



**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 25 MAY, 2010 COMMENCING AT 6.38PM.**

**86. DECLARATION OF OPENING OF MEETING**

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

**86.1 Present**

Cr B de Jong	Presiding Member
Cr C Collinson	(To 8.40pm)
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr A Wilson	(From 8.10pm)
Mr S Wearne	Chief Executive Officer
Ms G Basley	Acting Town Planner (To 9.25pm)
Ms J May	Minute Secretary (To 10.40pm)

**87. 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.”*

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

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

**89. RECORD OF APPROVED LEAVE OF ABSENCE**

Nil.

**90. RECORD OF APOLOGIES**

Mayor Ferris  
Cr Rico  
Cr Olson

It was noted Cr Wilson would be arriving late to the meeting due to Cr Wilson presiding at the Town Planning Advisory Panel meeting.

**91. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**92. PUBLIC QUESTION TIME**

Nil.

**93. APPLICATIONS FOR LEAVE OF ABSENCE**

**93.1 Cr Rico**

The Presiding Member advised that a request for leave of absence for Cr Rico had been received for this evening's meeting as she had been hospitalised following an accident.

**Cr Martin – Cr Lilleyman**

**That leave of absence be granted to Cr Rico for tonight's Council Meeting.**

CARRIED



25 May 2010

MINUTES

**94. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**94.1 Council Meeting – 20 April 2010**

**Cr Nardi – Cr Lilleyman**

**That the Minutes of the Council Meeting held on 20 April 2010 be confirmed.**

CARRIED

**95. ANNOUNCEMENTS BY DEPUTY MAYOR WITHOUT DISCUSSION**

**95.1 Noel Nimmo**

The Presiding Member read correspondence from Mr Noel Nimmo in response to Council's letter of thanks regarding his assistance in the apprehension of a known graffitist.

**95.2 Ovarian Cancer Australia**

The Presiding Member tabled a certificate of appreciation from Ovarian Cancer Australia for Council's support in raising awareness, through leaflets at the front counter and information posted on its website, regarding ovarian cancer during February (Ovarian Cancer month).

**95.3 Mr Bill Mitchell – Former President WALGA**

The Presiding Member read the following correspondence from Mr Bill Mitchell:

*"Dear Stuart*

*Thank you and please pass on my thanks to your Mayor and Councillors and staff for your kind wishes.*

*I thoroughly enjoyed my time as President of WALGA and would like to think that I represented the membership without fear or favour. This did lead to a bit of tension with the Minister but we can't agree all the time and as long as the industry does not fracture I'm sure political pressure will bring about a good implementation stage.*

*Thank you once again for your wishes and taking the time to express them. I greatly appreciate them.*

*Yours sincerely*

*BILL MITCHELL"*

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

Nil.

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

Nil.

**98. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

**98.1 T150.8 View Terrace No 81 (Lot 1)**

**Mrs P Murdoch:** Advising she was placing Council on notice that should the application for an extension of planning approval for 81 View Terrace be granted, she may take legal action against the Council. Mrs Murdoch stated that by law the unanimous approval of all owners of the Strata Plan is required before any changes affecting common property can be made.



25 May 2010

## MINUTES

**Cr Collinson – Cr Nardi**

That the correspondence from Mrs Murdoch be received and held over consideration when the matter comes forward for discussion later in the meeting (MB Ref 100.10). CARRIED

**98.2 T150.8 View Terrace No 81 (Lot 1)**

**Mr C King:** Requesting that his application for an extension of planning approval for 81 View Terrace be adjourned to the July meeting, due to an unexpected work development requiring him to travel overseas.

**Cr Collinson – Cr Nardi**

That the correspondence from Mr King received and held over consideration when the matter comes forward for discussion later in the meeting (MB Ref 100.10). CARRIED

**98.3 T150.8 View Terrace No 81 (Lot 1)**

**Mrs P Murdoch:** Providing further comment on the planning approval granted for 81 View Terrace on 15 April 2008.

**Cr Collinson – Cr Nardi**

That the correspondence from Mrs Murdoch be received and held over consideration when the matter comes forward for discussion later in the meeting (MB Ref 100.10). CARRIED

**99. ORDER OF BUSINESS****Cr Collinson – Cr Lilleyman**

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

**100. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****100.1 T150.3 Glyde Street No. 11 (Lot 10)****Applicant: Simon Pental****Owner: Julie & Paul Billing****Application No. P30/2010**

Mr Pental (applicant) addressed the meeting advising that he supported the Committee's recommendation. He also drew attention to a typographical error on page 4 of the Town Planning & Building Committee (Private Domain) minutes of 11 May 2010 where under the "Building Height" section, the variation should read "0.8m" not "0.3m".

