

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 SEPTEMBER, 2010 COMMENCING AT 6.36PM.

252. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

252.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	(From 6.44pm)
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Ms G Basley	Acting Town Planner (To 9.10pm)
Ms J May	Minute Secretary (To 9.45pm)

253. 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."

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

There were 7 members of the public in the gallery at the commencement of the meeting.

255. RECORD OF APPROVED LEAVE OF ABSENCE

Cr de Jong.

256. RECORD OF APOLOGIES

Nil.

257. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

258. PUBLIC QUESTION TIME

Nil.

259. APPLICATIONS FOR LEAVE OF ABSENCE

259.1 Cr Lilleyman

Cr Lilleyman sought leave of absence for the Council Meetings on 2 and 16 November 2010.

Cr Wilson – Cr Nardi

That leave of absence be granted to Cr Lilleyman for the Council Meetings to be held on 2 and 16 November 2010. CARRIED

259.2 Mayor Ferris

Mayor Ferris sought leave of absence for the Council Meeting on 2 November 2010.

Cr Wilson – Cr Nardi

That leave of absence be granted to Mayor Ferris for the Council Meeting to be held on 2 November 2010. CARRIED



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260. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

260.1 Council Meeting – 7 September 2010

Cr Wilson – Cr Nardi

That the Minutes of the Council Meeting held on 7 September 2010 be confirmed.

CARRIED

261. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

261.1 Army Art

The Mayor tabled correspondence and a certificate of appreciation from Army Art for Council's \$300 sponsorship for this year's Army Art exhibition which was held at Leeuwin Barracks and raised \$28,000 for the Recreation and Sport Network, which assists in raising funds for people with a disability to facilitate their inclusion in recreation, sport and civic life.

The CEO and his wife represented the Town at the exhibition.

261.2 Cancer Council

The Mayor tabled correspondence from the Cancer Council of WA acknowledging \$204 raised by Council's office staff, who were coordinated by Janine May, from the sale of merchandise and fresh daffodils which will be used to assist in funding vital research, education programs and support services for cancer patients and their families.

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

Nil.

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

Nil.

264. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

264.1 T186.5 View Terrace No 54 (Lot 89)

G Herps: Advising that he had received an opinion from "an expert property lawyer" that "the iconic city views from our living room will be severely impacted" from the proposed development at 54 View Terrace and requesting Council defer this matter to allow his architect to meet with the applicant's architect to identify what "minor modification to the design"... can be incorporated so as to reduce the impact area".

Cr Lilleyman – Cr Rico

That the correspondence from Mr Herps be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 269.2).

CARRIED

Cr Martin entered the meeting at 6.44pm.

265. ORDER OF BUSINESS

Cr Olson – Cr Nardi

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

CARRIED



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266. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

266.1 Philip Street No. 12A (Lot 1)
Applicant: Justin Everitt (J3D Pty Ltd)
Owner: Mr & Mrs S & S Currie
Application No. P130/2010

Mr Justin Everitt (architect) advised the meeting that he supported the Committee's recommendation.

The Acting Town Planner provided additional information regarding discretions (d) & (e) of the Committee's recommendation.

Cr Nardi – Cr Lilleyman

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

- (a) variation to the requirements of Local Planning Policy 142 to allow a portion of the eastern and western walls (pitched roof) to extend to a height of 6 metres in lieu of the 5.6 metres required by Local Planning Policy 142;**
- (b) variation to the requirements of Local Planning Policy 142 to allow a portion of the eastern and western walls (concealed roof) to extend to a height of 6.7 metres in lieu of the 6.5 metres required by Local Planning Policy 142;**
- (c) variation to the requirements of Local Planning Policy 142 to allow a portion of the pitched roof on the eastern elevation to extend to a height of 8.2 metres in lieu of the 8.1 metres required by Local Planning Policy 142;**
- (d) variation to the requirements of the R-Codes to allow site works up to 2.2m in lieu of 0.5 metres; and**
- (e) variation to allow a boundary wall with a length of 13.75 metres to a maximum height of 3.8 metres on the eastern boundary;**

for the construction of a three storey residence and a pool at No. 12A (Lot 1) Philip Street, East Fremantle in accordance with the plans date stamp received on 7 September 2010 subject to the following conditions:

- 1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
- 2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer 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 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. 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.**
- 7. 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.**
- 8. 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.**



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9. 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.
10. 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.
11. pool contractor/builder is required to notify Council's Building Surveyor ***immediately upon completion of all works*** including fencing.
12. 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**266.2 T186.4 Coolgardie Avenue No 17 (Lot 17)*****Applicant & Owner: Paul Cattalini******Application No. P117/2010***

The Acting Town Planner provided the following additional information:

"Committee members discussed the opportunity for a site visit and the property is accessible for this to occur.

