



Council Meeting 16 April 2013

MINUTES



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 16 APRIL 2013 COMMENCING AT 6.30PM.

INDEX

- 52. **DECLARATION OF OPENING OF MEETING**
 - 52.1 *Present*
- 53. **ACKNOWLEDGEMENT OF COUNTRY**
- 54. **WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 55. **RECORD OF APPROVED LEAVE OF ABSENCE**
- 56. **RECORD OF APOLOGIES**
- 57. **PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 58. **PUBLIC QUESTION TIME**
- 59. **APPLICATIONS FOR LEAVE OF ABSENCE**
 - 59.1 *Cr Lilleyman*
- 60. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 60.1 *Council Meeting – 19 March 2013*
- 61. **ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
- 62. **QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 63. **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 64. **CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
 - 64.1 *T37.7 Canning Highway No 235 (Lot 1851)*
- 65. **ORDER OF BUSINESS**
- 66. **TOWN PLANNING & BUILDING**
 - 66.1 *T37.3 Pier Street No. 20 (Lot 232)*
Applicant: Solar Dwellings
Owner: K Elks & D Watson
Application No. P112/12



16 April 2013

MINUTES

-
- 66.2 ***T37.4 Hubble Street No 65 (Lot 185)***
Applicant/Owner: Tania & Brian Toole
Application No P195/12
- 66.3 ***T37.5 Fletcher Street 1A (Lot 100)***
Applicant and Owner: Barry & Lynette Toms
Application No: P148/10
- 66.4 ***T37.6 King Street No.15 (Lot 429)***
Applicant: Roberto Carlos DeSousa
Owner: R & M DeSousa
Application No. P5/13
- 66.5 ***T37.7 Canning Highway No. 235 (Lot 1851)***
Applicant: Paintessa Development Pty Ltd
Owner: Paintessa Development Pty Ltd
Application No. P16/13
- 66.6 ***T37.9 Canning Highway No 55 (Lot 1)***
Applicant: Lendis Golic
Owner: L Srhoy
Application No P1/13
- 66.7 ***T37.8 Allen Street No. 28 (Lot 1 SP47255)***
Applicant: Dale Alcock Homes
Owner: I G Handcock
Application No. P146/12
- 66.8 ***T37.10 View Terrace No. 1 (Lot 237)***
Applicant: David Weir for Arccon Mining Services
Owner: Paul Kreppold
Application No. P194/12
67. **CONFIDENTIAL BUSINESS**
- 67.1 ***128 & 128A George Street – Extension of Leasing***
68. **REPORTS OF MANAGER PLANNING SERVICES**
- 68.1 ***East Fremantle Oval Recreation Precinct Community Reference Group***
69. **FINANCE**
- 69.1 ***Monthly Financial Activity Statement for Period Ending 31 March 2013***
- 69.2 ***Accounts for Payment – March 2013***
70. **REPORTS OF ELECTED MEMBERS**
71. **CONFIDENTIAL BUSINESS (CONTINUED)**
- 71.1 ***East Fremantle Oval Dilapidation Survey***
- 71.2 ***80 Canning Highway EH Gray Centre – Leasing Proposal***
- 71.3 ***128 & 128A George Street – Extension of Leasing (Continued)***



16 April 2013

MINUTES

72. REPORTS OF CHIEF EXECUTIVE OFFICER

72.1 Sculptures

73. CONFIDENTIAL BUSINESS (CONTINUED)

73.1 Finalisation of CEO Performance and Remuneration Reviews

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

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

76. CLOSURE OF MEETING

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 16 APRIL 2013 COMMENCING AT 6.30PM.

52. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

52.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Services (to 8.25pm)
Mr K White	Acting Operations Manager (to 8.25pm)
Ms J May	Minute Secretary

53. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

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

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

There were 14 members of the public in the gallery at the commencement of the meeting.

The Mayor introduced elected members and staff.

55. RECORD OF APPROVED LEAVE OF ABSENCE

Cr de Jong.

56. RECORD OF APOLOGIES

Cr Olson

57. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

58. PUBLIC QUESTION TIME

Nil.

59. APPLICATIONS FOR LEAVE OF ABSENCE

59.1 Cr Lilleyman

Cr Lilleyman sought leave of absence for the Council Meetings on 18 June and 16 July 2013.

Cr Collinson – Cr Nardi

That leave of absence be granted to Cr Lilleyman for the Council Meetings on 18 June and 16 July 2013.

CARRIED

16 April 2013

MINUTES

60. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

60.1 Council Meeting – 19 March 2013

Cr Wilson – Cr Nardi

That the Minutes of the Council Meeting held on 19 March 2013 be confirmed.