**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:

- (a) a reduced setback of 1.2m to the southern boundary in lieu of the 1.7m required under the R-Codes;
  - (b) an increased building height up to 4.8m in lieu of the 4m specified for single storey developments under the R-Codes;
  - (c) a reduced setback of 2.5m in lieu of the 3m recommended in Council's Local Planning Strategy;
  - (d) an increase in height for retaining wall to a maximum height of 0.89m on the southern boundary;
  - (e) an increase in the overshadowing of the adjoining lot by a maximum of 1%; and
  - (f) a roof pitch of 3° in lieu of the 28° required under the Local Planning Policy;
- for the construction of a single level residence at No. 11 (Lot 10) Glyde Street, East Fremantle in accordance with the plans date stamp received on 10 February 2010 subject to the following conditions:



25 May 2010

## MINUTES

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 CEO prior to issuance of a building licence.
2. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to issuance of a building licence.
3. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the CEO prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.
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. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. 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.
8. The proposed works 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.
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. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *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) *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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

**100.2 T150.5 Clayton Street No. 22 (Lot 17)**

**Applicant: Richard Vernon**

**Owner: Michael & Julie Nolan**

**Application No. P142/2009**

Mrs Nolan (owner) addressed the meeting advising that she supported the Committee's recommendation.

**Cr Martin – Cr Lilleyman**

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

**That Council exercise its discretion in granting approval a variation to Residential Design Codes to allow a boundary wall with a length of 9.7m for the construction of a single level residence with an undercroft at No. 22 (Lot 17) Clayton Street, East**



25 May 2010

## MINUTES

Fremantle in accordance with the plans date stamp received on 9 April 2010 subject to the following conditions:

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

**Footnote:**

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

- (a) *this decision of Council 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) *the conditions of the Planning Approval issued by Council on the 17 November 2010 still apply. The above conditions are in addition to these.*

CARRIED

*Cr Martin made the following impartiality declaration in the matter of 31A Oakover Street: "As a consequence of a previous acquaintance with the applicant, Matthew Crawford, 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".*

**100.3 T150.6 Oakover Street No. 31A (Lot 2)**  
**Owner: Darren Mather & Harriet Pointon Mather**  
**Applicant: Matthew Crawford Architects**  
**Application No. P39/2010**

The following additional report was provided by the Acting Town Planner:

**Oakover Street No. 31A (Lot 2)**  
**Owner: Darren Mather & Harriet Pointon Mather**  
**Applicant: Matthew Crawford Architects**  
**Application No. P39/2010**

By Gemma Basley, Acting Town Planner, on 18 May 2010

**BACKGROUND**

**Description of site**

The subject site is:

- a 514m<sup>2</sup> battleaxe block
- zoned Residential R12.5
- developed with a modern brick and tin single storey residence
- adjoins 29 Oakover, which has been subdivided to create a battleaxe lot
- located in the Woodside Precinct.

The adjoining landowner of 29A Oakover Street, Katherine Goldsmith and the architect Mr Matthew Crawford attended the Committee meeting on 11 May 2010 and explained their concerns regarding potential overlooking from the stairwell and proposed modifications to alleviate the concerns, respectively. The modifications are acceptable to the adjoining landowner and alleviate her concerns. In this regard, the plans have been amended as follows:



25 May 2010

## MINUTES

1. Windows have been provided in the eastern elevation.
2. The eastern wall has been reduced in height to match the line of the skillion roof over the master bedroom and has also been reflected in a reduction in the wall height on the northern elevation.
3. Obscuring of the glass of 1 and a half north facing windows in the stairwell.