The application was deferred pending clarification of the following:

- (a) *Residence set forward of predominant building line.*

The current residence is set back 100 mm behind (southwards) from the adjoining residence to the east. The proposed residence does not extend any further forward (northwards) of the existing residence with the exception of the balcony and supporting posts, which extend forward of the existing dwelling in that location, which is setback from the rest of the dwelling. No part of the proposed residence will extend any further forward than the existing residence.

- (b) *Maximum Building Heights under 'Category B of the R-Codes' versus LPP 142.*

Coolgardie Avenue is not a street that is assessed as having significant views and as such the building heights established under LPP 142 are not applicable. The areas subject to view/height assessment are generally west of Alexandra Street and north of Pier Street.

It is the assessment of the current Acting Town Planner and previous/former Acting Town Planners that the assessment of this area against 'Category B heights of the R-Codes, is acceptable and accurate.

- (c) *Open Space Requirement.*

The site is required to have 55% open space, which equates to 524.70m² of open space. The application only proposes a site cover of 341.33m² and provides for

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613m² of open space which is compliant with the R-Code requirements and in fact is significantly less than permitted under the R-Codes.

- (d) *The impact of lowering the pathway on the eastern side.
The impact of lowering the pathway will be that the FFL along the eastern boundary will be lowered. This will increase the vertical separation between the path and the top of the fence to prevent overlooking."*

Dr Meredith (adjoining owner) addressed the meeting expressing concern regarding the front balcony and sought clarification on all relaxations being sought, including whether any related to this balcony. Dr Meredith was given this information.

Mr Cattalini (owner) addressed the meeting in support of his proposal and the officer's recommendation.

267. ADJOURNMENT

Cr Wilson – Cr Rico

That the meeting be adjourned at 7.20pm to allow this matter to be considered further. CARRIED

268. RESUMPTION

Cr Nardi – Cr Rico

That the meeting be resumed at 8.00pm with all those present prior to the adjournment, in attendance. CARRIED

**269 TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)****269.1 T186.4 Coolgardie Avenue No 17 (Lot 17) (Continued)**

Applicant & Owner: Paul Cattalini

Application No. P117/2010

Cr Wilson – Cr Rico

That the application be deferred to allow the applicant the opportunity to submit revised plans which address concerns in relation to the incompatibility of the design with respect to the existing streetscape.

269.2 T186.5 View Terrace No. 54 (Lot 89)

Applicant: Sam Teoh Architects

Owner: David Sofield

Application No. P125/2010

The Acting Town Planner provided the following additional information:

"An outcome of Tuesday night's Committee meeting was that an extrapolating measuring pole was to be erected on the subject site to indicate the proposed building height and to show the north western most boundary of the proposed new dwelling. Councillors were to view the measuring pole from Mr Graham Herps residence at 52 View Terrace on Saturday morning.

Since the Committee meeting, Mr Herps has been in contact with the Acting Town Planner to request (through the Acting Town Planner) the applicants to consider the 3 options presented in the In-House Building Design correspondence dated 26 August 2010 and to advise that Mr Herps did not believe a site visit and the erection of a measuring pole was necessary and that the photo montage impressions he presented at the meeting was suffice. Mr Herps also advised that he was away for work in Sydney.

With regard to the above, the Acting Town Planner has discussed Mr Herps requests with the Applicants who advise that they do not want to concede to Mr Herps requests on the basis of their presentation at the meeting. Further, the applicant's were accepting of Mr Herps request for a site visit not to occur on Saturday.

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A site visit has not been arranged and to assist the elected members I have attached a copy of the information that was presented to the Committee on Tuesday."

The letter from Mr Herps, referred from Correspondence (MB Ref 264.1) was tabled.

