



16 November 2010

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 16 NOVEMBER, 2010 COMMENCING AT 6.30PM.

300. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

300.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr S Martin	
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 8.50pm)
Ms G Basley	Acting Town Planner (To 8.50pm)
Mr M Ioppolo	Principal Building Surveyor
Ms J May	Minute Secretary (To 10.10pm)

301. 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.”

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

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

303. RECORD OF APPROVED LEAVE OF ABSENCE

Cr R Lilleyman.

304. RECORD OF APOLOGIES

Nil.

305. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

306. PUBLIC QUESTION TIME

Nil.

307. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

308. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

308.1 Council Meeting – 19 October 2010

Cr Martin – Cr Nardi

That the Minutes of the Council Meeting held on 19 October 2010 be confirmed.

CARRIED

309. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

309.1 *South West Group Canberra Delegation*

The Mayor advised that he would be chairing the South West Group delegation to Canberra on 21-23 November 2010.

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

Nil.

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

Nil.

312. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

312.1 *T207.6 No 62 (Lot 1) Staton Road East Fremantle*

Mrs E Bertolini: Clarifying issues relating to the withdrawal of a demolition application and subsequent submission of revised plans for additions to 62 Staton Road.

Cr Rico – Cr Wilson

That the correspondence from Mrs E Bertolini be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 314.4). CARRIED

312.2 *T204.4 No 56A (Lot 1) Preston Point Road*

Mr A & Miss S Kinsay: Strongly objecting to the proposed three storey development at 56A Preston Point Road which is proposed to extend to the common driveway line that services their property.

Cr Rico – Cr Wilson

That the correspondence from Mr A & Miss S Kinsay be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 314.2). CARRIED

312.3 *T204.4 No 56A (Lot 1) Preston Point Road*

Kensington Design: Requesting a deferral of the application for an extension of the planning approval for 56B Preston Point Road to December to allow time to address concerns raised by the Committee, changes with the Town's elected members and possible changes of ownership of adjoining properties.

Cr Rico – Cr Wilson

That the correspondence from Kensington Design be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 314.2). CARRIED

313. ORDER OF BUSINESS

Cr de Jong – Cr Rico

That the order of business be changed to allow members of the public to address planning applications. CARRIED

314. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

314.1 *Allen Street No. 19 (Lot 305), East Fremantle*

Applicant & Owner: Andrew Sproat

Application No. P140/2010

The Acting Town Planner provided the following additional information:

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“A site inspection by the Acting Town Planner confirmed that there is no east facing windows at 19A Allen Street, which is at the rear of 19 Allen Street. In addition to this there is considerable vegetation screening the rear house. On this basis it is the recommendation of the Acting Town Planner that Condition 1 be deleted from the recommendation.”

Ms McBride (owner) addressed the meeting in support of her request to have the condition relating to screening of the western elevation of the proposed deck deleted and tabled copies of a letter signed by the adjoining rear neighbour and herself agreeing to the increase of the shared boundary wall to ensure privacy between the two properties. The letter also confirmed that both neighbours considered there was no need for a screen to be erected on the proposed deck area.

Cr Martin – Cr Nardi

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

- variation to the retained levels on the northern elevations being 1.2 metres in lieu of the required 0.5 metre;
- variation to the privacy requirements of the R-Codes to allow part of the western elevation of the deck to be unscreened and to be setback 5 metres from the rear boundary in lieu of the 7.5 metres required under the R-Codes.

for the construction of decking, steps, retaining walls, a boundary fence and below ground swimming pool at 19 Allen Street, East Fremantle in accordance with the plans date stamp received on 14 September 2010 subject to the following conditions:

1. **Materials and finishes are to be of a high standard and to match the existing dwelling and a schedule of these to be submitted to the Chief Executive Officer for endorsement prior to the issue of the building licence.**
2. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.**
3. **The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
4. **With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.**
5. **All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
6. **Any introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
7. **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.**
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. **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**



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costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.

11. 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.
12. 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.
13. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
14. 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) *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.*
- (b) *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.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED**314.2 T204.4 Preston Point Road No. 56A (Lot 1), East Fremantle**

Applicant: Kensington Design Australia

Owner: Hugh Wetters

Application No. P158/2010

The letters from A & S Kinsey and Kensington Design, referred from Correspondence (MB Ref 312.2 & 312.3) were tabled.

Mr Whetters addressed the meeting advising that the Acting Town Planner had confirmed that the approved development met the requirements of the current R Codes. Mr Whetters advised that preliminary discussions with the Kinseys had revealed that they would support a development set back from the common driveway and Mr Whetters foreshadowed a revised proposal set back 1 metre from the driveway.

Comments were made by the CEO regarding Council's normal process in relation to advertising any revised proposal to neighbours and the fact that the revised proposal would require an officer assessment and whether such assessment could or should be carried out ahead of other development proposal listed for consideration at the December round of meetings.

Cr Martin – Cr Wilson

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

That Council resolves to:

1. refuse the request for a 24 month extension to the term of the existing extension for planning approval for the construction of a 3-level house comprising an undercroft with double garage, bedroom, guest room and cellar, ground floor with living, kitchen, study and balcony, and upper floor with lounge, bedroom and balcony, at No. 56A Preston Point Road, East Fremantle with the plans date stamp received on 17 September 2010 subject to the conditions previously imposed; and



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2. advise the applicant that any revised application should address the current requirements of the Residential Design Codes 2008 and Building Code of Australia (as amended). CARRIED

Cr Martin made the following impartiality declaration in the matter of 31 Alexandra Road: "As a consequence of the applicant, Mr Gerard McCann, being a former Board Member of a Board on which I also served, 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".