Given the submission of amended drawings which satisfy the adjoining owner's concerns, the following recommendation is proposed.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation of between 1.3m and 2.5m for the upper floor setback to the northern, eastern and western boundaries for additions (upper floor) to an existing dwelling at No. 31A (Lot 2) Oakover Street, East Fremantle, as shown on plans date stamped 2 March and 12 May 2010 and subject to the following conditions:

1. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
2. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
3. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
4. All storm water resulting from the development is to be retained on site.
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 works 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 approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Mather (owner) advised the meeting that he supported the officer's recommendation.

**Cr Nardi – Cr Lilleyman**

**That Council exercise its discretion in granting approval for a variation of between 1.3m and 2.5m for the upper floor setback to the northern, eastern and western boundaries for additions (upper floor) to an existing dwelling at No. 31A (Lot 2) Oakover Street, East Fremantle, as shown on plans date stamped 2 March and 12 May 2010 and subject to the following conditions:**

25 May 2010

## MINUTES

1. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
2. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
3. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
4. All storm water resulting from the development is to be retained on site.
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 works 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 approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

**100.4 T150.7 Fraser Street No. 35 (Lot 143)**

**Owner: Darren & Sandra Chapman**

**Applicant: Darren Chapman**

**Application No. P66/2010**

Mr Chapman (owner) advised the meeting that he supported the Committee's recommendation.

**Cr Nardi – Cr de Jong**

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

Council exercise its discretion in granting approval for:

- a variation of 0.8m to 2.5m for the upper floor front setback;
- A variation of up to 8° for the roof pitch;

for a two-storey house with at No. 35 (Lot 143) Fraser Street East Fremantle, as shown on plans date stamped 31 March 2010 and subject to the following conditions:

1. The upper floor balcony be provided with permanent vertical screening or equivalent devices (obscured glass) or alternatively, the UF setback to the eastern boundary to be increased to meet the requirements of the R-Codes to the satisfaction of the Chief Executive Officer
2. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.

25 May 2010

## MINUTES

3. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
4. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
5. All storm water resulting from the development is to be retained on site.
6. 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.
7. 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.
8. 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.
9. The proposed works 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.
10. 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.
11. This planning approval to remain valid for a period of 24 months from date of this approval.
12. Additional information demonstrating how vehicle access to the undercroft can be provided without raising the ground floor level of the dwelling and without requiring a driveway to be cut in at the subject lot's front boundary is to be provided to and endorsed by the CEO prior to issuance of a Building Licence.

**Footnote:**

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

- (a) *This approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

**100.5**      ***T150.10 Duke Street No. 80 (Lot 495)***  
***Owner: Gemma & David Doyle Smith***  
***Applicant: Peter Broad - InHouse Designs***  
***Application No. P98/2010***

The Acting Town Planner provided the following additional information:

*Further to the May Committee meeting the applicants for 80 Duke Street, East Fremantle have met with the Acting Town Planner to discuss additional changes to the proposed development plans. The modifications proposed to the plan have been offered by the applicants in an effort to further address neighbour concerns.*



25 May 2010

## MINUTES

The following changes to the plans have been offered by the Applicants and should they be supported would result in a revised Recommendation as will be provided below.

- The applicants are prepared to reduce the floor to ceiling height of the undercroft area (rear ground level) by 0.172m. This will effectively reduce the overall building height by 0.172m.
- Undercroft floor to ceiling reduction will reduce the eastern and southern boundary walls being reduced in height to between 3.086m and 3.257m
- Review of survey information reveals that the ground level on 78 Duke Street is higher than 80 Duke Street hence a further reduction in the north boundary wall variation is achieved reducing the variation to 1.462m and 1.092m
- The provision of highlight windows on the upper floor elevation.
- The establishment of vegetation to the northern boundary wall. Vegetation could include selected vine or creeper grown up wires affixed to the wall, selected in consultation with the owners of 78 Duke. The screening will be supplied and installed by the owners of 80 Duke and would be required to be maintained by the owners of 78 Duke.