Mr Teoh (architect) and Mr Sofield (owner) addressed the meeting in support of the application and the Committee's recommendation.

Cr Nardi – Cr Wilson

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 requirements of Local Planning Policy 143 to allow the eastern most section of front fence to be solid to 1.8 metres without visual permeability;**
- (b) variation to the requirements of Local Planning Policy 142 to allow the skylight window to extend to a maximum height of 8.1 metres;**

for the construction of a two storey residence, fencing and a pool at No. 54 (Lot 89) View Terrace, East Fremantle in accordance with the plans date stamp received on 3 & 4 August 2010 subject to the following conditions:

- 1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
- 2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
- 4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 5. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 6. With regard to the plans submitted with respect to the building 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. 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.**



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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) *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

269.3

T186.9 Riverside Road No. 9 (Lot 1)**Applicant: Perth Home Improvements****Owner: Gary Sprunt & Gwen Parry****Application No. P111/2010**

The Acting Town Planner provided the following additional information:

The Committee deferred the application for a patio at 9 Riverside pending 3 matters which are listed and responded to below:

- (a) *Clarification as to whether the plans submitted are to scale in relation to the existing residence.*

Yes the plans date stamped 20 August 2010 are accurately scaled (scale of 1:125). The elevation that was stamped as the approved plan (21 September 1977) was also accurately scaled (1:100). This plan shows the original pergola structure that was built to a post height of 2.1 metre, which is the same post height as the subject application.

- (b) *Applicant to respond to TPAP most recent comments as contained in Minutes of 24 August 2010.*

The applicant Mr Gary Sprunt has provided the following response to the TPAP comments:

"Regarding comments about having a flat roofed and or wooden structure this something we just don't want. If price is anything and it usually is, a wooden structure would cost around \$2000 and in my view do nothing but detract from the streetscape...there is a white ant problem, the salt air has a detrimental effect on the stirrups and all metal fittings, the best one can do to protect the wood is ordinary paint.

On the other hand my proposal costs nearly \$9000...the structure is fully welded and powder coated. The roof is 50mm insulated panel which looks equally good on top and underneath. Because it is made of steel, the structure uses far less material. In fact the whole thing has just two supporting poles. It is simple and elegant. On the other hand a wooden structure would need more of everything in its design. More beams, larger beams, more support poles, purlins would have to be added and so on. There was a wooden structure existing when we purchased the house and any neighbour will tell you what an eyesore it was."

- (c) *Mr Sprunt has submitted a revised drawing which lowers the roof pitch and it is this plan that is to now be considered."*



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Mr Sprunt (owner) addressed the meeting in support of his revised proposal dated 17 September 2010.

Cr Nardi – Cr Olson

That Council exercise its discretion in granting approval for the construction of a patio at No. 9 (Lot 1911) Riverside Road, East Fremantle in accordance with the plans date stamp received on 17 September 2010 subject to the following conditions:

1. Prior to the issue of a building licence the applicant to submit a schedule of materials, colours and finishes to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council;
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention;
5. The patio structure 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; and
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); and*
- (d) *the patio may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Nardi made the following impartiality declaration in the matter of 3 Windsor Road: "As a consequence of the architect being known to me as our children attend the same school, 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".

269.4

T186.8 Windsor Road No 3 (Lot 18)

Applicant: Carl Huston of Huston & Associates

Owner: Tiffany Pia Louve & Robert Nigel Leeming

Application No. P120/2010

Cr Nardi – Mayor Ferris

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 southern elevation being 1.0 metre in lieu of the required 1.8 metre as per the building setback requirements of the Residential Design Codes 2008;
- variation to the building height on the southern elevations being 4.45 metres in lieu of the required 3.0 metres as per the building height requirements for a category A development of the Residential Design Codes 2008;
- variation to the permitted maximum fill height being 1200 millimetres in lieu of the required 500 millimetres;

for the construction of alterations and additions at No. 3 (Lot 18) Windsor Road, East Fremantle in accordance with the plans date stamp received on 14 July 2010 subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
3. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building 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 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 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.
9. 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.
10. 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.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. 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.
13. This planning approval to remain valid for a period of 24 months from date of this approval.



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14. 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.
15. 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.
16. 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.
17. 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.
18. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.