314.3 T207.5 Alexandra Road No. 31 (Lot 440)

Applicant: Gerard McCann Architect

Owner: Yalena Pty.Ltd.

Application No. P147/10

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

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:

- variation to the Visual Privacy provisions of Design Element 6.8 of the Residential Design Codes to not require screening of the south facing veranda of the existing dwelling and,
- the density provisions of the Residential Design Codes from 12.5 to R 30 pursuant to the requirements of clause 7.5 of Town Planning Scheme No. 3 and variation of Design Element 6.5

for the restoration and extension of an existing dwelling and the development of three additional grouped dwellings at Lot 44, 31 Alexandra Road, East Fremantle in accordance with the plans date stamp received on 25 August 2010 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the existing and proposed dwellings are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. 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



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- 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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
 10. that a detailed landscape plan and planting schedule be submitted and approved to the satisfaction the Chief Executive Officer prior to the issue of a Building Licence.
 11. that the existing dwelling, proposed additions and alterations and curtilage off 939 m2 at 31 Alexandra Road, East Fremantle be included on the Heritage List pursuant with Clause 7.1 of TPS No. 3.
 12. that Council will not support an application for a strata subdivision of Lot 44, 31 Alexandra Road, East Fremantle until substantial completion of the development and the clearance of all Planning Permit conditions by Council is achieved.
 13. a schedule of materials and finishes for the proposed and existing dwellings and a detailed schedule of all restorative works in respect to the existing dwelling on proposed Lot 1 are to be submitted and approved to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
 14. to ensure the heritage values of the existing dwelling on proposed Lot 1 are not adversely impacted upon at any time in the future; that the owners agree to the implementation of a Restrictive Covenant, the costs of which are to be met by the owners, and which will be between themselves, Council and the National Trust and which is to Councils' satisfaction and designed to ensure that any proposed action which impacts on the heritage values of the property, including any development or demolition of all or part of the property, will require Council's express approval before that proposed actions can be implemented.
 15. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED



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314.4 T207.6 No. 62 (Lot 1) Staton Road, East Fremantle
Owner: Phil & Elda Bertolini
Applicant MyM Architecture
Application No. P101/2010

The letter from Mrs Bertolini, referred from Correspondence (MB Ref 312.1) was tabled. The following information from the Acting Town Planner had been circulated to elected members with their agenda:

“Following the Committee meeting, the owners of 62 Staton Road met with the Acting Town Planner to express concerns about a statement made in her report which reads as follows:

“The applicants have indicated that they do not wish to submit revised plans for the application and seek Council’s determination and decision. The applicants have indicated that they will pursue demolition if they cannot get approval for additions to their residence. “

Whilst the statement was, at the time of the reports’ preparation, understood to be correct, based on comments made at an earlier site meeting which was attended by the Bertolinis, Cr Wilson and the Acting Town Planner; Mrs Bertolini has yesterday advised the Acting Town Planner that this does not accurately convey her and her husband’s current intentions, noting that an application for demolition was withdrawn on the 28th September 2010 and revised plans were resubmitted on the 5th October 2010 with the Heritage Impact Assessment Report. The applicants advise that they are in fact willing to consider further alternative design options, either on advice from their architect or Council, or if requested by the Council.

On this basis the abovementioned statement in the report can be disregarded.

At the Committee meeting the elected members suggested a site visit to look at the property and the impact of the proposal. .

It can also be reported that following the meeting with the Acting Town Planner, Mrs Bertolini met with the CEO and requested that the placement of the property on Council’s Heritage List be deferred pending a decision on their application. The CEO advises that in response he confirmed earlier written advice to Mr & Mrs Bertolini that the property was now included on the Heritage List. The CEO did undertake however to write to Mrs Bertolini outlining the various benefits which accrue from the inclusion of the property on the Heritage List.”

Elected members were provided with amended plans, received 15 November 2010, which reduced the bulk and scale by increasing the upper floor setbacks to the east and southern boundaries.

Mr Swinyard (representing the adjoining owner) was provided with a copy of the revised proposal and advised that it appeared the amended plan addressed the concerns previously expressed by his client.

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

315. ADJOURNMENT

Mayor Ferris – Cr Wilson

That the meeting be adjourned at 7.35pm for a short break to further consider this proposal. CARRIED

316. RESUMPTION

Cr de Jong – Cr Collinson

That the meeting be resumed at 7.50pm with all those present prior to the adjournment, in attendance. CARRIED



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**317. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)****317.1 T207.6 No. 62 (Lot 1) Staton Road, East Fremantle (Continued)****Owner: Phil & Elda Bertolini****Applicant MyM Architecture****Application No. P101/2010****Cr Wilson – Cr Collinson****That Council exercise its discretion in granting approval for:**

- variation to the setback requirements of the R-Codes to allow a nil setback to the southern and eastern boundary in lieu of the 1.0 metre setback requirement.
- variation to the height requirements of LPP142 to allow a maximum pitch height of 8.3m in lieu of the 8.1m maximum height requirement

approval for additions including an upper floor extension at 62 Staton Road, East Fremantle in accordance with the plans date stamp received on 14 June, 15 July, 5 October and 15 November 2010 subject to the following conditions:

1. prior to the issue of a Building Licence revised plans are to be submitted to the satisfaction of the CEO which:
 - (i) retains the northwest chimney (in addition to the western chimney);
 - (ii) reduces the bulk and scale of the upper floor extension as shown in plans dated 15 November reflecting increases in the setback for the upper floor to the eastern and southern boundaries.
2. a schedule of materials and finishes to be provided reflecting the alternative traditional finish option submitted on 15 November 2010.
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 licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
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).***

CARRIED



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Elected members commended the owners of 62 Staton Road on previous restoration works carried out and considered the revised proposal approved tonight would further enhance the heritage values of this residence and would not be to the detriment of the streetscape.

