an existing 2-storey studio at the rear;
  - extend the verandah at the front to create a carport on the north side;
  - extend the roof out over the shower on the north side behind a parapet wall;
- in accordance with the plans date stamp received on 19 August 2009 subject to the following conditions:

1. the building previously approved by Council for use as a studio in the south west corner of the property and now proposed to be an integral part of the house is not to be rented for habitation purposes.
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.

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5. the proposed extensions 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. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

CARRIED

282.2

**T82.5 View Terrace No. 5 (Lot 241)**

**Applicant: Riverstone Construction Co.**

**Owner: Stephen & Katherine Gooderson**

**Application No. P105/2009**

The following memo from the Town Planner was circulated prior to the meeting:

*"On 8 September 2009 the Town Planning & Building Committee considered an application by home-builder "Riverstone" for a 2-story house at 5 View Terrace.*

*The Committee has recommended the application and the applicant has submitted the attached additional information to hi-light the difference between the proposed front setback and the setback that was approved by Council in May 2008.*

*The proposal now before Council is for an increased front setback, and the minor incursion by the upper floor alfresco/balcony is within the limits defined by the relevant acceptable development provisions under the Residential Design Codes."*

**ATTACHMENT**

Mr Colin Johnston (adjoining neighbour) addressed the meeting on issues pertaining to the proposed intrusion into the front setback and subsequent loss of amenity in terms of views to the west. Mr Johnston stated that if the development was set back it would be more sympathetic with the remainder of the street.



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Mr David Michelin (Designer – Riverstone) and Ms Diane Wainwright (Design Consultant – Riverstone) addressed the meeting in support of the proposed development. They stated that a prior approval for development on the subject lot was still current and that in their view this revised proposal was a better outcome.

**RECOMMENDATION TO COUNCIL****Cr Olson – Cr Wilson****That Council exercise its discretion in granting approval for the following:**

- (a) variation to wall height along the west side pursuant to Local Planning Policy 142 from 5.6m to 6m;**
- (b) variation to wall height along the north side pursuant to Local Planning Policy 142 from 5.6m to 5.9m;**
- (c) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 25°38'28";**
- (d) variation to the cone of vision setback for an upper floor kitchen on the east side pursuant to the Residential Design Codes from 6m to 4m;**
- (e) variation to the cone of vision setback for an upper floor study on the west side pursuant to the Residential Design Codes from 6m to 4.2m;**
- (f) variation to the setback for an unscreened upper floor alfresco on the east side pursuant to the Residential Design Codes from 7.5m to 1.5m;**
- (g) variation to the setback for an unscreened balcony on the west side pursuant to the Residential Design Codes from 7.5m to 5.45m;**

**for the construction of a rendered brick & colorbond roofed 2-storey house at No. 5 (Lot 241) View Terrace, East Fremantle comprising:**

**Ground floor: Double garage & store, entry, 4 bedrooms, 2 bathrooms, laundry, family room & patio;**

**First floor: Main bedroom with en-suite, kitchen, dining, living room, study and balcony with alfresco area.**

**in accordance with the plans date stamp received on 27 July 2009 subject to the following conditions:**

- 1. this approval does not include approval for the double crossover (Condition (10) and Footnote (a) refer).**
- 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 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.**
- 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. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar)**

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is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

9. 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.
10. 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.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *in regard to the width of the crossover the applicant is advised to liaise with the Chief Executive Officer;*
- (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) *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.*
- (e) *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).*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Rico made the following impartiality declaration in the matter of 4 Preston Point Road: "As a consequence of the applicant, Father Paul Baczynski, 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".

**282.3      T82.6 Preston Point Road No. 4 (Lot 213)**  
**Applicant: Fr Paul Baczynski**  
**Application No. P103/2009**

"With regard to the following memo I disclose that I have an association with the applicant, with the nature of the association being that it has been arranged that the applicant, Father Paul Baczynski, will baptise my son Mark at a date to be arranged.

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I have considered this matter on its merits and made my report and recommendations accordingly."