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

269.5

T186.10 Silas Street No. 9 (Lot 1)**Applicant & Owner: Kerry & Chris Eoannidis****Application No. P127/2010**

Cr Nardi – Cr Lilleyman

That Council exercise its discretion in granting approval for the following for a solid fence to 1.8metres in height (without visual permeability) on the Silas Street frontage of No. 9 (Lot 1) Silas Street, East Fremantle as shown on plans received 30 July 2010 and subject to the following conditions:

1. *the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
2. *with regard to the plans submitted with respect to the building 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.*
3. *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.*



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- (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 applicant to consider the use of anti-graffiti paint on the proposed fence. LOST

Cr Wilson – Cr Martin

That the application be deferred to allow the applicant to submit revised plans that soften the streetscape impact by utilising alternative infill material above 1.2m, consistent with the timber detail on the existing residence. CARRIED

269.6 En-Bloc Recommendation – Town Planning & Building Committee Meeting of 14 September 2010

Cr Lilleyman – Cr Nardi

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 14 September 2010 {See MB Ref 269.6(A) to 269.6(F)}. CARRIED

(A) T186.6 Allen Street No. 25 (Lot 7)

Applicant & Owner: Morgan Barron

Application No. P118/2010

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

- variation to the privacy setback requirements on the northern elevation being 4.13 metres and the southern elevation being 5.688 metres in lieu of the required 7.5 metres required under the R-Codes 2008; and
- variation to the maximum permitted fill height to allow 1015 millimetres in lieu of the maximum permitted 500 millimetres as per the R-Codes 2008;

for the construction of alterations and additions at No. 25 (Lot 7) Allen Street, East Fremantle in accordance with the plans date stamp received on 5 July & 27 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 patio structure 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; and
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); and***
- (d) the patio may not be enclosed without the prior written consent of Council.***

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(B) T186.7 Chauncy Street No. 5 (Lot 5041)

Applicant: Arkitektura
Owner: Rodney & Karen Coates
Application No. P145/2008

That Council exercise its discretion in granting a 24 month extension to the term of the existing planning approval for the construction of a 7.0 metre long by 4.5 metre wide belowground swimming pool, earthworks involving fill of more than 0.5 metres above the natural ground level, at No. 5 (Lot 5041) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 21 July 2010 and subject to the conditions previously imposed.

(C) Locke Crescent No. 18 (Lot 4990)

Applicant & Owner: Erica Lorimer
Application No. P97/2010

That Council exercise its discretion in granting approval for a brushwood screen fence to 2.7 metres in height parallel to the rear boundary fence of 18 Locke Crescent, East Fremantle as shown on plans received 8 June 2010 and subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. with regard to the plans submitted with respect to the building 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.
3. 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) T186.12 Walter Street No. 12 (Lot 53)

Applicant: Rochelle Williams
Owner: Rochelle & Aled Williams
Application No. P104/2010

That Council grants approval for the construction of alterations to No. 12 (Lot 53) Walter Street, East Fremantle in accordance with the plans date stamp received on 19 August 2010 subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer 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 building licence and the building licence issued in

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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. 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.*

- (E) **T186.13 Gill Street No. 34 (lot 33)**
Applicant & Owner: Patrick Matthews
Application No. 144/2010

That Council grant approval for the proposed Home Occupation (Dog Grooming) to operate from No. 34 (Lot 33) Gill Street, East Fremantle, in accordance with documentation date stamped received on 24 August 2010 subject to the following conditions:

1. The hours of operation are limited to Monday to Friday from 8.30am – 2.30pm and the occasional Saturday from 9am – 4pm.
2. No signage shall be displayed that is exceeding 0.2 square metres.
3. The home occupation (dog grooming) shall not involve the retail sale, display of hire of goods of any nature.
4. The home occupation (dog grooming) shall not employ any person who is not a member of the occupier's household.
5. Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation.
6. Clients visiting No. 34 Gill Street for use of the proposed home occupation (dog grooming) must park on-site.
7. The home occupation (dog grooming) approval is for 12 months only from the date of this approval. Continuation of this planning approval shall require application for renewal before the expiration of the approval.
8. Should any adverse comment be received on matters relating to car parking, noise, safety and any other issues arising from the home occupation, Council reserves the right to terminate the home occupation prior to expiration of the planning approval.
9. An Annual Renewal Fee for this home occupation is required to be paid prior to the expiry date specified in Condition (7) to enable continuation of the home occupation notwithstanding Condition (8) above.