317.2 T207.8 Munro Street No. 4 (Lot 5056), East Fremantle
Applicant & Owner: Stephen and Alison Barnden
Application No. P154/2010 and P178/2010

The Acting Town Planner provided the following additional information in relation to photos which had been previously circulated to elected members.

“A further site visit was undertaken on Wednesday to look at the position of the bedroom window of 6 Munro Street in relation to the existing and the proposed rear decking.

The house at 4 Munro Street extends further back than the house at 6 Munro Street and the existing and proposed deck area will be setback considerably further than the bedroom of 6 Munro Street. Photos 1-3 show the side of the residence at 6 Munro Street and demonstrate that there are no upper floor windows and only two windows on the ground floor. The window closest to the road is the bedroom window and the second window is to a bathroom. The sunroom is enclosed on this side of the house. Photo 4 shows the back yard of 4 Munro Street and screening along the fence.

Photos 5 & 6 are taken from 6 Munro Street looking up at the existing deck, which is unscreened and which currently overlooks 6 Munro. The proposed extension to this deck area will be screened on the side and portion of the rear openings.

It is the consideration of the Acting Town Planner that screening of the deck as recommended in the report will ensure no overlooking will occur into No. 6 Munro and will assist in reducing any noise impact. The screening of this with a masonry material is not considered to be necessary.

The applicant has advised that the house will be rendered in a light stone/mocha colour and the roof material will be a light coloured non reflective colourbond.”

Mr Barnden (owner) addressed the meeting in support of his proposal.

Cr Wilson – Cr Martin

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

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

- variation to the retained levels on the northern elevations being 1.0 metres in lieu of the required 0.5 metre;
- variation to the privacy requirements of the R-Codes to allow the dining room window to remain unscreened and to be setback 2.413 metres from the rear boundary in lieu of the 7.5 metres required under the R-Codes;
- variation to the privacy requirements of the R-Codes to allow the front deck/balcony to be unscreened and to be setback 2.413 metres from the boundary in lieu of the 7.5 metres required under the R-Codes.

for the alterations and additions to the existing residence and the construction of a shed at 4 Munro Street, East Fremantle in accordance with the plans date stamp received on the 3 September, 4 October and 4 November 2010 subject to the following conditions:

1. the provision of fixed vertical screening to a height of 1.65 metres for at least 25% of the length of the opening of the rear deck and to prevent overlooking into 6 Munro Street to the satisfaction of the CEO prior to the issue of a building licence.
2. materials and finishes are to be of a high standard and to match the existing dwelling and a schedule of these to be submitted to the Chief Executive Officer for endorsement prior to the issue of the building licence.



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3. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. the proposed alterations and 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.
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 licence.
8. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
9. the proposed shed is not to be occupied for residential purposes.
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) *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) *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.*

CARRIED**317.3 T204.5 & T207.1 Wolsely Road No. 38 (Lot 5)*****Applicant: S Johnston & S McKercher******Owner: S Johnston & S McKercher***

Mr Johnston advised that meeting that he had addressed his comments to the previous meeting and did not wish to make further comment.

Cr Martin – Cr de Jong

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

That:

1. *Council grant retrospective planning approval for the spa at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009.*
2. *Council grant retrospective planning approval for the fencing at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009.*
3. *Council grant retrospective planning approval for the shade sails at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009.*



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4. The tiling which has been installed on the former shopfront at No. 38 (Lot 5) Wolsely Road, East Fremantle in place of the original tiles, is not approved and Council requires that wall tiles of a similar type to the original tiles, which are to be to the satisfaction of the CEO, be installed to all of the areas shown on the approved building licence drawings, consistent with Council's planning approval.
5. With respect to the redevelopment of No. 38 (Lot 5) Wolsely Road, East Fremantle:
 - (a) Council notes that the approved building licence drawings entailed the retention of the existing awning which was subsequently permitted to be temporarily removed for structural purposes in the course of other building works, subject to the awning being reinstated or replaced with another awning which was to Council's satisfaction.
 - (b) Council requires that the original awning be reinstated, consistent with the approved building licence drawings. In the event that awning has been destroyed, Council requires an awning which replicates the original awning and is to the satisfaction of the CEO, be installed, with the method of installation also to be to the satisfaction of the CEO.
6. This issue of approval or refusal of all or any of the landscaping which has been carried out, or replacement plantings be delegated to the CEO.

Amendment

Cr Collinson – Cr Rico

That item 2 of the recommendation read as follows:

- “2. Council grant retrospective planning approval for the fencing at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009 subject to the fencing to Osborne Road being reduced in height to no more than 1.8m and provided with visually permeable infill panels at least above 1.2m, in accordance with the Planning Approval issued 21 February 2006 and the requirements of the Fencing Policy (LPP143).”

318. ADJOURNMENT

Cr Martin – Cr Wilson

That the meeting be adjourned at 8.15pm for a short break to allow further discussion on this matter. CARRIED**319. RESUMPTION**

Cr Rico – Cr Wilson

That the meeting be resumed at 8.27pm with all those present prior to the adjournment, in attendance. CARRIED**320. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) (CONTINUED)****320.1 T204.5 & T207.1 Wolsely Road No. 38 (Lot 5) (Continued)****Applicant: S Johnston & S McKercher****Owner: S Johnston & S McKercher**

The amendment moved Cr Collinson, seconded by Cr Rico was put.