**RECOMMENDATION**

Council exercise its discretion in granting approval for:

- A variation of approximately 0.085m and not more than 0.257m to the height of the southern boundary wall;
- A variation of approximately 0.085m and not more than 0.257m to the height of the rear boundary wall;
- A variation of 1.462m and 1.092m to the height of the northern boundary wall;
- A variation to the visual privacy requirements of the alfresco area for alterations and additions to an existing single storey residence including an undercroft area at No. 80 (Lot 495) Duke Street, East Fremantle as shown on the plans date stamped 5<sup>th</sup> May 2010 and subject to the following conditions:

(inserting a new condition1 and renumbering all conditions thereafter)

1. Revised plans to be submitted prior to the issue of a Building Licence to identify the provision of hi-lite windows on the northern elevation and the provision of screening on the northern boundary wall, to the satisfaction of the CEO.

Mr King (adjoining owner) advised the meeting that although he appreciated the efforts the applicants had made to slightly modify the proposal and the visits and telephone discussions he had had with elected members, he was still strongly opposed to this development and the impact of the huge wall to be erected near his northern boundary.

Mr Broad (applicant) addressed the meeting outlining the modifications proposed to improve the amenity to the neighbours north and south.

**Cr Lilleyman – Cr de Jong**

**That Council exercise its discretion in granting approval for:**

- a variation of approximately 0.085m and not more than 0.257m to the height of the southern boundary wall;
- a variation of approximately 0.085m and not more than 0.257m to the height of the rear boundary wall;
- a variation of 1.462m and 1.092m to the height of the northern boundary wall;
- a variation to the visual privacy requirements of the alfresco area for alterations/additions to an existing single storey residence including an undercroft area at No. 80 (Lot 495) Duke Street, East Fremantle as shown on plans date stamped 5 May 2010 and subject to the following conditions:

25 May 2010

## MINUTES

1. revised plans to be submitted prior to the issue of a building licence to identify the provision of hi-lite windows on the northern elevation and the provision of screening on the northern boundary wall, to the satisfaction of the CEO.
2. prior to the issue of a building licence the following is to be provided and endorsed by the Chief Executive Officer:
  - (a) a landscaping plan showing a minimum of 50% of the effective lot area landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142).
  - (b) details of any proposed air-conditioning plant so positioned that it will not result in an unreasonable loss of amenity to adjoining residents.
  - (c) a schedule of all proposed materials and finishes.
  - (d) additional information demonstrating how vehicle access to the undercroft can be provided without raising the ground floor level of the dwelling and without requiring a driveway to be cut in at the subject lot's front boundary.
3. the existing verandah to be restored to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. the existing wall and fence height to be reduced to provide for appropriate sight lines at vehicle access points to a height of 0.75m at a minimum.
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. 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.
7. 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.
8. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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

25 May 2010

## MINUTES

in material and design to comply with Council's Policy on Footpaths & Crossovers.

14. 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.
15. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
16. 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 approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (d) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of the affected properties listed in the report.*
- (e) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (f) *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.*
- (g) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

**100.6 T150.12 Pier Street No. 15 (Lot 192)**

**Applicant: Peter Cann Development Consulting**

**Owner: J Kannegiesser & G Bailey**

**Application No. P37/2009**

The Presiding Member drew attention to the error on page 54 of the Town Planning & Building Committee (Private Domain) minutes of 11 May 2010 where the second paragraph refers to a single storey house which was actually demolished some time ago.

Mrs Ainsworth (adjoining owner) advising the meeting that she had been advised by real estate agents when purchasing her property that the subdivision approval for 15 Pier Street had expired and therefore the lot could not be subdivided in the future. She sought information on what Council could do to safeguard her property from potential development which would block out her views to the river.

*Cr Wilson entered the meeting at 8.10pm.*

Mrs Ainsworth was advised that the information provided by the real estate agents was incorrect and she should have sought zoning information directly from Council. Mrs Ainsworth was further advised that, as an adjoining owner, she would be invited to make comment on any future development proposal received by Council for the subject lot and she was encouraged to make her views known at that time.



25 May 2010

## MINUTES

**Cr Nardi – Cr de Jong**

That Council adopt Amendment No. 8 to the Town of East Fremantle Town Planning Scheme No. 3 to rezone Lot 192 (No. 15) Pier Street, East Fremantle from the R12.5 zone to the R25 zone and on forward the documentation to the WAPC and the Hon. Minister for Planning; Culture and the Arts for consideration of Final Approval and Gazettal.