- (F) **T186.14 George Street No. 133 (Pt Lot 2) - Pizza Palace**
Applicant: Enrico D'Alessandro
Owner: E & D D'Alessandro
Application P121/2010

That Council grant approval to construct a toilet at the rear of the 'Pizza Palace' located on Pt Lot 2 of Strata Plan 41827 (No. 133) George Street, East Fremantle as shown on the plans dated 14 July 2010 subject to the following conditions:

1. Prior to the issue of a Building Licence documentation shall be submitted showing compliance with Part D3, (Access for People with Disabilities) of the Building Code of Australia, the Australian Standards, AS 1428.1 (Design for Access and Mobility) and the Disability Discrimination Act for the sanitary facilities and the access ways.
2. A schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers 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. 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 approval does not include acknowledgement or approval of any additional 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).*

270. REPORTS OF CHIEF EXECUTIVE OFFICER

270.1 38 Wolsely Road

The Chief Executive Officer updated elected members on the current situation in relation to this matter, which Mr Johnston and Ms McKercher had referred to SAT.

The Acting Town Planner left the meeting at 9.10pm.

With respect to the following resolutions of Council of 16 March 2010, the CEO sought clarification from elected members regarding the intent of the first resolution:

"That the application be deferred to allow:

1. *the applicants to:*
 - (i) *provide a landscaping plan for the area for both the Wolsely and Osborne Road frontages to the satisfaction of the CEO*
 - (ii) *obtain an engineering report on the structural integrity of the building and the options for reinstating a decorative awning to the satisfaction of the CEO*
 - (iii) *obtain advice from a heritage consultant in regard to the replacement of, or other options with respect to, the original tiles to the satisfaction of the CEO*
2. *advice from the CEO regarding any other outstanding issues in relation to the original planning approval."*

All elected members confirmed that the intent had been that:

- when a landscaping plan was received, which the CEO considered was satisfactory in terms of the plan containing sufficient details to allow elected members to make an appropriately informed decision on the matter, this would be referred to elected members for their deliberation and decision making.
- when an engineer's report was received, which the CEO considered was satisfactory in terms of the report containing sufficient details to allow elected members to make an appropriately informed decision on the matter, this would be referred to elected members for their deliberation and decision making.
- when a heritage consultant's report was received, which the CEO considered was satisfactory in terms of the report containing sufficient details to allow elected members to make an appropriately informed decision on the matter, this would be referred to elected members for their deliberation and decision making.

270.2 Glyde-In Recognition Function

The Chief Executive Officer advised that Ann Reeves of Glyde-In had advised that Paddy Glasglow would be overseas until 13 November and had requested that any function not be held until after that date. The Chief Executive Officer sought feedback on whether elected members wished to combine this function with a Citizenship Ceremony which had tentatively been arranged for Monday, 29 November. Elected members unanimously supported this suggestion.

270.3 East Fremantle Croquet Club Line Marker

The CEO read out the following letter from the Croquet Club, recently received by the Council:

"Dear Mr Wearne

I would like to thank you and the Council for the kind purchase of a new line marker for use at the croquet club.

The members are very appreciative of your efforts in funding this acquisition.

I will keep you informed of a date in October when we can organise the presentation of the line marker.

Yours sincerely

*Megan Fardon
Secretary"*

The CEO advised that due to the illness of the President, Mr George Brown, arrangements had not yet been made for the handing over of the line marker recently purchased for the Club by Council.

In the event the Club did not want the handover incorporated into one of their functions, they may also wish to be included in the abovementioned function. The CEO advised he would clarify the Club's preference and advise elected members in due course.

270.4 Fremantle Gazette

The Chief Executive Officer drew elected members' attention to a full page advertising spread on the Town provided free of charge and without conditions, pursuant to an agreement between WALGA and Community Newspapers.

The CEO noted that Council advertising is currently normally being placed in the "Herald" because that newspaper's advertising charges are currently considerably less than the "Gazette" and also less than the discount rate for Community Newspapers negotiated by WALGA.