CARRIED

61. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

64. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

64.1 T37.7 Canning Highway No 235 (Lot 1851)

Paintessa Developments Pty Ltd: Responding to comments submitted from residents regarding the proposed demolition of the shop on the corner of Canning Highway and Irwin Street.

Cr Rico – Cr Martin

That the correspondence from Mr Paino (Paintessa Developments Pty Ltd) be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 64.1).

CARRIED

65. ORDER OF BUSINESS

Cr Nardi – Cr Lilleyman

That the order of business be changed to allow members of the public to speak to planning items.

CARRIED

66. TOWN PLANNING & BUILDING

66.1 T37.3 Pier Street No. 20 (Lot 232)

Applicant: Solar Dwellings

Owner: K Elks & D Watson

Application No. P112/12

Ms Bransby (Planning Consultant) addressed the meeting in support of the Committee's recommendation.

Cr Wilson – Cr Nardi

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

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

- (a) variation to the Acceptable Development Provisions for building height requirements of Policy 142 and the R-Codes; and**
- (b) variation to the Acceptable Development Provisions of visual privacy of the R-Codes;**

for a two storey plus loft single dwelling at 20 (Lot 232) Pier, East Fremantle, as described on the plans date stamped received 13 March 2013 subject to the following conditions:

- 1. Prior to the application for a Building Permit being lodged with the Town, 3 copies of scaled drawing as provided to Council date stamped 13 March 2013 to be provided with the following amendments:**
 - (a) Drying Court screen wall to be setback 1.7 metres from eastern boundary.**



16 April 2013

MINUTES

- (b) Crossover to be a maximum width of 3 metres.
2. Applicant to plant new verge tree to Council specification as a replacement verge tree and maintain that tree for a period of two years, all to the satisfaction of the Chief Executive Officer.
 3. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)*
 4. 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.
 5. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 6. With regard to the plans submitted with respect to the Building Permit 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.
 7. 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 Permit.
 8. 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.
 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 10. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 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) *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 Permit 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 property.*



16 April 2013

MINUTES

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
 - (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
 - (g) *the 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.*
 - (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*
- CARRIED

66.2

T37.4 Hubble Street No 65 (Lot 185)
Applicant/Owner: Tania & Brian Toole
Application No P195/12

The following additional information, provided by the Senior Town Planner, was considered.

"The Town Planning and Building Committee noted the absence of the standard Fremantle Port Authority conditions as recommended for properties located in Area 2 of Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines (see attached). Upon further investigation it is noted that Area 2 of the Fremantle Port Buffer extends from Riverside Road, through to Marmion Street. As such the standard Fremantle Port Authority conditions are also required to be incorporated into the Officer's Recommendation for 65 Hubble Street. The conditions to be incorporated into the three reports are as follows:

1. *Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.*
2. *The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to."*

Mrs Toole (applicant) addressed the meeting regarding possible colours and finishes for the proposal and circulated information regarding same.

Cr Wilson – Cr Rico

The adoption of the Committee's recommendation with the addition of the two conditions relating to the Fremantle Port Buffer.

Amendment

Cr Martin – Cr Lilleyman

That the following additional condition be imposed:

"the applicants to submit a detailed schedule of external colours and materials to the satisfaction of the CEO."

CARRIED

The substantive motion was put.



16 April 2013

MINUTES

Cr Wilson – Cr Rico

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

- (a) variation to the setback requirements of the side setback (northern elevation) – required setback 1.5 metres. Proposed setback 0.6 metres;**
- (b) variation to the setback requirements of the rear setback (western elevation) – required setback 1.0 metre. Proposed setback is Nil;**
- (c) 6.5.1 On-Site parking provision of the Residential Design Codes (Two spaces required. One provided);**
- (d) 6.9.1 Solar access for adjoining sites of the Residential Design Codes; and**
- (e) element 3.7.8 of the Residential Design Guidelines: Roof pitch;**

for two storey additions and alterations to an existing dwelling at 65 (Lot 185) Hubble, East Fremantle, in accordance with the plans date stamp received on 22 March 2013 subject to the following conditions:

- 1. Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.**
- 2. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to.**
- 3. The applicants to submit a detailed schedule of external colours and materials to the satisfaction of the CEO.**
- 4. Original detailing to the front, North, South facade to be repaired/repointed and left exposed along with windows, verandah and timber work as per Development Impact Statement.**
- 5. Restoration of front garage – materials to be used recycled Baltic Pine boards from existing cottage.**
- 6. Buried steps to front verandah to be exposed on completion of landscaping as per Development Impact Statement.**
- 7. Northern Chimney to be retained and conserved in-situ with non-original additional brick courses removed as per Development Impact Statement**
- 8. Door to front South bedroom re-instated in revised drawings as per Development Impact Statement.**
- 9. Floor boards and trims to front of the existing dwelling to be as per Development Impact Statement.**
- 10. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (refer footnote (i) below)**
- 11. 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.**
- 12. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 13. With regard to the plans submitted with respect to the Building Permit 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.**
- 14. 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 Permit.**



16 April 2013

MINUTES

15. 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.
16. 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.
17. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
18. 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 Permit 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 property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the 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.*
- (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED

66.3

T37.5 Fletcher Street 1A (Lot 100)***Applicant and Owner: Barry & Lynette Toms******Application No: P148/10***

Mr Toms (owner/applicant) addressed the meeting advising that he supported the Committee's recommendation.