Amendment

Cr Collinson – Cr Rico

That item 2 of the recommendation read as follows:

- “2. Council grant retrospective planning approval for the fencing at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009 subject to the fencing to Osborne Road being reduced in height to no more than 1.8m and provided with visually permeable infill panels at least above 1.2m, in accordance with the Planning Approval issued 21 February 2006 and the requirements of the Fencing Policy (LPP143).”

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Rico requested that the voting of Council members be recorded.

Crs Rico, Martin, Collinson & Wilson voted in favour of the motion with Crs Nardi, Olson, de Jong and the Mayor having voted against the motion.

Cr Martin – Cr de Jong

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

That:

1. Council grant retrospective planning approval for the spa at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009.
2. Council grant retrospective planning approval for the fencing at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009.
3. Council grant retrospective planning approval for the shade sails at No. 38 (Lot 5) Wolsely Road, East Fremantle as constructed and as shown on plans received 16 November 2009.
4. The tiling which has been installed on the former shopfront at No. 38 (Lot 5) Wolsely Road, East Fremantle in place of the original tiles, is not approved and Council requires that wall tiles of a similar type to the original tiles, which are to be to the satisfaction of the CEO, be installed to all of the areas shown on the approved building licence drawings, consistent with Council's planning approval.
5. With respect to the redevelopment of No. 38 (Lot 5) Wolsely Road, East Fremantle:
 - (a) Council notes that the approved building licence drawings entailed the retention of the existing awning which was subsequently permitted to be temporarily removed for structural purposes in the course of other building works, subject to the awning being reinstated or replaced with another awning which was to Council's satisfaction.
 - (b) Council requires that the original awning be reinstated, consistent with the approved building licence drawings. In the event that awning has been destroyed, Council requires an awning which replicates the original awning and is to the satisfaction of the CEO, be installed, with the method of installation also to be to the satisfaction of the CEO.
6. This issue of approval or refusal of all or any of the landscaping which has been carried out, or replacement plantings be delegated to the CEO.

CARRIED

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Rico requested that the voting of Council members be recorded.

Crs Nardi, Martin, Olson, Collinson, Wilson, de Jong and Mayor Ferris voted in favour of the motion with Cr Rico having voted against the motion.

320.2

T207.4 Coolgardie Avenue No. 17 (Lot 17), East Fremantle

Applicant & Owner: Paul Cattalini

Application No. P117/2010

Cr Martin – Cr de Jong

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

That Council approve the construction of alterations and additions at 17 Coolgardie Avenue, East Fremantle in accordance with the plans date stamp received on 26 October 2010 subject to the following conditions:

1. prior to the issue of a Building Licence a schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer.
2. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.



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3. 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.
4. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
5. 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.
6. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. the proposed alterations and 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.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 90 Sewell Street: "As a consequence of the applicant, Mr John Chisholm, being known to me, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

320.3 T207.9 Sewell Street No. 90 (Lot 293), East Fremantle**Applicant: John Chisholm****Owner: Tony Harris & Bruce Dries****Application No. P164/2010****Cr Nardi – Cr Martin****The adoption of the Committee's recommendation which is as follows:****That Council exercise its discretion in granting approval for the following:**

- variation to the building setback on the northern elevation being 0.2 metres, in lieu of the required 1.7 metres of the R-Codes 2008; and
- variation to the privacy requirements of the R-Codes to allow part of the eastern elevation of the deck to be unscreened and to be setback 1.5 metres from the northern boundary in lieu of the 7.5 metres required under the R-Codes;



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for the construction of alterations and additions at 90 Sewell Street, East Fremantle in accordance with the plans date stamp received on 15 September 2010 subject to the following conditions:

1. Permanent vertical screening to be provided for a length of at least 1.3 metres along the eastern opening of the decking area and to commence from the north eastern corner of the deck area to the satisfaction of the CEO prior to the issue of a building licence.
2. Materials and finishes are to be of a high standard and to match the existing dwelling and a schedule of these to be submitted to the Chief Executive Officer for endorsement prior to the issue of the building licence.
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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention;
5. the proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers;
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence;
7. 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) *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.*

CARRIED

Cr Nardi made the following impartiality declaration in the matter of 82 King Street: "As a consequence of the owner, Mr Nick Jones, being the father on one of my son's soccer team mates, 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".

320.4 T207.10 King Street No. 82 (Lot 354), East Fremantle

Applicant: Westral Outdoor Centre

Owner: Nick Jones

Application No. P172/2010

Cr Nardi – Cr Olson

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

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

- variation to the south side boundary setback pursuant to the Residential Design Codes from 1.0m to nil m



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- variation to the north side boundary setback pursuant to the Residential Design Codes from 1.50m to 1.28 m
for the construction of an addition and two patios at 82 King Street in accordance with the plans date stamp received on 21 October 2010 subject to the following conditions:
1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 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. 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.
 9. this planning approval to remain valid for a period of 24 months from date of this approval.
 10. the additions (gym) are to be used solely by the occupants of the house. Any commercial use will require a planning application and the consent of Council for a change of use.

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).*



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- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *the patio may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Martin declared an interest in the following item as her property abuts the subject property and left the meeting at 8.45pm

320.5 **T207.12 Sewell Street No. 18 (Lot 411), East Fremantle**
Applicant & Owner: Belinda Doonan
Application No. P157/2010
Cr de Jong – Cr Olson

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

That Council grant approval for the construction of a studio at 18 Sewell Street, East Fremantle in accordance with the plans date stamp received on 7 September 2010 subject to the following conditions:

1. the proposed studio is to be used as an incidental component of the approved predominant residential activity only and shall not be let or sold as a separate residential or short stay tenancy.
2. The proposed studio shall not be used for any form of habitable or residential purposes.
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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. 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

Cr Martin returned to the meeting at 8.46pm and it was noted that she neither spoke nor voted on the foregoing item.