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The following memo from the Town Planner was circulated prior to the meeting:

*On 8 September 2009 the Town Planning & Building Committee considered an application by Cross Roads Community Inc. to permit the additional non-conforming use "associated overnight accommodation". The recommendation to Council states:*

*"That subject to consideration of any comments received from members of the public prior to and during the Committee and Council meetings that Council exercise its discretion in granting approval for a change to the non-conforming use of No. 4 (Lot 213) Preston Point Road, East Fremantle from individual and group counselling, workshops and retreats, yoga, meditation, painting, sculpture and ceramics, movement therapy, and excluding any use or activity in the category of "amusement" or entertainment to include associated overnight accommodation subject to the following conditions:*

- 1. this approval is valid for a period of 12-months subject to the Chief Executive Officer in consultation with relevant officers undertaking a review of the current operations within six months from date of approval taking into account comments from members of the public.*
- 2. following expiry of the 12-month approval period Council's further approval is required for the ongoing use of the property for "associated overnight accommodation" subject to no adverse comment being received.*
- 3. application for ongoing use of the property for "associated overnight accommodation" to be made prior to the expiry date of this approval."*

*It is now apparent pursuant to advice received from the applicants that the accommodation is proposed to be for more than one night, possibly for up to 12-months therefore this aspect of the recommendation to Council needs to be addressed before Council makes a decision on the application.*

*In the opinion of the town planner the longer term accommodation is considered better because it will result in less disruption in terms of "comings and goings", and be more akin to "normal" residential habitation on a Residential zoned property. 4 Preston Point Road is zoned Residential under TPS 3.*

*Council received 2 submissions immediately following the Committee meeting from the property owners immediately south of the subject property, from Mr & Mrs Cook, and from Mr & Mrs Ciccarelli (owners of 158A & 158B Canning Highway).*

*The applicant has responded to these submissions, and has also written to the owner of a third adjoining property at 156 Canning Highway – Betty Christian, who spoke at the Committee meeting.*

*Copies of the submissions and the applicant's response are attached.*

*If Council decides to support this application then the following amended recommendation is submitted for consideration:*

**RECOMMENDATION TO COUNCIL**

*That Council exercise its discretion in granting approval for a change to the non-conforming use of No. 4 (Lot 213) Preston Point Road, East Fremantle from individual and group counselling, workshops and retreats, yoga, meditation, painting, sculpture and ceramics, movement therapy, and excluding any use or activity in the category of "amusement" or entertainment to include associated accommodation subject to the following conditions:*

- 1. this approval is valid for a period of 12-months subject to the Chief Executive Officer in consultation with relevant officers undertaking a review of the current operations within six months from date of approval taking into account comments from members of the public.*
- 2. following expiry of the 12-month approval period Council's further approval is required for the ongoing use of the property for "associated accommodation" subject to no adverse comment being received.*
- 3. application for ongoing use of the property for "associated accommodation" to be made prior to the expiry date of this approval.*

**ATTACHMENT**



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Cr Olson – Cr Nardi

That Council exercise its discretion in granting approval for a change to the non-conforming use of No. 4 (Lot 213) Preston Point Road, East Fremantle to include associated accommodation subject to the following conditions:

1. this approval is valid for a period of 12-months subject to the Chief Executive Officer in consultation with relevant officers undertaking a review of the current operations within six months from date of approval taking into account comments from members of the public.
2. following expiry of the 12-month approval period Council's further approval is required for the ongoing use of the property for "associated accommodation" subject to no adverse comment being received.
3. application for ongoing use of the property for "associated accommodation" to be made prior to the expiry date of this approval. CARRIED

Cr Nardi made the following impartiality declaration in the matter of 21 Locke Crescent: "As a consequence of the applicant, 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".

