

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS,
ON TUESDAY, 20 MAY 2008 COMMENCING AT 6.35PM.**

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 20 MAY 2008 COMMENCING AT 6. 35PM.

108. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

108.1 Present

Mayor A Ferris	Presiding Member
Cr D Arnold	
Cr C Collinson	
Cr B de Jong	
Cr S Dobro	
Cr D Nardi	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Ms J May	Minute Secretary

109. ACKNOWLEDGEMENT OF COUNTRY

Mayor Ferris made the following acknowledgement:

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

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

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

111. RECORD OF APPROVED LEAVE OF ABSENCE

Cr R Olson.

112. RECORD OF APOLOGIES

Cr M Rico due to illness.

113. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

114. PUBLIC QUESTION TIME

Nil.

115. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

116. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

116.1 Council Meeting – 6 May 2008

Cr Dobro – Cr Collinson

That the Minutes of the Council Meeting held on 6 May 2008 be confirmed.

CARRIED

117. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

117.1 Bahai Dinner

Mayor Ferris advised that he, together with Crs Dobro, Nardi, Collinson and Rico attended the Bahai Dinner on 17 May 2008.

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- 117.2 Swan Yacht Club**
Mayor Ferris advised that he and his wife attended the Swan Yacht Club's Opening Day on Saturday 17 May 2008.
- 117.3 ANZAC Day Service**
Mayor Ferris advised that he, Cr Dobro and the Chief Executive Officer had attended the ANZAC Day service conducted by the Bicton/Palmyra RSL at the Rose Memorial Gardens on Friday, 25 April 2008.
- 118. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
- 118.1 T42.16 No 18A (Lot 881) Hamilton Street**
Peter Stannard Homes: Providing justification for proposed boundary wall exceeding 3m in height for development at 18A Hamilton Street.
- Cr Arnold – Cr Wilson**
That the letter from Peter Stannard Homes be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 120.13). CARRIED
- 119. ORDER OF BUSINESS**
Cr Wilson – Cr Arnold
That the order of business be changed to allow members of the gallery to speak to town planning applications. CARRIED
- 120. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**
- 120.1 T42.4 Walter Street No 3 (Lot 1)**
Mrs Baldwin (owner) addressed the meeting advising that, following enquiries, they believed a roller door was the only option for their proposal.
- Cr Dobro – Mayor Ferris*
The adoption of the Committee's recommendation which is as follows:
That, pursuant to Town Planning Scheme No 3, clause 8.4, Council grant approval for unauthorised works comprising the enclosure of a carport incorporating a wall along the north side boundary at No. 3 (Lot 1) Walter Street, East Fremantle in accordance with the plans date stamp received on 4 March 2008 subject to the following conditions:
- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
 - 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
 - 3. the proposed carport enclosure is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*
 - 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
 - 5. 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.*

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6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (b) 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).
- (c) 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.

Amendment

Cr Arnold – Cr Collinson

That the application be deferred to allow Council staff to further explore options in relation to the proposed garage door.

THE AMENDMENT WAS CARRIED AND NOW BECOMES THE MOTION

The motion, as amended, was put.

Cr Dobro – Mayor Ferris

That the application be deferred to allow Council staff to further explore options in relation to the proposed garage door. CARRIED

Cr Wilson declared an interest in the following item as the subject property adjoins her property at No. 46 Locke Crescent and left the meeting at 7.00pm.

120.2 T42.6 Locke Crescent No 48 (Lot 4975)

Mr Bartolomei (owner) was present in the gallery however did not wish to address Council.

Cr Arnold – Cr de Jong

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

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

- (a) variation to wall height on the east side pursuant to Local Planning Policy 142 from 5.6m to 6.1m;
- (b) variation to wall height on the west side pursuant to Local Planning Policy 142 from 5.6m to 6m;
- (c) variation to the front setback for a portico and an office pursuant to the Residential Design Codes from 7.5m to 6.8m and 7.3m respectively;
- (d) variation to the west side boundary setback for a garage wall pursuant to the Residential Design Codes from 1.1m to 1m;

for the construction of a 2-storey house at No. 48 (Lot 4975) Locke Crescent, East Fremantle comprising:

Ground Floor: Double garage, portico, home office, foyer, 3 bedrooms, 2 bathrooms, sitting room, laundry, gym, and alfresco;

First Floor: master suite, en-suite, powder room, dressing room, kitchen, dining room and balcony.

in accordance with the plans date stamp received on 28 March 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.