16 April 2013

MINUTES

Cr Rico – Cr Nardi

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

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

- (a) Clause 6.2.1 – Setbacks of Buildings Generally of the Residential Design Codes of WA to allow a 4.360 metre setback from the front boundary for the carport/portico;
- (b) Clause 6.3.1 – Boundary Setback Requirements of the Residential Design Codes of WA to allow a setback to the eastern boundary of 1.275 metres;
- (c) Clause 6.8.1 – Visual Privacy of the Residential Design Codes of WA to permit the cone of vision from the patio (active habitable space) to intrude over the northern and eastern boundary and the patio be setback a distance of 4.1 metres (northern boundary) and 2.9 metres (eastern boundary);
- (d) Clause 6.4 – Open Space of the Residential Design Codes of WA to permit less than 50% open space on site;
- (e) Clause 3.7.8.3 of the Council's Residential Design Guidelines to permit a roof pitch of 18° for the portico and alterations and additions; and
- (f) Clause 3.7.14.3 of the Council's Residential Design Guidelines to permit a crossover width greater than 3.0 metres;

for further amendments to the amended plans (approved 15.2.12) for additions and alterations to the residence at No. 1A (Lot 100) Fletcher Street, East Fremantle, in accordance with the amended plans and documentation date stamped received on 19 February 2013, subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
3. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
5. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. Prior to the installation of an externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (g) below)*
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. The footpath to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Residential Design Guidelines.
9. In cases where there is an existing crossover 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 permit 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 property.*
- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

Cr Nardi made the following impartiality declaration in the matter of 15 King Street: "As a consequence of the applicants being my new neighbours for the past few months, 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".

66.4 T37.6 King Street No.15 (Lot 429)
Applicant: Roberto Carlos DeSousa
Owner: R & M DeSousa
Application No. P5/13

The following additional information, provided by the Senior Town Planner, was considered.

"The Town Planning and Building Committee noted the absence of the standard Fremantle Port Authority conditions as recommended for properties located in Area 2 of Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines (see attached). Upon further investigation it is noted that Area 2 of the Fremantle Port Buffer extends from Riverside Road, through to Marmion Street. As such the standard Fremantle Port Authority conditions are also required to be incorporated into the Officer's Recommendation for 65 Hubble Street. The conditions to be incorporated into the three reports are as follows:

1. *Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.*
2. *The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners*

16 April 2013

MINUTES

that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to."

Mr DeSousa addressed the meeting advising that he supported the Committee's recommendation.

Cr Martin declared a proximity interest in the matter of 15 King Street as her property diagonally abuts the subject property and left the meeting at 7.05pm.

Cr Nardi – Cr Lilleyman

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

- (a) variation to the setback requirements of the side setback (southern elevation) –required setback 1.5 metres. Proposed setback 0.25 metres;**
- (b) variation to the setback requirements of the side setback (southern elevation) –required setback 1.0 metre. Proposed setback is Nil;**
- (c) element 6.3.2 Building on the boundary of the Residential Design Codes;**
- (d) element 6.4.1 Open Space of the Residential Design Codes;**
- (e) element 6.9.1 Solar access for adjoining sites of the Residential Design Codes; and**
- (f) element 3.7.2 Additions and Alterations to Existing Buildings of the Residential Design Guidelines;**

for two storey additions and alterations to an existing dwelling at 15 (Lot 429) King Street, East Fremantle, in accordance with the plans date stamp received on 21 March 2013 subject to the following conditions:

- 1. Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.**
- 2. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to.**
- 3. Finished ground level of the main addition being reduced by 200mm to 15.246.**
- 4. Applicant to reinstate the originally proposed 27° roof pitch to the additions, matching that to the original retained dwelling.**
- 5. The extant original detailing to the front façade of the building to be retained and conserved, including fake face block-work timber panelling, joinery to doors and windows and all original timber detailing to the verandah. Replacement fabric, consistent with the original detailing only to be used where clearly necessary in light of material deterioration of existing fabric.**
- 6. The front verandah structure (other than skillion roof) to be retained intact to the full extent possible, with replacement of deteriorated parts to replicate those original elements. A traditional top and bottom rail balustrading with vertical timber uprights to be inserted between original posts consistent with the extant physical evidence to the posts, and ornamental mouldings to be reinstated at the upper portion of posts where scoring indicates their former location.**
- 7. The cement-rendered front steps to be fully retained in-situ and revealed as part of the verandah conservation and any proposed front landscaping works.**
- 8. The original hipped bullnose verandah roof profile to be reinstated to the dwelling, retaining the original wall plate and inserting hockey stick hips to the truncated plate ends. The corrugated iron roofing profile to match that scored into the timber panelling to the front façade.**
- 9. The rubble limestone base to the verandah to be conserved and repointed as appropriate.**
- 10. The extant twinned red face-brick chimney above the fireplaces to be retained and conserved in-situ.**

16 April 2013

MINUTES

11. Original timber weatherboards to the sidewalls of the historic building to be retained and reused to the full extent possible, with additional replacement material as required to be to matching profile and seamlessly integrated into original fabric. Elsewhere in the new construction, alternative weatherboard cladding broadly compatible with the original profile boards may be utilised.
12. Traditional ogee profile guttering over scotias to be consistently applied to fascias across the historic dwelling.
13. The internal fireplaces to be retained and conserved (not necessarily in working order).
14. Original timber flooring to be retained / consistently repaired throughout the retained heritage portion.
15. Original architraves, skirtings, picture rails and doors to be retained throughout the heritage portion; replacement elements with profiles to match originals may be used where non-original elements have been inserted.
16. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)*
17. 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.
18. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
19. With regard to the plans submitted with respect to the Building Permit 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.
20. 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 Permit.
21. 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.
22. 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.
23. If requested by Council within the first two years following installation, the zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
24. 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.*



16 April 2013

MINUTES

- (b) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit 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 property.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (g) the 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.
- (i) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".

CARRIED

Cr Martin returned to the meeting at 7.06pm and it was noted she did not speak nor vote on the previous item.

66.5 T37.7 Canning Highway No. 235 (Lot 1851)
Applicant: Paintessa Development Pty Ltd
Owner: Paintessa Development Pty Ltd
Application No. P16/13

Mr Paino (owner/applicant) addressed the meeting in support of his proposal.

The letter from Paintessa Development Pty Ltd, referred from Correspondence (MB Ref 64.1) was tabled.

Cr Wilson – Cr Nardi

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

That the application for a three single two storey dwellings situated at 235 (Parent Lot 1851) Canning Highway, East Fremantle, as described on the plans date stamped received 5 February 2013, be refused for the following reasons:

1. The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of ten (10) Elements of the Residential Design Codes as listed:
 - 6.1.1 Site Area Requirements
 - 6.1.2 Additional Site Area Requirements/ Concessions
 - 6.2.1 Setbacks of the Building Generally
 - 6.2.3 Setback of Garages and Carports
 - 6.3.1 Buildings setback from the Boundary
 - 6.3.2 Building on the Boundary
 - 6.4.1 Open Space
 - 6.6.1 Excavation or Fill
 - 6.7.1 Building Height
 - 6.9.1 Solar access for adjoining sites
2. The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local

Planning Policy Residential Design Guidelines with regard to five (5) Elements.

- 3.7.5 Demolition:
 - 3.7.6 Construction of New Building
 - 3.7.7 Building Setbacks and Orientation
 - 3.7.8 Roof Form and Pitch
 - 3.7.15 Precinct Requirements
 - Access, Parking and Rights of Way
 - Garages, Carports and Outbuildings
 - Building Height, Form, Scale and Bulk
3. The proposed development does not comply with the following requirements of the Town Planning Scheme No.3:
- The proposed development conflicts with Clause 1.6 Aims of the Scheme.
 - The proposed development conflicts with Clause 4.2 Objectives of the Zones Residential Objectives.
 - The proposed development conflicts with Clause 5.2 Residential Design Codes.
 - The proposed development conflicts with Clause 5.3.2 Highway Frontage Dual Coding.
 - The proposed development conflicts with Clause 8.2 Permitted Development.
 - The proposed development conflicts with the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (a), (c), (g), (j), (o), (p) and (q) because it is incompatible with adjoining development and would detrimentally impact upon the amenity of the area.
4. The proposed development does not comply with the orderly and proper planning of the area. CARRIED

66.6 T37.9 Canning Highway No 55 (Lot 1)

Applicant: Lendis Golic

Owner: L Srhoy

Application No P1/13

The following additional information, provided by the Senior Town Planner, was considered.