**282.4 (A) T82.7(a) Locke Crescent No. 21 (Survey Strata Lot 1)**

**Applicant: De Pledge Design**  
**Owner: Pietro & Rosanna Pietroniro**  
**Application No. P60/2009**

**(B) T82.7(b) Locke Crescent No. 21 (Survey Strata Lot 2)**

**Applicant: De Pledge Design**  
**Owner: Pietro & Rosanna Pietroniro**  
**Application No. P60/2009**

Correspondence referred from MB Ref. 280.1 was tabled.

Cr Nardi – Cr Wilson

That the application for the construction of two x 2-storey houses at No. 21 Locke Crescent, East Fremantle be deferred to allow the applicant the opportunity to produce a 3D modelling perspective as a final attempt to persuade elected members that the concerns in relation to bulk and scale have been addressed.

CARRIED UNANIMOUSLY**282.5 EN BLOC RECOMMENDATION**

Cr Nardi – Cr Olson

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

CARRIED

Cr Nardi – Cr Olson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 8 September 2009.

CARRIED**(A) T82.3 Fraser Street No. 48 (Lot 7)**

**Applicant: M Burt T/a Landscraft**  
**Owner: BD & JM Joyce**  
**Application No. P101/2009**

That Council exercise its discretion in granting approval for a variation Local Planning Policy 143 – Fencing to permit sections of a limestone boundary fence along the north and west sides to vary up to 3m high at No. 48 (Lot 7) Fraser Street, East Fremantle in accordance with the plans date stamp received on 27 July 2009 subject to the following conditions:

1. this approval is not for a proposed shed and proposed gazebo as shown on the submitted plans;



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2. the section of boundary fence in the front setback is to comply with Local Planning Policy 143 – Fencing in regard to the infill panels being 60% visually permeable;
3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

- (B) **T83.1 George Street No. 69 (Lot 237)**  
**Applicant & Owner: Ian Ricciardi**  
**Application No. P88/2009**

That Council exercise its discretion in granting approval for the unauthorised existing use of No. 69 (Lot 237) George Street, East Fremantle as an "Office" and "Shop" selling frozen seafood at wholesale prices pursuant to Clause 8.4 of Town Planning Scheme No 3 subject to the following conditions:

1. Premises to comply with the requirements of the Health (Food Hygiene) Regulations 1993 and Food Safety Standard 3.2.1. In the event of a discrepancy between the Regulation and the Standard, the regulations will apply.
2. Every window, doorway and other external opening in food handling premises to be protected in such a manner as will exclude as far as practicable, flies and other flying insects, i.e. by the provision of air curtains, fly-wire screens to openings, or other approved devices.
3. Hand-wash basin(s) to be provided in the premises. An adequate constant piped supply of hot and cold water to be connected to each basin,



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discharging via a common spout. Hand basin to be operated by means other than by hand (i.e. foot or elbow taps):

- (a) Provide tiling over sinks and hand wash basins to height of 450mm.
  - (b) The splashback area of all sinks and hand wash basins to be tiled to a height of 450mm and for the full width of the fittings.
  - (c) Provide a liquid soap and disposable paper towel dispenser adjacent to each hand wash basin.
4. This approval is for the use Office and Shop for the purpose of selling only frozen seafood.

**Footnote**

***Mandatory notification of food premises applies to all premises selling foods. Please complete attached form and return to Councils Principal Environmental Health Officer.***

- (C) ***T83.2 Oakover Street No. 87 (Lot 500)***  
***Applicant & Owner: Christine Hibben***  
***Application No. P102/2009***

That Council exercise its discretion in granting approval for a Home Occupation at No. 87 (Lot 500) Oakover Street, East Fremantle comprising a natural therapies treatment service in accordance with the application date stamp received on 27 July 2009 subject to the following conditions:

1. the home occupation is not to employ any person not a member of the occupier's household.
2. the home occupation is not to display a sign exceeding 0.2 square metres.
3. the home occupation is not to involve the retail sale, display or hire of goods of any nature.
4. this approval is valid for 12 months after which Council will consider, subject to receipt of the required renewal fee, extending the term of the approval, and subject to any submissions it may receive in the interim.