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270.5 Mural – George Street Underpass

The Chief Executive Officer reported that Main Roads WA had granted permission for a mural to be painted in the George Street underpass and was prepared to contribute to the cost of an anti-graffiti coating subject to Council accepting responsibility for the ongoing maintenance of the mural.

270.6 Graffiti

The Chief Executive Officer advised that police had recently apprehended a 15 year old youth who had graffitied 14 locations within East Fremantle and 3 in Palmyra.

The Chief Executive Officer also tabled the latest police publication of “Preventing Crime” which features an article on East Fremantle’s graffiti program.

270.7 Footpath – Silas Street

The Chief Executive Officer drew attention to the recently installed footpath in Silas Street which had been provided free of charge by the utility company concerned, Westnet Gas, following gas repairs in the street.

270.8 Local Government Reform

The Chief Executive Officer tabled the recently released Local Government Reform Steering Committee Report, and commented on the report as follows:

“The Report is very disappointing.

The Minister claimed it “clearly sets out the compelling case for reform” and “provides a new benchmark of research for local government reform in Australia”. However, in the CEO’s view, it does neither.

The report is largely bereft of any references to research, or other objective evidence, to justify its “reform” proposals, and, except for the regional collaborative group option allowed for a limited number of rural local governments, essentially does not consider any other reform model other than the simplistic amalgamation based approach promoted by the Minister. For that reason, the Local Government Reform Steering Committee’s objectivity must be questioned, although it is acknowledged that, notwithstanding the handpicked nature of the Committee, the more contentious recommendations which are referred to in this comment, were not unanimous Committee recommendations. The Report is, nevertheless, often subjective, predictable and reads largely as political rhetoric. It is noted a number of recommendations in the report are simply a rehash of recommendations from the 2006 Local Government Advisory Board report, which the former government had dismissed as inadequate.

In short, the Report simply reflects the Minister’s very narrow concept of “reform”, which is almost entirely limited to having fewer and bigger local governments – regardless of the extensive academic research which indicates this approach is not the panacea for local government sustainability which its proponents constantly tout it to be. If it were, why are so many of the local governments in other states, which resulted from large scale amalgamations in those States, in financial crisis?

Because the local government sector is aware of this fact, it has, overwhelmingly, not embraced the Minister’s amalgamation mantra and as a result very few local governments have resolved to amalgamate, despite the Minister’s intensive efforts over the last 18 months to bring about widescale amalgamations in the State.

What has the Minister’s response been? Rather than accept responsibility for a badly managed “reform” process, the Minister accuses the local government sector generally, of being uncooperative and not offering the level of support he requires.

The Minister states that he provided the local government sector with the opportunity for “industry led reform” however “the sector failed to produce the results which I believe the majority of stakeholders know is essential”.

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Thus, in the report, the Town of East Fremantle, along with numerous other local governments, is categorised as “Not Participating in Reform”.

This is untrue.

The Town of East Fremantle is a strong supporter of local government reform however does not believe, based on extensive research and analysis, that the Minister’s simplistic “big is better” model, under which the Town of East Fremantle would cease to exist, is the optimal approach generally, and in the Town’s case, has any justification whatsoever.

The Department of Local Government has concluded the Town is financially viable. This was backed up by two independent expert studies of the Town’s financial situation each of which found that the Town’s finances were not only strong, but were improving. Yet the Town is not complacent and in partnership with other local governments in the region, for example through a library sharing arrangement with the City of Fremantle and other projects through the South West Group and the Southern Metropolitan Regional Council, continues to be involved in a number of resource sharing and shared services initiatives designed to further improve financial efficiencies and thus further enhance the Town’s financial sustainability.

In other words “not participating in reform” should be read as “not supporting the Minister’s amalgamation based model of reform”.

It is not clear what “stakeholders” the Minister is referring to in his statement as referred to above, however in the Town’s view, the most important stakeholders are East Fremantle residents and ratepayers.

Thus, in its research, prior to submitting its response to the Minister, the Town also sought the views of its community. In the biggest poll of its type in the metropolitan area, if not the State, involving every elector of the Town, the community overwhelmingly rejected amalgamation, with either Fremantle or Melville.