321. EN BLOC RECOMMENDATIONS

Cr de Jong – Cr Nardi

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 9 November 2010.

CARRIED



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- (A) **T207.7 Pier Street No. 7 (Lot 188)**
Applicant & Owner: T & R Mascaro
Application No. P160/2010
That:
1. Council not initiate the proposed rezoning of Lot 188 (No. 7) Pier Street, East Fremantle from the R12.5 zone to the R20 zone.
 2. Council endorse the preparation of a comprehensive review of the Local Planning Strategy and relevant provisions of Town Planning Scheme No.3 to support prescribed infill/ re-subdivision opportunities where it will not detrimentally impact upon the streetscape and heritage values.
 3. the applicants be advised that Council is to consider an alternative series of Scheme Amendments to provide for infill/re-subdivision on appropriate sites.

- (B) **T207.2 Moss Street No. 18 (Lot 5)**
Applicant/Owner: Rob & Louise Pivac
Application No. P512/2010
That Council grant approval for the renovations, alterations and additions at 18 Moss Street, East Fremantle in accordance with the plans date stamp received on 31 August 2010 subject to the following conditions:
1. amended plans to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a building licence which incorporate:
 - (i) the widening of the garage by 1m
 - (ii) relocation of the laundry to increase the rear setback
 2. a schedule of materials and finishes to be submitted to the CEO prior to the issue of a Building Licence.
 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 licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
 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).*



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(C) T207.3 Glyde Street No. 46 (Lot 149), East Fremantle**Applicant: Chris Brook- Builder****Owner: Mr and Mrs J & G Parish****Application No. P142/2010**

That Council grant approval for the replacement of the front verandah with a bullnosed verandah at 46 Glyde Street, East Fremantle in accordance with the plans date stamp received on 19 August 2010 subject to the following conditions:

1. prior to the issue of a Building Licence, revised plans, which are to the satisfaction of the CEO and which demonstrate the verandah being hipped, are to be submitted.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a 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.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
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).*

(D) T207.11 Woodhouse Road No. 15 (Lot 292), East Fremantle**Owner: Richard & Judith Sterrett****Applicant: Reuben Filsell (The Cottage Handyman)****Application No. P131/2010**

That Council refuse the construction of a shade sail at 15 Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010 for the following reasons:

1. The proposed structure is forward of the main building line and does not therefore comply with the requirements of Local Planning Policy No. 142.
2. The proposed structure is inconsistent with the Woodhouse streetscape, which is characterised by wide setbacks to the street which do not contain parking structures.
3. The proposed structure could set an undesirable precedent for similar development along the street and in the locality.



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- (E) **T207.13 Angwin Street No. 14 (Lot 3)**
Applicant & Owner: Mr. Les Archibald
Application No: P170/20100

It is recommended that Council refuse the application for Planning Approval for the construction of a sunshade structure at 14 Angwin Street, East Fremantle as proposed sun shade structure does not meet the:

1. Objectives of the Town Planning Scheme No.3 or the Local Planning Strategy since it would be a discordant element which is not supported by the prevailing built form character in the vicinity and its location on the elevated frontage of the property would have a substantial visual impact when viewed from the street and would not adhere to the established building line within the vicinity.
2. 'Acceptable development' requirements or the 'Performance Criteria of the R-Codes. Section 6.2.2 – 'Minor incursions into the street setback area' because it intrudes more than one metre into the street setback area from the building frontage and would detract from the character of the streetscape. CARRIED

- (F) **T207.14 Philip Street No. 19 (Lot 807)**
Applicant: Marcus Burt
Owner: Robert & Karen Walker
Application No. P159/2010

That Council exercise its discretion in granting approval for front fencing in accordance with the plans date stamp received on 7 October 2010 subject to the following conditions:

1. amended plans are to be submitted prior to the issue of a Building Licence to the satisfaction of the CEO, which show the following:
 - a) The entire fence being constructed of rendered masonry material with a uniform white paint finish with no corbelling or use of alternative materials.
 - b) A curved landing and steps at the pedestrian gate that fronts Philip Street (if this is achievable).
2. the maximum height of the fence to be 1.8 metres.
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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention;
5. 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;
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).***



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- (G) **T207.15 Pier Street No. 3A**
Applicant & Owner: WJ & FS Enright
Application No. P76/2009

It is recommended that Council exercise its discretion pursuant to clause 4.3 of the Town Planning Scheme No.3 in granting approval for a 'bed and breakfast' use at 3A (Lot2) Pier Street, East Fremantle subject to the following conditions,

1. the "bed and breakfast" use is limited to the floor areas designated in yellow for that purpose on the Approved Plan dated 21 July 2009
2. a maximum of four guests may be accommodated on-site at any one time
3. no signage is to be erected associated with the "bed and breakfast" use unless it has been the subject of a separate application for Planning Approval and approved by Council.

- (H) **T207.16 May Street No. 43 (Lot 612)**
Applicant: Officer Woods Architects
Owner: Glenda Blake
Application No. P166/2010

That Council exercise its discretion in granting approval for:

- (i) the positioning of the carport not entirely behind the main building line in lieu of the requirements of LPP No. 142;
- (ii) the wall height to extend to a height of 3.5 metres in lieu of the R-Code requirement;
- (iii) a reduced setback of 0.86 metres to the southern boundary for the studio and additions in lieu of the 1.0 metre required under the R-Codes

additions to the rear of the existing residence, a new carport and a studio in the back yard at 43 May Street, East Fremantle in accordance with the plans date stamp received on 20 September 2010 subject to the following conditions:

1. a schedule of materials and finishes to be submitted to the CEO prior to the issue of a Building Licence.
2. the proposed studio is not to be occupied for residential purposes.
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 licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
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.***



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- (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).*

The Manager Planning Services and Acting Town Planner left the meeting at 8.50pm.