CARRIED

100.7

**T150.14 Pier Street No. 46A (Lot 1)****Owner: Max Rees & Rachel Waugh****Applicant: Dale Alcock Home Improvement****Application No. P45/2010**

Mr Rees (owner) advised the meeting that he supported the Committee's recommendation.

**Cr Martin – Cr Lilleyman**

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

Council exercise its discretion in granting approval for:

- the front setback minor incursion of the balcony of 1.5m, in lieu of the 1 metre required incursion as per the requirements of the Residential Design Codes.
- the overall building height of 5.79m maximum, in lieu of the 5.6 metre requirements of the Local Planning Policy 142: Residential Developments.
- The privacy setback requirements of 2.6m minimum, in lieu of the 4.5m requirement as per the Residential Design Codes.
- The roof pitches of the proposed dwelling to be 21°, in lieu of the required 28° as per the Local Planning Policy 66 in relation to Roofing

for alterations and additions (second storey) to the existing single house at No. 46A (Lot 1) Pier Street, East Fremantle as shown on plans received 8 March 2010 and subject to the following conditions:

1. This approval does not incorporate the shade sail structure which must be the subject of a separate retrospective planning application.
2. 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 CEO prior to issuance of a building licence.
3. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the CEO prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.
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. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. 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.
8. The proposed works 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.
9. This planning approval to remain valid for a period of 24 months from date of this approval.

*That the applicant be advised of the following:*

- (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) *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) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.**

**CARRIED**

- 100.8**      **No. 49 Fraser Street, East Fremantle**  
**Owner: Frank Costino**  
**Applicant: GHD**  
**Application No. 47/2010**  
By Gemma Basley, Acting Town Planner, 17 May 2010

**BACKGROUND**

**Description of site**

The subject site is:

- a 931m<sup>2</sup> block,
- zoned Residential R12.5;
- a vacant lot (former residence demolished);
- situated between an older heritage dwelling at 47 Fraser and a more modern 1970 style dwelling at 51 Fraser;
- located in the Richmond Precinct.

**Description of Proposal**

It is proposed to develop a single storey residence with an undercroft area at 49 Fraser Street.

The undercroft/basement floor is proposed to:

- be setback between 7.5m and 8.45 m from the front boundary;
- to include a double garage, gym, cellar and stair well;
- be setback from the side boundaries by a minimum of 1.5m in accordance with the requirements of the R-Codes.

The ground floor is proposed to:

- be set back by up to a metre from the undercroft area below;
- comprise a balcony that addresses the street;
- be setback from the side and rear boundaries in accordance with the requirements of the R-Codes.

The roof is proposed to have a maximum pitch of 20 degrees.

**Statutory Considerations**

- Town Planning Scheme No. 3 (TPS3)
- TPS3 Local Planning Strategy
- Residential Design Codes of WA (the R-Codes)

**Relevant Council Policies**

- Council Policy on Roofing (LPP066)
- Local Planning Policy – Residential Development (LPP142)

**Date Application Received**

10<sup>th</sup> March 2010

**No. of Days Elapsed between Lodgement & Meeting Date**

76 days

**Any Relevant Previous Decisions of Council and/or History of an Issue or Site**

Delegated Approval for the demolition of the original residence.

**CONSULTATION**

**Town Planning Advisory Panel**

The Town Planning Advisory Panel made the following comments at the meeting held on 27 April 2010:

*Proposed Two Storey Residence*

- *current Scheme provisions do not require the lodgement of a development application prior to issue of demolition licence – should be included in Scheme review.*
- *disappointing replacement for character home.*
- *design does not address streetscape and has a detrimental impact on streetscape.*
- *garage dominates façade/frontage.*
- *design is at least simple.*

**Advertising**

Adjoining landowners were advised of the proposal and had an opportunity to comment from 30<sup>th</sup> March to 16<sup>th</sup> April 2010.