It is highly regrettable there is not a single word in the report about factoring in the wishes of local communities (which local governments are obviously meant to be serving) other than the shameful suggestion that one option needing consideration is for the poll provisions of the Local Government Act, the provisions which give local communities a say on this issue (albeit needing to meet certain qualifying criteria to do so) be removed. Another suggestion is legislating forced amalgamations, which has the same effect of denying local communities a say in the matter.

If the Minister is confident “the majority of stakeholders” support his amalgamation based approach to reform, what does he have to fear from a poll of electors?

Despite the lack of any justification for amalgamation in the Town’s case, including the lack of any business case for amalgamation and despite the strong wishes of the East Fremantle community, the Minister’s endorsement of the report indicates the Town remains on the Minister’s hit list for a forced takeover by the City of Fremantle. The recommendation describes this as a “targeted Government intervention”.

It needs to be made clear that the City of Fremantle is not seeking this and in fact their own consultant concluded, with respect to an amalgamation with East Fremantle, “there is little benefit to the Fremantle community in a merger scenario”.

Nevertheless the City of Fremantle is described in the Report as “support reform but have no partner/s” and “willing to reform, but partners remain unresolved”.

The above categorisation is understood to be based on the City of Fremantle agreement to the Minister’s proposal to form a Regional Transition Group with the Town of East Fremantle.

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However the City of Fremantle's reasons for indicating agreement to a Regional Transition Group involved broader considerations, rather than any view that a merger with East Fremantle would be to their benefit.

The Town chose to not engage in the Regional Transition Group process, because:

- (i) the process was intended as a vehicle (ie "transition") to amalgamation with the City of Fremantle, and like the City of Fremantle, the Town could also see no justification for, or benefit from, an amalgamation and
- (ii) given amalgamation was the ultimate objective of the Regional Transition Group process, to engage in the process would be to flout the clearly expressed wishes of the East Fremantle community.

Why then does the Minister persist? The answer is simple: an amalgamation would help achieve his, and the Premier's, stated target of abolishing at least 42 local governments in the State. Given East Fremantle's size, it is seen as an easy target.

Long before the Council made its reform submission to the Minister and long before there was an assessment of that submission, the Premier publicly stated at a Fremantle Chamber of Commerce function that East Fremantle should cease to exist. This and other statements by the Premier, such as his support, at the same time, for the even smaller Shire of Peppermint Grove (which is in his electorate) remaining independent, betrayed the political nature of the government's so called objective reform process.

Any move away from the principle of voluntary reform and towards forcing amalgamations on local communities, against the wishes of those local communities, would break an earlier undertaking by the government. Yet the Minister has flagged this is his intention.

It is a very regrettable development and the CEO believes the Minister should be strongly urged to reconsider his position and commence working with the local government sector and the communities they represent, in a cooperative relationship, as befits the supportive role he is meant to be carrying out as Minister for Local Government, rather than treating the State's local governments as the opposition, simply because the majority do not support the Minister's narrow concept of reform."

The Minute Secretary left the meeting at 9.45pm.

270.9 88 George Street

In response to a query from Cr Collinson regarding the status of the application and advising that he had been approached in that regard by the owner Mr Riciardi on a number of occasions, including recently, the CEO advised that Council had been informed by Peter Broad, the applicant, on 14 September 2010, that following a site meeting with the owner that morning he expected the owner to "withdraw the application to demolish and reconstruct" and that he would "prepare formal advice in the coming days".

The CEO had advised Mr Broad Council had already commissioned expert heritage advice on the issue pursuant to Council's earlier resolution, which had incurred an expense for Council. Mr Broad had regretted that fact and had asked if the compilation of that report could be put on hold in order to avoid incurring any unnecessary further expenditure, as he firmly believed the report would no longer be required.

271. CONFIDENTIAL BUSINESS**271.1 Staffing**

Mayor Ferris – Cr Wilson

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 Council employees. CARRIED

The meeting was closed to members of the public at 10.20pm.

The Chief Executive Officer briefed elected members with respect to developments in relation to a number of staffing issues.

272. OPENING OF MEETING TO PUBLIC

Cr Wilson – Cr Rico

That the meeting be reopened to members of the public at 10.36pm. CARRIED

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

Nil.

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

Nil.

275. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.37pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 21 September 2010, Minute Book reference 252. to 275. were confirmed at the meeting of the Council on

.....

Presiding Member