“The Town Planning and Building Committee noted the absence of the standard Fremantle Port Authority conditions as recommended for properties located in Area 2 of Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines (see attached). Upon further investigation it is noted that Area 2 of the Fremantle Port Buffer extends from Riverside Road, through to Marmion Street. As such the standard Fremantle Port Authority conditions are also required to be incorporated into the Officer’s Recommendation for 55 Canning Highway. The conditions to be incorporated into the three reports are as follows:

1. *Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.*
2. *The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to.”*

Mr O’Brien (General Manager Trade Winds Hotel) addressed the meeting objecting to the proposal on the following grounds:

- Proposed additions will result in partial obstruction of westerly views from the balcony of the hotel
- Additional residential accommodation and associated parking will result in further congestion to this location.

Cr Martin – Cr Collinson

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

- (a) variation to the setback requirements of the side setback (eastern elevation) – required setback 1.2 metres. Proposed setback 0.9 metres;**
- (b) variation to the setback requirements of the side setback (eastern elevation) – required setback 1.8 metre. Proposed setback is Nil;**
- (c) variation to the setback requirements of the side setback (western elevation) – required setback 1.2 metre. Proposed setback is Nil;**
- (d) variation to the setback requirements of the side setback (western elevation) – required setback 1.1 metre. Proposed setback is Nil;**
- (e) variation to the setback requirements of the rear setback (southern elevation) – required setback 1.0 metre. Proposed setback is 0.7m;**
- (f) 6.4.1 Open Space (45% open space required, 20% open space provided)**
- (g) 6.5.1 On-Site parking provision (Two spaces required. Zero provided); and**
- (h) element 3.7.8 of the Residential Design Guidelines: Roof pitch**

for two storey additions and alterations to an existing dwelling at 55 (Lot 1) Canning Highway, East Fremantle, in accordance with the plans date stamp received on 12 March 2013 subject to the following conditions:

- 1. Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.**
- 2. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to.**
- 3. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (*refer footnote (i) below*)**
- 4. 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.**
- 5. The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 6. With regard to the plans submitted with respect to the Building Permit 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.**
- 7. 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 Permit.**
- 8. 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.**
- 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council**



16 April 2013

MINUTES

must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

10. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
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) *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 Permit 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 property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the 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.*
- (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED**66.7 T37.8 Allen Street No. 28 (Lot 1 SP47255)****Applicant: Dale Alcock Homes****Owner: I G Handcock****Application No. P146/12****Cr Rico – Cr Lilleyman****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 setback requirements of the side setback (northern elevation) –required setback 1.0 metres. Proposed setback Nil;
 - (b) element 3.7.6 of the Residential Design Guidelines: Construction of New Buildings;
 - (c) element 3.7.7 of the Residential Design Guidelines: Building Setback and Orientation; and
 - (d) element 3.7.8 of the Residential Design Guidelines: Roof Form and Pitch;
- for demolition of existing dwelling and construction of new a single storey dwelling at 28 (Lot 1) Allen Street, East Fremantle, in accordance with the plans date stamp received 10 September 2012 (site survey), 11 February 2013 (sheets 1, 2 & 3 of 3) and 18 March 2013 (overshadow diagram) subject to the following conditions:

16 April 2013

MINUTES

1. Landscaping Plan to be undertaken in conformity with the drawings and written information accompanying the application for planning approval date stamped 30 October 2013 other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)*
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 Demolition Permit and a Building Permit and the Building Permit 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 Permit 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 Permit.
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) 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. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
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 Permit 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 property.*



16 April 2013

MINUTES

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the 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.*
- (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED

66.8

T37.10 View Terrace No. 1 (Lot 237)**Applicant: David Weir for Arcon Mining Services****Owner: Paul Kreppold****Application No. P194/12****Cr Wilson – Cr Nardi****The adoption of the Committee's recommendation which is as follows:**

That determination of the proposal for additions and alterations, comprising first-floor addition to the existing 2-storey residence and viewing loft, situated at 1 (Lot 239) View Terrace, East Fremantle be deferred pending the submission of revised plans which address the following:

- (a) **Proposed 'Widow's watch' be deleted from the proposed development.**
- (b) **The proposed outdoor living area/ workshop are setback a minimum of 1.0metres from the southern boundary.**
- (c) **Setback to first floor additions to eastern boundary is setback 1.9 metres as required under the Acceptable Development Provisions of Element 6.3.1 of the Residential Design Codes.**
- (d) **Proposed roof of the outdoor living area/ workshop be modified to Skillion or a reduced pitch to minimise the impact the proposed roof form has on the streetscape.**
- (e) **Parapet wall of the proposed carport to be illustrated on the plans.**
- (f) **Access/ Egress truncation from View Terrace to be illustrated on the amended plans.**

CARRIED

67.