322. FINANCE**322.1 Audit Committee – 10 November 2010**

Following queries from elected members regarding:

- page 3 of Annual Statements "Profit on Asset Disposal & Loss on Asset Disposal"
- page 3 & 4 of Auditors Report relating to payments totalling over \$100,000

the CEO undertook to have the Executive Manager Finance & Administration circulate written advice regarding both matter.

Cr Olson – Cr de Jong

That the Minutes of the Audit Committee Meeting held on 10 November 2010 be received and adopted. CARRIED

322.2 Finance Committee – 10 November 2010**(A) Cr Olson – Cr Martin**

That the Minutes of the Finance Committee Meeting held on 10 November 2010 be received. CARRIED

(B) F21.4 Councillors' Communication and IT Allowance Policy

Cr Martin – Cr de Jong

The adoption of the Committee's recommendation:

That Policy F7.1 Legitimate Expenses for Councillors be amended to include Councillors' Information Technology Allowances. CARRIED

ABSOLUTE MAJORITY

(C) Cr Olson – Cr Martin

That Council adopts en bloc the following recommendations of the Finance Committee Meeting of 10 November 2010. CARRIED

(i) F21.1 Monthly Financial Activity Statement for Period Ending 30 September 2010

1. That the Financial Activity Statement for the period ending 1 July 2010 to 30 September 2010 be received.
2. That a detailed Capital Works Status report be prepared for the following periods each financial year: July to September and October to December quarters and then monthly for the remainder of the financial year.
3. The report to be presented to Council in conjunction with the Financial Activity Statement of the same period.

(ii) F21.2 Accounts for Payment – October 2010

That the List of Accounts for the period 1 October and ending 31 October 2010 be received.

(iii) F21.3 Review of Local Laws

1. That a review of the Town's local laws under s3.16 of the Local Government Act 1995 commence on 20 November 2010 with Local and Statewide Notice that the review is being undertaken.
2. The results of the review to be reported to Council on 1 March 2011.

(iv) F21.5 Finance Timetable 2010/2011

1. That the 2010/2011 Finance Timetable be received.
2. That Council host a budget information session for sporting and community groups with a proposed date of Thursday 16 December 2010.

323. REPORTS OF CHIEF EXECUTIVE OFFICER

323.1 Town Centre

The CEO advises he has commissioned and accepted a community consultation proposal from Warren Giddens, the Principal of Consult.wg.

Warren Giddens is a town planner with a background in project consultation, facilitation and management.

A copy of a profile of the company is attached, together with a copy of the consultation plan. **ATTACHMENT**

That plan had essentially proposed four options:

- (i) 5 focus group meetings (see plan)
- (ii) 5 focus group meetings, followed by wider community information session.
- (iii) 2 (larger) focus group meetings
- (iv) 2 focus group meetings followed by wider community information session.

The CEO has selected option (ii) as the number of focus groups involved is consistent with the earlier expressed views of elected members, and the proposed wider community information session, the merits of which he had discussed earlier with Mr Giddens, has much to recommend it in terms of increasing the sense of community "ownership" of the plan and hence the legitimacy of the consultation process.

It is planned to hold the focus groups in the first and second week of December although the time frame will be very tight.

The Chief Executive Officer plans to meet with Mr Giddens later this week or early next week to discuss the issues of representation and recruitment with respect to the five focus groups.

Discussions have also been held with Malcolm Mackay. A draft concept plan based on comments from elected members, draft Guiding Principles and draft Guidelines, based on those Principles, should be received from Malcolm by the end of the week.

323.2 Annual Electors' Meeting

The CEO proposed that the Electors' Meeting be held in February 2011 for several reasons, which were outlined in advice distributed to elected members. A key reason was that by February there should be more to report on the outcome of consultations regarding the Town Centre.

The CEO advised that Council would still need to adopt the Annual Report by 31 December and the meeting could be held 56 days after that date.

It was proposed to adopt the annual report by 14 December 2010 and hold Electors' Meeting prior to Tuesday, 7 February 2011.

Elected members indicated concurrence with that suggestion.

323.3 Outcome of Applications to Community Sporting & Recreation Facilities Fund (CSRFF) Small Grant Program

The CEO reported that recent advice from the Minister for Sport & Recreation indicated:

- (i) the application by the East Fremantle Bowling Club for \$7,500 for the replacement of a bowling green has been successful.

- (ii) the application by the East Fremantle Tricolore Soccer Club for \$84,000 to upgrade floodlighting at Upper and Lower Wauhop Park has been unsuccessful.

The Minister's letter concluded:

"Thank you for your involvement in the CSRFF process and your Council's commitment to the provision of quality infrastructure for sport and recreation. I look forward to continuing the development of our partnership in the future."

The CEO has discussed the outcome of the Tricolore grant with an officer from the Department and been advised that the main problem was that by the Department's deadline, the Department had still not received all of the necessary information from the Club.

Initially there were issues with the lighting plan not conforming to the relevant Australian standard however even when this was rectified via a new plan being drawn up, there were problems with matching the quote to that standard.

All is not lost however as there is another Small Grants round commencing either December 2010 or January 2011 and the Department has agreed the application could be revisited in that round.

It is intended to approach Mr de Klein with a further offer of assistance and also to discuss the issue of community consultation on the lights. (see following report)

323.4 CSRFF Application – East Fremantle Junior Football Club

An issue which the Department of Sport and Recreation has raised with respect to the recent lighting application by the East Fremantle Junior Football Club is the issue of a lack of community consultation.