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2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed 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.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. 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. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

CARRIED

Cr Wilson returned to the meeting at 7.05pm and it was noted that she neither spoke nor voted on the foregoing item.

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120.3 T42.7 Clayton Street No 12 (Lot 427)

Mrs Mroz (owner) addressed the meeting in relation to the finishes proposed for the addition and provided a sample indicating the colour and profile.

Cr Wilson – Cr Dobro

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback for a ground floor living room and upper floor studio, and verandah pursuant to the Residential Design Codes from 6m to 4.2m and 3m respectively for renovations including 2-storey additions to the rear of the single storey house at No. 12 (Lot 427) Clayton Street, East Fremantle comprising:

Ground Floor: carport, convert the back verandah for use as a computer room with a new laundry, extend the house to create a kitchen, meals area, and a living room, outdoor decking and a verandah;

First Floor: studio above the proposed living room

in accordance with the plans date stamp received on 14 March 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. 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.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. 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. 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

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120.4 T42.8 Preston Point Road No 58A (Lot 11)

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

Cr Dobro – Cr de Jong

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

That the application for redevelopment of No. 58A (Lot 11) Preston Point Road, East Fremantle be deferred:

- (a) pending site visits of adjoining properties being undertaken ie No. 1 Fraser Street and 60 Preston Point Road; and
- (b) the Committee noted that plans showing compliance with the height requirements of "Local Planning Policy No. 142 – Residential Development" have yet to be submitted.

CARRIED

120.5 T42.9 Gill Street No 6 (Lot 301)

The following additional information was provided:

The Town Planning & Building Committee at its meeting held on 13 May 2008 resolved:

"That the application for a two storey residence at No. 6 (Lot 301) Gill Street (cnr Canning Highway), East Fremantle be deferred pending:

- (a) the submission of a perspective/image showing both the Gill Street and Canning Highway frontages; and*
- (b) the applicant to give consideration to bringing the porch forward to either align with or be located forward of the garage."*

The applicant has submitted the images as requested as well as revised drawings showing the porch at 2100 or 100mm forward of the garage.

RECOMMENDATION TO COUNCIL

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

- (a) variation to the west side (front) boundary setback at ground level for a garage, porch and stairwell pursuant to the Residential Design Codes from 4m to 2m, 2.1m and 3.95m respectively;
- (b) variation to the west side (front) boundary setback on the upper floor for a bedroom, balcony and stairwell pursuant to the Residential Design Codes from 4m to 2.75m, 1.5m and 3.95m respectively;
- (c) variation to the east side (rear) setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 4.4m;
- (d) variation to the length of a parapet wall on the north side boundary for a garage pursuant to Local Planning Policy 142 from 9m to 10.5m;
- (e) variation to the north side boundary setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 1.53m;

for the construction of a 2-storey house at No. 6 (Lot 301) Gill Street, East Fremantle comprising:

Ground Floor: double garage, store, porch, entry, laundry, kitchen, family, dining, guest room with en-suite & alfresco;

First Floor: 3 bedrooms, 2 bathrooms, sitting room and balcony;

in accordance with the plans date stamp received on 16 May 2008 subject to the following conditions:

1. prior to the issue of the Building Licence there must be proof submitted that the proposed development will be situated on a separate lot/clear title.
2. prior to the issue of the Building Licence the landowner is to enter into a deed of agreement with the WAPC that the presence of the development on the reserved land shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WAPC, and the landowner agrees to remove the development on the reserved land at their own cost at the time the reserved land is required for the upgrading of Canning Highway.

This agreement is to be registered as a Caveat on the Certificate of Title, and the applicants are advised to contact the WAPC Land Asset Management Branch of the Department for Planning and Infrastructure (Tim Hillyard, Manager, Telephone 9264 7508) should they wish to discuss the formulation of a deed of agreement for the temporary use of the reserved land.

3. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
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 to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
10. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. 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.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes:

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

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

Cr Dobro – Cr de Jong

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

- (a) **variation to the west side (front) boundary setback at ground level for a garage, porch and stairwell pursuant to the Residential Design Codes from 4m to 2m, 2.1m and 3.95m respectively;**
- (b) **variation to the west side (front) boundary setback on the upper floor for a bedroom, balcony and stairwell pursuant to the Residential Design Codes from 4m to 2.75m, 1.5m and 3.95m respectively;**
- (c) **variation to the east side (rear) setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 4.4m;**
- (d) **variation to the length of a parapet wall on the north side boundary for a garage pursuant to Local Planning Policy 142 from 9m to 10.5m;**
- (e) **variation to the north side boundary setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 1.53m;**

for the construction of a 2-storey house at No. 6 (Lot 301) Gill Street, East Fremantle comprising:

Ground Floor: double garage, store, porch, entry, laundry, kitchen, family, dining, guest room with en-suite & alfresco;

First Floor: 3 bedrooms, 2 bathrooms, sitting room and balcony;

in accordance with the plans date stamp received on 16 May 2008 subject to the following conditions:

1. **confirmation of compliance with open space requirement;**
2. **confirmation that southern limestone retaining wall complies with statutory requirements;**
3. **prior to the issue of the Building Licence there must be proof submitted that the proposed development will be situated on a separate lot/clear title.**
4. **prior to the issue of the Building Licence the landowner is to enter into a deed of agreement with the WAPC that the presence of the development on the reserved land shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WAPC, and the landowner agrees to remove the development on the reserved land at their own cost at the time the reserved land is required for the upgrading of Canning Highway.**

This agreement is to be registered as a Caveat on the Certificate of Title, and the applicants are advised to contact the WAPC Land Asset Management Branch of the Department for Planning and Infrastructure (Tim Hillyard, Manager, Telephone 9264 7508) should they wish to discuss the formulation of a deed of agreement for the temporary use of the reserved land.

5. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
6. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in**

- compliance with the conditions of this planning approval unless otherwise amended by Council.
7. 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.
 8. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 9. 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.
 10. all parapet walls 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.
 11. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
 12. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 13. 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.
 14. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes:

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

CARRIED

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MINUTES

120.6 T42.12 Sewell Street No 13 (Lot 224)

Mr Doonan and Ms Martin (neighbours) addressed the meeting strongly opposing the proposal.

Cr Arnold – Cr de Jong

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

1. The applicant be advised to cease the use of the studio for habitation as:
 - (a) such habitation is a breach of a prevailing condition of planning approval
 - (b) such habitation is in breach of the Residential Design Codes density applicable to this location.
2. Council determines that "short stay accommodation" is neither a use listed in the Zoning Table of Council's Town Planning Scheme and nor can such a use be reasonably determined as falling within any use class listed in the Zoning Table.
3. Council determines that the proposed use does not meet the objectives and purposes of the Residential Zone, and therefore, is not a permitted land use.
4. Subject to recommendations 2 and 3 above, Council refuses the application for planning approval as:
 - (a) the proposed unlisted use is not a permitted use under Clause 4.4.2 of Town Planning Scheme 3 as the proposed use is not consistent with the objectives and purposes of the Residential Zone
 - (b) having regard to the orderly and proper planning of the locality, and in particular the preservation of the amenity of the locality, the proposed unlisted use is considered inappropriate having regard to the proposed use and its location within the Residential Zone.
5. The applicant be advised that any tenants of the main house should involve tenancy agreements of six months duration or more, since any tenancy arrangement involving a lesser period without Council's planning consent may be an unlawful use of that property. CARRIED

120.7 T42.3 Windsor Road No 13 (Lot 1)

Cr de Jong – Cr Arnold

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

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

- (a) variation to the east side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 6m;
- (b) variation to Local Planning Policy 143 for solid sections of wall in the front setback/front fence up to 1.6m high;

for the construction of additions to the single storey house at No. 13 (Lot 1) Windsor Road, East Fremantle comprising a roofed timber deck to the front, landscape works including 1.6m high split stone wall panels and 1.4m high cement rendered panel to the front fence, and a steel framed canopy over a 1.5m high solid steel front entry gate in accordance with the plans date stamp received on 28 March 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed roofed timber deck, roofed gate, and solid walls above 1.2m high in the front setback are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief

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Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

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

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the roofed deck and gate entry may not be enclosed without the prior written consent of Council.*

CARRIED

Cr de Jong declared a proximity interest in the following matter as the subject lot abuts his property, and left the meeting at 8.19pm.