CONFIDENTIAL BUSINESS

67.1

128 & 128A George Street – Extension of Leasing

The Mayor advised that this matter would be considered under Confidential Business, however, given one of the applicants, Ms Emma Potter, was in attendance at the meeting, she would be given the opportunity to address elected members.

Ms Potter addressed the meeting advising that as an alternative option to her original application to rent the smaller work room at 128/128A George Street, she proposed to continue the rental of the whole of the premises however replacing Judy Moosemueller with Kay Metcalfe-Gibson/Jane Chambers & Magali Dincher as co-tenants.

The Mayor thanked Ms Potter for her attendance and advised this matter would be considered later in the meeting.

68. REPORTS OF MANAGER PLANNING SERVICES**68.1 East Fremantle Oval Recreation Precinct Community Reference Group**

The Manager Planning Services provided an update on the nomination process for the above group.

Mr Douglas advised that given only two nominations had been received (one from the East Fremantle Football Club which is entitled to one membership position under the Terms of Reference) it had been agreed to:

- extend the nomination period
- write to all residents who had expressed interest in the project
- arrange for an insert to appear in the local paper advising of the formation of the Group and seeking nominations.

69. FINANCE**69.1 Monthly Financial Activity Statement for Period Ending 31 March 2013**

By Les Mainwaring Executive Manager Finance & Administration on 12 April 2013

PURPOSE

To provide timely financial information to elected members. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

BACKGROUND

The report comprises the financial results from the month of March 2013. Commentary focuses on the year to date budget position after amendments from the half yearly budget review.

The monthly Financial Activity Statement for the period ending 31 March 2013 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report

ATTACHMENT

The attached Financial Activity 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 a summary of information on the attached financial reports:

Revised Budget Forecast

The revised budget forecast for the 30th June 2013 is a \$77,881 deficit, noting that this was the position after the half yearly budget review for the December quarter.

At the OCM 6 December 2012 there was a revision to the original budget forecast of \$60,520 resulting from consideration of the additional end of year surplus of \$130,199. Allocation of the additional end of year surplus resulted in the following net budget movement;

\$15,199 Carried forward as an increase in closing funds

At the OCM 19 March 2013, consideration was given to a further 35 amendments recommended from the Half Yearly Budget Review, and these culminated in the following net budget movement;
\$153,600 decrease in closing funds

Another 5 amendments have been identified in this monthly report; see Financial/Resource/Budget Implications, and the result of these amendments proposes a net budget movement of;
\$305,000 increase in closing funds

Should the proposed budget amendments be adopted in this report, the revised budget forecast for the 30 June 2013 will increase from a deficit of \$77,881 back to a surplus of \$227,119.

Operating YTD Actuals

Operating Revenue 100%; is \$6,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 95%; is \$272,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$319,480 more than the YTD budget (Favourable).

Operating Revenue is in line with year to date budget.

Although operating revenue is in line with budget, there is significant variance within operating revenue such as the timing of capital grant revenue items that are not claimed until completion of the associated projects. Unfavourable variances include the \$120,000 for the Plympton Parking project, \$92,000 for the Preston Point Road roundabout nearing final completion and \$155,000 for the second variation on completion of the Leeuwin Boat Ramp project.

Favourable operating revenue variances have occurred where budgets had not been raised, such as \$15,000 Lotterywest grant funds for previous Town Hall conservation works, \$240,000 back dated lease settlement from the Swan Yacht Club, and \$50,000 DSR grant for the East Fremantle Oval redevelopment study. These items are proposed for budget amendment.

Operating Expenditure is now 5% favourable to year to date budget.

The main area of favourable variation is Community Amenities, in the various waste accounts of Recycling collection, Henderson tip disposal, MRF and WCF where the timing of large monthly invoices creates a favourable year to date position of \$139,000. Recreation and Culture's main favourable variations are the EF Oval master plan project in progress \$42,000 and Community Events \$19,000 that occur in the last quarter.

Transport operations are the main area for unfavourable variances which have occurred with the allocation of internal resources of labour and plant. An analytical review of the outside workforce across Transport, Recreation and Depot functions has revealed that aggregated wages, overheads and plant allocations are in line with budget. Also that external materials and contractor expenses are under budget when aggregated across the same functions. There may be variations at account level however total outside workforce resources are operating within budget.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress; hence revenues aligned with capital projects have also been set forward which presents timing differences until projects are completed.

Other details can be found in the attached notes to the financial activity statement.

Capital Programs YTD Progress Summaries

Annual Timeline 75% of year elapsed
 Land & Buildings 13% expended
 Infrastructure Assets 66% expended
 Plant & Equipment 88% expended
 Furniture & Equipment 75% expended

Capital expenditure is \$2,507,000 less than the YTD budget (Favourable) which represents the balance of capital programs to be completed. The report provides details on individual capital works in progress as at 31 March 2013.