- (D) ***T83.3 Dalgety Street No. 33 (Lot 63)***  
***Applicant & Owner: Leona Vivian***  
***Application No. P97/2009***

That Council grants approval for additions to the single storey house at No. 33 (Lot 63) Dalgety Street, East Fremantle comprising:

**Ground floor:** remove timber garage, pond & shed on the south side & build a double garage & store, new kitchen, pantry, entry, bathroom, laundry, toilet, dining room, and roofed outdoor alfresco;

**First floor:** 2 bedrooms, en-suite, sitting room, linen closet, and built-in-robos. in accordance with the plans date stamp received on 1 September 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.

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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 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 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.*

**(E) T83.4 Local Planning Policy No. 142 (LPP 142) - Amendment**

That Council resolves to adopt Local Planning Policy 142 to include the following wording under Part 2 - Streetscape:

- (ii) *Notwithstanding (i) above, garages and/or carports are to be located at or behind the main building line of the house on the property."*

*The Town Planner, Mr Chris Warrener, left the meeting at 8.15pm.*

**283. FINANCE****283.1 Monthly Financial Activity Statement for Period Ending 31 July 2009**

*By John Roberts Executive Manager Finance & Administration on 11 September 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 31 July 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 July 2009 year to date report shows an overall actual surplus of \$5,535,773 compared to the year to date budget of \$5,431,292.

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 2009/10 as it is used to fund expenditure providing works and services..

The variance of \$104,482 can be analysed as follows:

- The YTD actual Operating Revenue is \$5,105,994 compared to the YTD budget of \$5,087,844, a favourable variance of \$18,100. The variance is due primarily to the receipt of HACC services grant earlier than anticipated.
- The YTD actual Operating Expenditure is \$420,829 compared to the YTD budget of \$575,011, a favourable variance of \$154,182. The variance is due primarily to lower than anticipated expenditure on roads, parks & reserves maintenance; town planning and governance operating costs offset by a higher than anticipated level of HACC expenditure.
- The YTD actual Capital Expenditure is \$6,509 when compared to the YTD budget of \$0 an unfavourable variance of \$6,509. The variance is due to commencement of upgrade works in Lee Park earlier than budgeted.

#### **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 July 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 2009 to 31 July 2009 be presented to the Council for information.

15 September 2009

## MINUTES

**RECOMMENDATION**

That the Financial Activity Statement for the period ending 1 July 2009 to 31 July 2009 be received.

**Cr Olson – Cr Rico**

**That the Financial Activity Statement for the period ending 1 July 2009 to 31 July 2009 be received.** CARRIED

283.2

**Accounts for Payment**

*By John Roberts, Executive Manager Finance & Administration on 10 September 2009*

**PURPOSE**

To endorse the list of payments for the periods 1 August 2009 to 31 August 2009.

**BACKGROUND**

It is a requirement of the Financial Management Regulations that the monthly Accounts for Payment are endorsed by the Council. The Lists of Accounts is attached.

**ATTACHMENT****REPORT****Comments/Discussion**

The List of Accounts for the period beginning 1 August 2009 and ending 31 August 2009 require endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the periods beginning 1 August 2009 and ending 31 August 2009, be received, as per the following tables:

<i>August 2009</i>		
Voucher No's.	Account	Amount
3605-3665	Municipal (Cheques)	\$23,154.36
EFT10931 – EFT11043	Electronic Transfer Funds	\$318,045.83
Payroll	Electronic Transfer Funds	\$119,965.45
	<b>Municipal Total Payments</b>	<b>\$461,165.64</b>

**Cr Collinson – Cr Nardi**

**That the List of Accounts for the periods beginning 1 August 2009 and ending 31 August 2009 be received.**

<i>August 2009</i>		
Voucher No's.	Account	Amount
3605-3665	<b>Municipal (Cheques)</b>	<b>\$23,154.36</b>
EFT10931 – EFT11043	<b>Electronic Transfer Funds</b>	<b>\$318,045.83</b>
Payroll	<b>Electronic Transfer Funds</b>	<b>\$119,965.45</b>
	<b>Municipal Total Payments</b>	<b>\$461,165.64</b>