120.8 T42.5 Habgood Street No 7 (Lot 5022)

Cr Wilson – Cr Dobro

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

- (a) variation to the northwest side boundary setback for a balcony pursuant to the Residential Design Codes from 2.5m to 2.2m;
- (b) variation to roof height pursuant to Local Planning Policy 142 from 8.1m to 8.3m;
- (c) variation to wall height on the northeast and northwest sides pursuant to Local Planning Policy 142 from 5.6m to 6.2m and 6.7m respectively;
- (d) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to a curved roof pitched at approximately 10°;

for the construction of additions to the 3-level (2-storey) house at No. 7 (Lot 5022) Habgood Street, East Fremantle comprising:

Ground Floor: a deck and a 7m long x 3.8m wide swimming pool to the front, enlarge the living room and add an alfresco at the rear;

Upper Floor: master bedroom, built-in-robos & en-suite, study, living room & balconies to the front, and rear.

in accordance with the plans date stamp received on 21 April 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. 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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4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. 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. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
8. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
10. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
11. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
12. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
13. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the alfresco may not be enclosed without the prior written consent of Council.*
- (f) *the application for height relaxation has been supported having regard to the retention of the existing dwelling.*

CARRIED

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Cr de Jong returned to the meeting at 8.28pm and it was noted he did not speak nor vote on the foregoing motion.

- 120.9 T42.11 Walter Street No 18B (Lot 8)**
Cr Dobro – Cr Wilson
The adoption of the Committee’s recommendation which is as follows:
That the application for a two storey residence at 18B (Lot 8) Walter Street, East Fremantle be deferred pending the submission of revised plans that better address the streetscape. CARRIED

Cr Arnold made the following impartiality declaration in the matter of 94 Hubble Street: “As a consequence of the applicant living several houses down from my residence, 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.”

- 120.10 T42.13 Hubble Street No 94 (Lot 286)**
Cr Dobro – Cr Arnold
The adoption of the Committee’s recommendation which is as follows:
That Council grants approval for the use of the Guest room at No. 94 (Lot 286) Hubble Street, East Fremantle for Home Occupation – Beauty/Massage Therapy in accordance with the application date stamp received on 27 March 2008 subject to the following conditions:
1. Hours of operation: Monday to Friday 9am to 5:30pm.
 2. This planning approval to remain valid for a period of 12 months from date of this approval and will be subject to review prior to any extension being granted.
 3. The ‘Massage Therapy’ business is to comply with the Department of Health Code of Practice for Skin Penetration Procedures. Note: Appendix (2) Special Requirements for Beauty Therapy Procedures - annual inspections will be conducted by Council’s Principal Environmental Health Officer.

Footnote:

*The following is not a condition but a note of advice to the applicant/owner:
This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.* CARRIED

- 120.11 T42.14 Preston Point Road No 162 (Lot 4)**
Cr Dobro – Cr de Jong
The adoption of the Committee’s recommendation which is as follows:
That Council exercise its discretion in granting approval for the following:
- (a) variation to fence height pursuant to Local Planning Policy 143 from 1.2m to 1.3m along the north side;
 - (b) variation to fence height pursuant to Local Planning Policy 143 from 1.8m to 2.2m along the east side;
- for the construction of a front fence which contains solid masonry panels and garden planter boxes in front of No. 162 (Lot 4) Preston Point Road in accordance with the plans date stamp received on 13 March 2008 subject to the following conditions:
1. prior to the issue of a building licence the applicant is to submit amended plans to illustrate compliance with Local Planning Policy 143 - “Fencing” in regard to:
 - (a) the fence in the corner truncation;
 - (b) the fence along the west side (Gordon Street);to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.