Two comments were received during the advertising period. These comments are listed below with the applicants response to the submission included:

Submission	Applicant Response
<p>Mr and Mrs Chemello of 51 Fraser Street</p> <p>Site works –need more information</p> <p>The boundary fence: Height and Length?</p> <p>The height of the retaining wall/</p>	<p>The applicant has provided more detailed plans, which explain the proposal to the neighbours. In effect the proposal removes the existing parapet wall and offsets the house significantly from the boundary.</p> <p>The existing boundary fences are to be retained. This has been made possible by the introduction of pedestrian access paths to both the eastern and western side boundaries. In addition, the proposed levels for both lots will not be affected.</p> <p>The height of retaining walls in accordance with the requirements of the R-Codes and does not exceed 0.5m.</p>
<p>Mary-Anne Spalding of 5/47 Pier Street</p> <p>Objects to the continuous development of back blocks in the area.</p> <p>Council has already allowed a 3 storey building to be built next to my single storey house and blocks out sunlight to 47 Pier Street.</p>	<p>The subject application is not a back block development. The design is for a single storey residence with an undercroft at the front. The single storey component will be setback greater than 1m below the FFL of the residents of query.</p>

**Principal Building Surveyor’s Comment**

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.



25 May 2010

## MINUTES

**Town Planning Advisory Panel**

The Panel viewed the proposal at its meeting of 27<sup>th</sup> April 2010, the Minutes of which are attached to this report and are tabled below with a response also being tabled by the applicants:

<b>Advisory Panel Comment</b>	<b>Applicant and Planner Response</b>
Current Scheme provisions do not require the lodgement of a development application prior to the issue of a demolition licence – should be included in the Scheme Review	This comment is for internal purposes I believe and is external to this particular Development Application
Disappointing replacement for character home	<p>To this I make reference to the report prepared by Philip Griffiths.</p> <p><i>"This house is not quite what it seems. The assessment establishes that the place retains little original fabric and what does remain is much altered.</i></p> <p><i>The many changes to the place have resulted in a poorly planned house in an overall sense. Only one third of the street elevation represents the original intent of the house."</i></p> <p>Contrary to the existing home, the proposed design is orientated about achieving the best ESD design solution. To reduce mechanical heating and cooling, great consideration has been given to breeze paths, shading mechanisms and space orientation.</p> <p>Highlighted in the PDF below are the captured breeze paths and building configurations diagrams that were integral design components as to how best achieve a sustainable home.</p>
Design does not address streetscape and has a detrimental impact on streetscape	<p>The proposed residence is offset from the street to the preferred 7.5 metres. The front fencing design will be in accordance to 'Front Fences within the Town of East Fremantle' guide.</p> <p>The design has pedestrian access to not only the front entry, but also encourages movement through landscaped paths to the eastern &amp; western boundaries.</p> <p>The perspective view was perhaps misleading as it implies significant hard landscape to the front. A landscape architect is currently preparing a scheme to retain existing flora and recreate a front &amp; rear yard reflecting the East Fremantle community.</p> <p>The master bedroom, entry &amp; study all have direct interaction with the street and provide visual surveillance to the front of yard and beyond.</p>
Garage dominates façade/frontage	<p>This is not the case. The garage only occupies approximately 25% of the street elevation, which is highlighted with expressed stone, glass, timber &amp; steel elements.</p> <p>The rendered blade wall will encapsulate the garage to form an entry statement, with the double volume entry glazing opening up onto the feature stair. This will be illuminated from within and with additional</p>

25 May 2010

## MINUTES

	<p>feature down lights on the underside of the suspended slab (above garage door) this lightweight upper level will appear to be floating on the more earthy (stone etc.) materials below.</p> <p>The material palette of feature stone, weatherboard, render, timber &amp; steel will provide contrast in scale &amp; importance, whilst still being comparable to designs within the surrounding community.</p>
Design is at least simple	Noted

**Site Inspection**By Acting Town Planner on the 4<sup>th</sup> May 2010**REPORT****Considerations**

The proposal generally meets the quantitative provisions of TPS3, the R-Codes and applicable Local Planning Policies and is almost entirely compliant with the exception of the following:

Visual Privacy

A variation to the privacy requirements is sought for Bedroom 3 whereby, it is located 3.36 metres from the western boundary in lieu of the 4.5 metres required under the R-Codes.