CARRIED

15 September 2009

MINUTES

**284. CONFIDENTIAL BUSINESS****Cr Olson – Cr Nardi****That the following matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) and 5.23 (2)(e) of the Local Government Act. CARRIED**

*Following a request for advice from the CEO, Cr Collinson declared an interest in the following item as the rear of his property abuts the driveway of the subject property.*

*Prior to leaving the meeting, Cr Collinson sought permission to be present during subsequent discussion on the matter, as he considered his interest to be trivial and insignificant, however not to speak or vote on the item,*

*Cr Collinson left the meeting at 8.21pm.*

**Cr Olson – Cr Rico****That Cr Collinson be permitted to be present during subsequent discussion on the item, however not to speak or vote on the item. CARRIED**

*Cr Collinson returned to the meeting at 8.25pm.*

**284.1 128 & 128A George Street**

A report prepared by the Executive Manager Finance & Administration was circulated prior to the meeting.

**Cr Olson – Cr Rico****That Council delegate to the Chief Executive Officer the authority to:**

- 1. Notify the relevant parties lodging expressions of interest on 11 May 2009 that they have been unsuccessful.**
- 2. Progress discussions with the City of Fremantle for a lease of up to one year under which the Toy Library may be operated.**
- 3. Advertise for further expressions of interest from parties interested in a minimum lease period of five years. CARRIED**

**ABSOLUTE MAJORITY RESOLUTION**

*It should be noted that Cr Collinson, although present during discussion, neither spoke nor voted on the item.*

**285. OPENING OF MEETING TO PUBLIC****Cr Olson – Cr Nardi****That the meeting be reopened to members of the public. CARRIED**

*The Executive Manager Finance & Administration, Mr John Roberts and Minute Secretary, Mrs Peta Cooper left the meeting at 8.45pm.*

**286. REPORTS OF CHIEF EXECUTIVE OFFICER****286.1 Local Government Reform**

The Chief Executive Officer provided an update on the current situation, in particular:

- (i) The submission due 30 September 2009.
- (ii) The mailed community survey of every adult resident and non-resident ratepayer, which the addressees received today.
- (iii) A report from Queensland which states that local government in Queensland is perceived by the public to be operating at its' lowest level since the introduction of Community Satisfaction tracking Studies in 1997 and that the negative result is being primarily attributed to the earlier amalgamations.

- (iv) The 24 July "hotline" setup by WALGA and Local Government Insurance Services, to provide professional support, counselling and advice to local government staff and elected members, with respect to the current stress and uncertainty surrounding structural reform.

**286.2 Council Elections 2009**

The Chief Executive Officer provided the following report on the outcome of close of nominations.

Nominations had closed at 4.00pm on 10 February 2009.

The outcome was as follows:

- (i) One nomination, received at approximately 3.59.30 seconds, was not accepted, due to being found incomplete when checked by the Returning Officer after 4.00pm.
- (ii) Alan Ferris was declared elected unopposed as Mayor, by the Returning Officer.
- (iii) Richard Olson was declared elected unopposed as Councillor for Richmond Ward, by the Returning Officer.
- (iv) Alex Wilson was declared elected unopposed as Councillor for Preston Point Ward, by the Returning Officer.
- (v) Following a ballot conducted by the Returning Officer:
  - Robert Lilleyman was declared elected unopposed as Councillor for Plympton Ward, for a four year term.
  - Sian Martin was declared elected unopposed as Councillor for Plympton Ward, for a two year term.
- (vi) There being two nominations for the four year vacancy in Woodside Ward, a ballot was conducted by the Returning Office for positions on the ballot paper, with the result that the first position on the ballot paper will be filled by Dean Furness and the second position on the ballot paper will be filled by Dean Nardi.

The election will be held on Saturday 17 October 2009, with the poll closing at 6.00pm.