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 March 2013 Financial Activity Statement shows variances in income and expenditure when compared with year to date budget estimates.

The following favourable revenue items were not included within the original budget therefore they require inclusion as a budget amendment;

\$15,000 I04087 New account for the balance of Lotterywest grant for conservation works on the Town Hall
 \$240,000 I11161 New account for the backdated lease settlement with the Swan Yacht Club
 \$50,000 I11167 New account for grant Income from DSR for the East Fremantle Oval redevelopment study.

The following budget amendment is required for the purchase of Public Art not included within the original budget, although funds have been set aside in Reserve;

\$45,000 E11685 New expenditure on Acquisition of Public Art (Outdoor Sculpture)
 \$45,000 351 Transfer from Arts & Sculpture Reserve

Conclusion

The attached Financial Activity Statement for the period 1 July 2012 to 31 March 2013 is presented to the Council for timely information. Adoption of the proposed budget amendments will move the annual forecast from \$77,881 deficit to \$227,119 surplus.

Voting Requirements

Absolute Majority

RECOMMENDATION

That:

1. the Financial Activity Statement for the period ending 31 March 2013 be received.
2. Council adopts the budget amendment recommendations with the following variations for the period 1 July 2012 to 31 March 2013 and amend the budget accordingly:
 - \$ 15,000 I04087 New Income from Lotterywest grant for the Town Hall
 - \$240,000 I11161 New Income from lease settlement with the Swan Yacht Club
 - \$ 50,000 I11167 New Income from DSR Grant for East Fremantle Oval Study.
 - \$ 45,000 E11685 New expenditure on Acquisition of Public Art (Outdoor Sculpture)
 - \$ 45,000 351 Transfer from Arts & Sculpture Reserve
 - \$305,000 Increase in closing funds

Absolute Majority Resolution

Cr Rico – Cr Collinson

That:

1. the Financial Activity Statement for the period ending 31 March 2013 be received.
2. Council adopts the budget amendment recommendations with the following variations for the period 1 July 2012 to 31 March 2013 and amend the budget accordingly:

\$ 15,000 I04087	New Income from Lotterywest grant for the Town Hall
\$240,000 I11161	New Income from lease settlement with the Swan Yacht Club
\$ 50,000 I11167	New Income from DSR Grant for East Fremantle Oval Study
\$ 45,000 E11685	New expenditure on Acquisition of Public Art (Outdoor Sculpture)
\$ 45,000 351	Transfer from Arts & Sculpture Reserve
\$305,000	Increase in closing funds

CARRIED
ABSOLUTE MAJORITY

69.2

Accounts for Payment – March 2013

By Les Mainwaring, Executive Manager Finance & Administration on 11 April 2013

PURPOSE

To endorse the list of payments for the period 1 March to 31 March 2013.

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 are attached.

ATTACHMENT

REPORT

Comments/Discussion

The List of Accounts for the period beginning 1 March and ending 31 March 2013 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 March and ending 31 March 2013 be received, as per the following table:

March 2013		
Voucher Nos	Account	Amount
4523 – 4531	Municipal (Cheques)	\$22,471.53
EFT 17094 – EFT 17191	Electronic Transfer Funds	\$744,525.37
Loans	Electronic Transfer Funds	18,738.43
Payroll	Electronic Transfer Funds	\$184,299.68
	Municipal Total Payments	\$970,035.01

It was noted Cr Lilleyman had previously made enquiries in relation to EFT17154 and the Executive Manager Finance & Administration advised he was currently investigating these queries.

Cr Lilleyman – Cr Collinson

That the List of Accounts for the period beginning 1 March and ending 31 March 2013 be received.

CARRIED

16 April 2013

MINUTES

70. REPORTS OF ELECTED MEMBERS

Nil.

71. CONFIDENTIAL BUSINESS (CONTINUED)**71.1 East Fremantle Oval Dilapidation Survey**

Cr Rico – Cr Wilson

That this matter be dealt with on a confidential basis, in accordance with s.5.23(2)(c) and 5.23(2)(e)(iii) of the Local Government Act, because of the potential contractual and financial implications for the East Fremantle Football Club and Council arising from the recommendations of the report. CARRIED

The confidential report prepared by the Manager Planning Services was considered.

CONFIDENTIAL ATTACHMENT

Cr Martin – Cr Wilson

That:

1. the report be received.
2. the Dilapidation Survey be released to the East Fremantle Football Club and WA Football Commission as a confidential document.
3. following consultation with the Club and the WA Football Commission, a program of works for demolition, remediation and management of the site, including a risk remediation program, and possible cost sharing be compiled for consideration by Council.
4. the CEO be requested to contact Council's insurers for urgent advice.
5. elected members be advised on the progress of these issues. CARRIED

The Manager Planning Services and Acting Operations Manager left the meeting at 8.25pm.