3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed fence is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

**120.12 T42.15 Walter Street No 3 (Lot 1)
Cr Dobro – Cr de Jong**

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

That Council exercise its discretion in granting approval for a variation to the west side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 0m for the construction of ground floor additions comprising a bedroom and store attached to the rear of the single storey house next to the west side boundary of No. 3 (Lot 1) Walter Street, East Fremantle in accordance with the plans date stamp received on 13 March 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. 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.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. 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. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.

7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED**120.13 T42.16 Hamilton Street No 18A (Lot 881)**

The following additional information was considered:

The Town Planning & Building Committee at its meeting held on 13 May 2008 resolved:

That the application for a single storey residence at 18A (Lot 881) Hamilton Street, East Fremantle be deferred pending the submission of additional information including:

- (a) *confirmation of open space calculation; and*
- (b) *justification for height of boundary wall to garage (west elevation) as shown on submitted plans at 3.5m – 0.5m above maximum height of 3.0m pursuant to Local Planning Policy 142 – Residential Development.”*

The applicant has confirmed the open space calculation at 63% and submitted justification for the height of the boundary wall to garage (west elevation) at 3.5m.

RECOMMENDATION TO COUNCIL

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

- (a) *variation to the north side boundary setback pursuant to the Residential Design Codes from 1m to 0.72m;*
- (b) *variation to the height of a parapet wall along the west side boundary pursuant to Local Planning Policy 142 from 3m to 3.5m;*

for the construction of a single storey house comprising a double garage & store, portico, entry, verandah, 3 bedrooms, 2 bathrooms, kitchen, living, meals, & laundry on the rear/battleaxe block at No. 18A (Lot 881) Hamilton Street, East Fremantle in accordance with the plans date stamp received on 12 March 2008 subject to the following conditions:

1. *the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
2. *the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
3. *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.*
4. *all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
5. *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. *all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.*
7. *this planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*

The letter from Peter Stannard Homes, referred from Correspondence (MB 118.1) was tabled.

Mayor Ferris – Cr Collinson

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

- (a) **variation to the north side boundary setback pursuant to the Residential Design Codes from 1m to 0.72m;**
- (b) **variation to the height of a parapet wall along the west side boundary pursuant to Local Planning Policy 142 from 3m to 3.5m;**

for the construction of a single storey house comprising a double garage & store, portico, entry, verandah, 3 bedrooms, 2 bathrooms, kitchen, living, meals, & laundry on the rear/battleaxe block at No. 18A (Lot 881) Hamilton Street, East Fremantle in accordance with the plans date stamp received on 12 March 2008 subject to the following conditions:

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **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.**
4. **all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
5. **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. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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.*

CARRIED

120.14 T42.10 Surbiton Road No 10 (Lot 30)

Cr de Jong – Cr Dobro

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

That Council exercise its discretion in granting approval for a variation to site works pursuant to the Residential Design Codes from 0.5m up to 0.67m above natural ground level for the construction of a 7.2m long x 3.5m wide concrete swimming pool surrounded on 3 sides by a timber deck and retaining wall in the northwest corner of No. 10 (Lot 30) Surbiton Road, East Fremantle in accordance with the plans date stamp received on 28 March 2008 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
5. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.

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6. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
7. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
8. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
9. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

120.15 Resignation of John Dowson from Town Planning Advisory Panel

Mayor Ferris – Cr Collinson

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

That Council notes John Dowson's letter of resignation from the Town Planning Advisory Panel and John be warmly thanked for all of his efforts in assisting the Town which wishes him well for the future.

CARRIED

121. FINANCE ITEMS**121.1 Accounts for Payment**

By John Roberts, Executive Manager Finance & Administration on 16 May 2008

PURPOSE

To endorse the list of payments for the periods 1 April 2008 to 30 April 2008.

BACKGROUND

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

ATTACHMENT

REPORT**Comments/Discussion**

The List of Accounts for the periods beginning 1 April 2008 and ending 30 April 2008 require endorsement by the Council.