The Chief Executive Officer noted an Officer of the Department of Local Government had rung the Council the morning after close of nominations to check the outcome of nominations. The Chief Executive Officer believed the call was in relation to assessing whether amalgamation concerns had affected nominations.

On a related issue the Chief Executive Officer drew attention to an article which appeared in the "Fremantle Gazette" on 8 September 2009.

The article concerned differing aspects of postal versus in-person elections, in particular the cost and effect on voter turnout of the respective types at elections.

In the article the City of Fremantle Chief Executive Officer Shayne Silcox is quoted as saying:

"The cost is similar, however postal voting achieves much higher participation by electors".

With respect to the first statement the Chief Executive Officer advised the State Electoral Commission had quoted \$21,000 to conduct the Town of East Fremantle election, whereas costs of the Town conducting the election themselves had been estimated at approximately \$3000, even if every vacancy had been contested.

15 September 2009

## MINUTES

The Chief Executive Officer understood other local governments in the region which were employing the State Electoral Commissioner to carry out their postal elections had budgeted much higher figures, for example over \$150,000 in the case of one local government, which is a smaller local government than the City of Melville.

On the issue of voter turnout the Chief Executive Officer advised East Fremantle's in-person elections tended to result on a turnout which was on par with average postal vote elections, however stated that it could not be assumed however that a higher vote might not occur with a postal ballot.

The Chief Executive Officer advised he had spoken with an officer of the Department of Local Government, who had undertaken to provide statistics of voter turnouts following the 2009 elections. A review of the statistics would occur, as part of a consideration with respect to future elections with regard to the pros and cons of in-person versus postal vote elections.

**286.3 2 Riverside Road**

The Chief Executive Officer raised the issue of an informal briefing by a representative of prospective purchasers ("prospective" because the offer of sale is reported by the proponents to be conditional on plans being approved by Council by November 17 2009) of this land (the former heritage building having been demolished) as suggested by the Mayor. The representative of the prospective purchasers, Einar Fredriksson, wished to present the building plans to elected members on an informal basis.

The Chief Executive Officer suggested 6.30pm 29 September 2009 would be a suitable time and date. Cr's Rico, Nardi, Olson and Wilson advised they would be able to attend on that date.

Cr Collinson and Cr Dobro indicated they would not be able to attend.

It was resolved to hold the briefing on that date.

**286.4 Development Assessment Panels**

The Chief Executive Officer gave a brief outline of advice received regarding the proposed introduction of Development Assessment Panels.

The Chief Executive Officer advised a further report would be given on this matter in due course when further information came to hand.

**286.5 Royal George**

The Chief Executive Officer provided an update with respect to developments in regard to this planning application.

**286.6 98 King Street**

The Chief Executive Officer advised that the owner had appealed Council's refusal to approve this development, to the State Administrative Tribunal and had engaged Simon Bain in this regard.

**286.7 Cr Dobro**

The CEO noted Cr Dobro's earlier statement that this would be Cr Dobro's last full Council Meeting.

The CEO thanked Cr Dobro for her earlier comments and stated he wished to place on record his acknowledgement and appreciation of Cr Dobro's efforts during her term as Councillor, noting Cr Dobro's high level of commitment and passion for the Town, and her hard work, particularly in the area of Town Planning.

Cr Wilson stated her agreement with the CEO's sentiments and thanked Cr Dobro for the many contributions which she had made to Council.



**287. CONFIDENTIAL BUSINESS**

Cr Olson – Cr Nardi

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

**287.1 Left Bank**

The Chief Executive Officer briefed elected members on developments in relation to progressing the conclusion of this legal matter.

**288. OPENING OF MEETING TO PUBLIC**

Cr Olson – Cr Nardi

That the meeting be reopened to members of the public. CARRIED

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

Nil.

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

Nil.

**291. CLOSURE OF MEETING**

There being no further business, the meeting closed at 9.35pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **15 September 2009**, Minute Book reference **268.** to **291.** were confirmed at the meeting of the Council on*

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*Presiding Member*