The CEO explained his view on this, as previously put to Council, namely that:

- (i) there are already lights in existence.
- (ii) those lights predate the ownership of existing property holders in most, if not all cases.
- (iii) it is a reality that the existing property owners have all purchased/built next to a sporting reserve which could reasonably be expected to have lighting facilities.
- (iv) if there is no potential "power of veto" implicit in the consultation, what is the purpose?

The officer acknowledged the position however said that based on previous problems with lighting applications he would prefer consultation be carried out (notwithstanding the same officer had not raised the issue with respect to the Tricolore application).

Whilst, technically, this is the Club's responsibility it is proposed Council will arrange this.

The CEO has advised the Departmental officer concerned Council will consult with respect to the Tricolore application at the same time.

An issue has also been raised with respect to whether Swan River Trust approval is required. The CEO will also follow up on this.

323.5 Recreational Boating Facilities Scheme

The CEO advised that under Round 15, Council received a grant of \$355,000 however the carpark component was deleted.

Council had to fund \$295,000 – or \$960,810 if it went ahead with the carpark.

Meanwhile under Round 16, more generous funding arrangements (essentially 75%) apply.

As foreshadowed in an earlier report, the CEO has elected to withdraw from Round 15 and likely resubmit to Round 16.

The "savings" from the budget are likely to be proposed to be reallocated to the resurfacing of Preston Point Road following the forthcoming Black Spot funded works.

The CEO read the following extract of advice from the Operations Manager:

"The Preston Point Road roadworks are reaching the final design phase with plans and tender documentation almost complete. The tender should be ready to go out in the next couple of weeks.

The design includes a red asphalt median strip which varies in width but is generally 1.3 metres wide for the length of the works. This work will require the profiling out of a 1.3 metre wide strip of the existing black asphalt so that when the red asphalt is installed it will finish flush with the existing asphalt. There is currently no allowance to overlay the existing black asphalt on Preston Point Road.

I believe Council should take this opportunity whilst road works and traffic management are in this location to complete the overlay of the whole of Preston Point Road.

The complete overlay would have the following benefits:

- *there would be no requirement to profile out for the red asphalt (cost saving)*
- *traffic management already in place (cost saving)*
- *approximately 500 lineal metres of Preston Point Road is listed for road resurfacing between now and 2011/12 on the Town of East Fremantle's Road Resurfacing Program*
- *Apart from Canning Highway, Preston Point Road carries the most traffic of any of the Town's local roads.*
- *The condition of the road could only be considered average at best.*

The area and cost of black asphalt to be considered is 18,313m² x \$14/m² = \$256,382."

Elected members indicated concurrence with the plan to withdraw from Round 15 of the RBFS, consider resubmitting to Round 16 and apply the "savings" with respect to Round 15 to the Preston Point Road project.

323.6 Plympton Steps

The CEO advised he had recently applied to Lotterywest for a grant to assist with the costs of obtaining a Conservation Plan for the Plympton Steps and the surrounding park.

This process has also involved the compilation of a Consultant's Brief (which Rosemary Rosario produced) and the seeking of three quotes. Whilst only one quote was received, it was a good quote in that it reflected a good understanding of the work required.

If the Lotterywest application is unsuccessful, Council will need to meet all of the costs instead.

323.7 Richmond Primary School Building

The CEO was pleased to report that the building works in progress, funded by the Federal Government, will be completed in normal sized red brick, as befits the existing heritage buildings and not the double sized "Besser bricks" which the CEO had earlier been advised were intended, consistent with what was being used in many thousands of such projects across Australia.

Following the CEO's intervention with the Minister of Education that proposed action was reversed.

323.8 31 Dalgety Street

The CEO circulated correspondence received from the Ombudsman's Office in relation to a complaint lodged by one of the owners of 31 Dalgety Street against Council's requirement for planning approval which was required, on a retrospective basis, after the owners replaced the tile roof with colourbond without Council approval.

The referral to the Ombudsman had followed an earlier complaint to the CEO with respect to the fees charged.

The Ombudsman found no improper actions on Council's part had occurred.

323.9 *Christie vs Town of East Fremantle*

The CEO advised that the appeal by Bronwyn Christie with respect to the fencing at 18 Munro Street had been upheld and briefly outlined reasons why.

In summary, on appeal, the President of the SAT, Justice Chaney, had determined:

- the Tribunal (and the Town) had not erred in its interpretation of ground level or its conclusions that fencing piers 16-26 were overheight (however)
- the Tribunal did err in law in failing to give proper consideration to the effect of landscaping (which did not require development approval and which the applicant had already commenced planting, with more intended) on views "previously enjoyed from the adjoining property across the front setback area of the site".

In other words, as concluded by Justice Chaney "Landscaping adjacent to the common boundary between the properties could have the same impact on views as the fences in question".

Accordingly the requirement for the Christies to lower the fence height has been revoked.

It might be noted Condition 2 was not contended by Christies and SAT affirmed this condition, ie the pier caps were not to encroach outside the application area.

The CEO undertook to send a copy of the Appeal decision to elected members

The CEO commented that, without inappropriately reflecting in any way on Justice Chaney's decision, he understood it was possible to stipulate requirements in relation to landscaping as a condition of planning approval including requirements in relation to maximum heights of vegetation etc.

Whilst not relevant in this case, as there was no such condition, it was a policy issue which the CEO advised he intended to follow up on.

323.10 *Newsletter*

The CEO outlined issues in relation to the Council newsletter which is normally distributed just prior to Christmas.

The CEO noted a newsletter in say, February or March next year would lend itself to a report, or even a form of consultation, on the proposed Town Centre development.