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MINUTES**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the period beginning 1 April 2008 and ending 30 April 2008, be received, as per the following table:

<i>April 2008</i>		
Voucher Nos	Account	Amount
3183 - 3210	Municipal (Cheques)	\$19,291.81
EFT9096 – EFT9191	Electronic Transfer Funds	\$445,121.59
Payroll	Electronic Transfer Funds	\$130,216.44
	Municipal Total Payments	\$594,629.84

Cr Dobro – Cr Wilson

That the List of Accounts for the period beginning 1 April 2008 and ending 30 April 2008, be received. CARRIED

121.2

Monthly Financial Activity Statement for Period Ending 30 April 2008

By John Roberts Executive Manager Finance & Administration on 16 May 2008

PURPOSE

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

BACKGROUND

The monthly Financial Activity Statement for the period ending 30 April 2008 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 information:

The April 2008 year to date report shows an overall surplus of \$1,008,320 compared to the year to date budget as revised by Council at its meeting of 18 March 2008.

The variance can be analysed as follows:

- The YTD Operating Revenue is \$6,288,090 compared to the YTD budget of \$6,141,576, a favourable variance of \$146,514. The variance is due primarily to an increase in investment earnings, rates and parking fines and penalties.

- The YTD Operating Expenditure is \$4,456,899 compared to the YTD budget of \$4,656,684 a favourable variance of \$199,784. The variance is due primarily to Parks, Reserves and Road maintenance due to seasonal factors and lower than anticipated employee costs due to unfilled vacancies.
- The YTD Capital Expenditure is \$538,545 when compared to the YTD budget of \$1,228,219 a favourable variance of \$689,674. The variance is due primarily to delays in infrastructure projects due to seasonal and contractor factors.

Statutory Requirements

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

Relevant Council Policies

Significant accounting policies are adopted by Council on a periodic basis. These policies are used in the preparation of the Statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The April 2008 Financial Activity Statement shows significant variances in income and expenditure when compared with budget estimates. A significant amount of the operating surplus is a result of underspending in maintenance works. The majority of the capital surplus relates to timing differences and will reduce in forthcoming financial periods of 2007/2008, with the exception of the Preston Point Road project that will not occur this financial year.

Conclusion

The attached Financial Activity Statement for the period 1 July 2007 to 30 April 2008 presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2007 to 30 April 2008 be received.

The Chief Executive Officer answered queries raised by Cr Dobro and Cr Arnold regarding Plympton Ward footpath consultancy works and the budget allocation for speed humps in George Street.

Cr Nardi – Cr de Jong

That the Financial Activity Statement for the period ending 1 July 2007 to 30 April 2008 be received.

CARRIED

122. REPORTS OF CHIEF EXECUTIVE OFFICER**122.1 128 George Street**

The Chief Executive Officer advised that he had received three enquiries regarding possible uses for 128 George Street given Council had received notification that the current tenants were vacating the premises shortly. These enquiries involved:

- (i) book binder
- (ii) wine bar
- (iii) clothing outlet

The applicant seeking to establish a wine bar was very keen to submit a formal proposal for the lease of the property, however, the Chief Executive Officer had thought it preferable for the applicant to address Council informally prior to any issue of submitting a formal application. The prospective applicant had hoped this could occur at the May

Informal Briefing. However the Chief Executive Officer had subsequently realised that as a Special Council Meeting was scheduled for next Tuesday evening (27 May 2008) Council's regular Informal Briefing would not take place and he now sought feedback from elected members as to how they wished this matter to be considered.

Elected members advised that they did not wish to meet with any prospective tenants for this property until they had considered all possible options open to Council regarding the property.

123. CONFIDENTIAL BUSINESS

123.1 Claremont Demolition – 5 Victoria Avenue

The Chief Executive Officer circulated a confidential memo providing an update on this matter. **CONFIDENTIAL MEMO**

Cr Dobro thanked the Chief Executive Officer for this advice.

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

Nil.

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

126. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.27pm

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 20 May 2008, Minute Book reference 108. to 126. were confirmed at the meeting of the Council on
.....

Presiding Member