71.2 80 Canning Highway EH Gray Centre – Leasing Proposal

Cr Wilson – Cr Collinson

That this matter be dealt with on a confidential basis, in accordance with s.5.23(2)(c) of the Local Government Act as it relates to contractual arrangements. CARRIED

The confidential report prepared by the Executive Manager Finance & Administration was considered. **CONFIDENTIAL ATTACHMENT**

Cr Martin – Cr Lilleyman

That Council:

1. grants delegated authority to the CEO with respect to obtaining any necessary planning approvals pursuant to the proposed lease of the building.
2. calls for expressions of interest for the tenancy of the building 80 Canning Highway. CARRIED

ABSOLUTE MAJORITY

Cr Collinson declared a proximity interest as his property abuts the subject property and left the meeting at 8.45pm.

71.3 128 & 128A George Street – Extension of Leasing (Continued)

Cr Wilson – Cr Lilleyman

That this matter be dealt with on a confidential basis, in accordance with s.5.23(2)(c) of the Local Government Act as it relates to contractual arrangements. CARRIED

The confidential report prepared by the Executive Manager Finance & Administration was considered. **CONFIDENTIAL ATTACHMENT**

Cr Wilson – Cr Martin

That:

1. in accordance with Section 3.58(4)(c)(ii), Council considers the tender value of \$18,500 per annum for a floor area of 134.4m², accepted at the OCM 17 July 2012 to be a true value for a monthly short term lease at the time of this disposition.
2. given local public notice of the proposed disposition in accordance with s3.58(3) and 3.58(4) of the Local Government Act.
3. should no submissions be received, Council delegates authority to the Chief Executive Officer to negotiate and execute a separate lease with Emma Potter on behalf of Council for a periodical monthly lease with a termination clause of 60 days notice.
4. should no submissions be received, Council delegates authority to the Chief Executive Officer to negotiate and execute a separate lease with Russel Quinn on behalf of Council for a periodical monthly lease with a termination clause of 60 days notice.
5. Council delegate authority to the Chief Executive Officer to negotiate a lease with Katy Metcalfe-Gibson, Jane Chambers and Magali Dincher in the event that either lease negotiation with Emma Potter or Russell Quinn prove unsuccessful.
6. should any public submissions be received, Council refers the matter back to Council for further consideration, minuting the reasons for the decision.

CARRIED

Cr Collinson returned to the meeting at 8.50pm and it was noted he did not speak or vote on the previous item.

72. REPORTS OF CHIEF EXECUTIVE OFFICER

72.1 Sculptures

The CEO updated elected members on progress in relation to the installation of the two sculptures recently purchased by Council.

With respect to “Wild Women”s Scent”, as previously advised, this is to be installed between the two eastern gazebos on Riverside Road near East Street. Currently materials required to effect the installation are being awaited, as is action by Western Power in relation to electricity supply. The artist, Melanie Maclou, has sent advice on how she wishes the sculpture to be positioned. The CEO will make contact with Melanie at the time of installation to verify her request and the basis of it.

Re “Our Common Condition”, discussions have taken place with the artist, Russell Sheridan, regarding his preferred location. He recently sent three more sketches (two had previously been sent). All five were circulated – in a straw poll the majority of elected members indicated they preferred option 5. This will be conveyed to the artist.

Mr Sheridan has advised he plans to be in Perth around the 24 April and indicated he would be happy to meet any staff or elected members available, to further discuss the optimal location in John Tonkin Park and preferred means of display.

The CEO stated he would advise elected members when the details were known.

73. CONFIDENTIAL BUSINESS (CONTINUED)

73.1 Finalisation of CEO Performance and Remuneration Reviews

Cr Wilson – Cr Rico

That this matter be dealt with on a confidential basis, in accordance with 5.23(2)(a) of the Local Government Act, which involves confidentiality provisions in relation to a matter affecting an employee.

CARRIED

The confidential report prepared by the Mayor was considered.

CONFIDENTIAL ATTACHMENT

Mayor Ferris – Cr Wilson

That pursuant to:

1. Clause 9 of the CEO’s Contract of Employment, for the period 4 May 2011 – 13 February 2013, that Council determines the CEO’s overall score, on a range of 1-5, as 3.53; representing a rating between “satisfactory” and “good”.
2. Clause 13.2.1 of the CEO’s Contract of Employment, the cash salary payable be increased as at 11.1.2013 by 5%. CARRIED

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

Nil.

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

Nil.

76. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.22pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 April 2013**, Minute Book reference **52. to 76.** were confirmed at the meeting of the Council on*

.....

Presiding Member