Elected members indicated support for deferring the distribution of the newsletter until an appropriate time early in the new year.

323.11 *Function 29 November 2010*

The CEO advised that the combined Glyde-In/TPAP/Citizenship Ceremony function was shaping up to be a relatively large event.

All elected members should have the function in their diaries. No elected member has indicated they are not able to attend.

The CEO sought an indication from elected members as to whether they and partners/guests would be in attendance. All elected members, except Cr de Jong, indicated that they would be in attendance with Cr Martin indicating her partner would also be attending.

323.12 Local Government Reform

The CEO advised of a forum on local government reform, recently held in Melville which had been arranged by the Department of Local Government at the apparent behest of the Minister.

The CEO had been contacted by a Councillor from the City of Fremantle and asked why the Town was not represented.

A subsequent check determined that the Town had not been invited.

Only local governments which had been identified by the Minister as supporting his "reform" program were invited.

A senior WALGA officer had advised the CEO the forum was in his view a contrived affair, with a pre-determined outcome and which in his view was held essentially for the Minister's political purposes.

The CEO stated that whilst it is accepted such forums are a prerogative of the Minister, it is a concerning progression of the "good guys" (ie local governments deemed to be backing the Minister's reform model) vs "bad guys" (ie local governments which have not agreed with the Minister's preferred reforms in their particular case) approach which the Minister appears to have adopted.

The CEO suggested sound policy development requires intellectual debate which considers the pros, cons, alternatives etc of proposals. Accordingly the debate should be informed by a range of views. Ideas need to be able to be subject to challenge, not quarantined from challenge which is what would tend to occur when advice is sought from deemed supporters only.

The CEO considers it is insulting to the Town that the Minister continues to portray local governments which have an alternative view of his "reform" agenda as not having the interests of their communities at heart.

For example the Minister has written in his latest "Portfolio News":

"The forum was an ideal platform for the State Government to listen to local government representatives who are displaying strong leadership within the participating local governments and are clearly focused on their communities' best long term interests."

On the issue of the Town's financial viability and asset management, the CEO noted that the most recent report on Local Government Road Assets and Expenditure rated the Town very highly on Road Preservation Performance ie the % of the overall amount of expenditure required by individual local governments to maintain their roads at their current condition.

The average for the Metropolitan Regional Road Group was 94% (the State figure is 71%).

The Town of East Fremantle percentage of 210% was exceeded only by the City of Nedlands (219%) and the City of Perth (270%).



The lowest figure was the City of Wanneroo (48%).

Of interest was the City of Fremantle's figure of 76%. Of 30 local governments, only 5 local governments had a lower figure than this.

The full set of figures is as follows:

Council	Preservation Performance
Serpentine/Jarrahdale	41%
Wanneroo	48%
Kalamunda	56%
Cockburn	63%
Rockingham	74%
Fremantle	76%
Canning	79%
Joondalup	79%
Bayswater	80%
Gosnells	81%
Kwinana	83%
Peppermint Grove	84%
Swan	90%
Mundaring	91%
Bassendean	92%
Stirling	96%
Armadale	97%
Melville	102%
Victoria Park	126%
Vincent	126%
Belmont	127%
Cambridge	132%
South Perth	132%
Mosman Park	133%
Cottesloe	177%
Subiaco	197%
Claremont	199%
East Fremantle	201%
Nedlands	219%
Perth	270%

323.13 Sporting Club Budget Briefing

The CEO queried the intention and timing of the proposed budget briefing as he had not been in attendance at the Finance Committee when it was raised. The Mayor clarified the purpose of the briefing and the basis of the timing.

With the CEO's agreement it was resolved to proceed with the briefing on Thursday, 16 December 2010.

324. CONFIDENTIAL BUSINESS

324.1 Royal George Hotel – SAT Appeal

Cr Rico – Cr Nardi

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(a) of the Local Government Act as it relates to a matter which is subject to legal advice.

CARRIED

The meeting was closed to members of the public at 10pm.

16 November 2010

MINUTES

The CEO briefed elected members on the recent SAT mediation and the current situation.

The Minute Secretary left the meeting at 10.10pm.

Council is required to reconsider the application at its December 14 Council Meeting. Elected members indicated they would prefer the matter be dealt with at a Special Meeting dedicated solely to this application.

The CEO advised of an invitation to an "open forum" at the Royal George Hotel, an extract of which is as follows:

"The National Trust is very positive to hosting an open forum at the George Hotel East Fremantle prior to Town Planning Committee meeting scheduled for the 7 December 2010.

As suggested by Sarah (NT), the most appropriate day would be Thursday 2 December (at the Hotel) at 4.30pm.

This will give a time frame to prepare any further information prior to the 14 Council Meeting as may be requested by Councillors.

The Trust will forward invitations direct to all Councillors, Stuart Wearne & yourself early next week.

Please advise whether you wish to invite other staff or appropriate persons.

We envisage a presentation of the Application followed by a tour of the hotel proper.

The process should be no longer than an hour obviously dependent on questions and answers.

The Trust will provide tea and coffee during the presentation.

We are most appreciative of your positive approach to the Trust's suggestion.

Your earliest confirmation of the time and date would be appreciated.

Regards

*Michael Dryka
Dryka & Partners"*

Elected members did not support the date proposed and suggested around 10-11am on Saturday, 4 December as an alternative.

The CEO would discuss this with the applicants.

325. OPENING OF MEETING TO PUBLIC

Cr Wilson – Cr Olson

That the meeting be re-opened to members of the public at 10.42pm. CARRIED

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

Nil.

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

Nil.



328. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.44pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 November 2010**, Minute Book reference **300. to 328.** were confirmed at the meeting of the Council on*

.....

Presiding Member