The applicants have justified this on the basis that the Bedroom 3 is above 0.5 metres above natural ground level and within the required 4.5 metre boundary setback. The applicant is seeking a dispensation as the bedroom is overlooking the adjoining lots driveway only and is divided by a rendered masonry boundary wall. Bedroom 2, Kitchen and Dining differ to Bedroom 3 as they are less than 0.5 metres above natural ground level, with the window to the Master Bedroom being a highlight window.

The Study does not conform to the required 4.5 metre setback and the applicants. are seeking dispensation of 0.65m as the entirety of the overlooking to the adjoining lots is over a driveway access only. Part of this also is within the front setback area.

The variations are supported.

Given that the proposal meets the majority of the quantitative provisions of TPS3, the R-Codes and Local Planning Policies and given that the variations that are requested are minor, the plan is considered acceptable and is recommended for Council approval.

**RECOMMENDATION**

Council exercise its discretion in granting approval for:

- A variation to the privacy requirements is sought for Bedroom 3 whereby, it is located 3.36 metres from the western boundary in lieu of the 4.5 m requirement
- A variation of 0.65m to the privacy requirements of the study in lieu of the 4.5m requirement.

for a single-storey house with an undercroft at 49 Fraser Road, East Fremantle, as shown on plans date stamped 10 March 2010 and subject to the following conditions:

1. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
2. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
3. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.



25 May 2010

## MINUTES

4. All storm water resulting from the development is to be retained on site.
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. 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.
7. 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.
8. The proposed works 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.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

*Footnotes*

- (a) *This approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *Crossovers do not form part of this approval and require a separate application*

Mr Chemello (adjoining owner) addressed the meeting expressing concern with the proposed 2m wall to his western boundary and a potential road safety issue when he exits his property given the proposed height of the dividing fencing adjacent to his driveway.

Mr Muir from GHD (applicant) advised the meeting that:

- the plans stipulated "boundary fence 1800-2000mm above lot 135 landscape. (Height flexible to neighbours consent)". If Mr Chemello wished a maximum boundary fence height of 1800, this would be accepted.
- they were mindful of the neighbour's concern relating to backing out from his property and would accommodate his wishes.

**Cr de Jong – Cr Lilleyman**

**Council exercise its discretion in granting approval for:**

- **A variation to the privacy requirements is sought for Bedroom 3 whereby, it is located 3.36 metres from the western boundary in lieu of the 4.5 m requirement**
- **A variation of 0.65m to the privacy requirements of the study in lieu of the 4.5m requirement.**

**for a single-storey house with an undercroft at 49 Fraser Road, East Fremantle, as shown on plans date stamped 10 March 2010 and subject to the following conditions:**

1. **A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a**

25 May 2010

## MINUTES

- landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
2. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
  3. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
  4. All storm water resulting from the development is to be retained on site.
  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. 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.
  7. 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.
  8. The proposed works 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.
  9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
  10. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnotes**

- (a) *This approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *Crossovers do not form part of this approval and require a separate application*

CARRIED

Cr Collinson left the meeting at 8.40pm.

**100.9**      **T150.4 Irwin Street No. 28 (Lot 252)**  
**Applicant / Owner: Helen & Joe Saunders**  
**Application No. P52/2010**  
**Cr Martin – Cr Nardi**

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

That Council exercise its discretion in granting approval for:

- the south setback of nil metres, in lieu of the 1.5 metre required setback as per the building setback requirements of the Residential Design Codes.
- the maximum and average boundary wall height of 3.4 metres, in lieu of the 3 and 2.7 metre buildings on boundary requirements of the Residential Design Codes.

25 May 2010

## MINUTES

- the wall length of 11 metres, in lieu of the 9 metre requirement as per the buildings on boundary requirements of the Residential Design Codes.
- the site area of the studio/shed being 60.94m<sup>2</sup>, in lieu of the required 60m<sup>2</sup>, as per the requirements of the outbuilding requirements of the Residential Design Codes.
- the wall and ridge height of the studio/shed being 3.4 and 4.6 metres in height, in lieu of 2.4 and 4.2 metre requirements as per the outbuilding requirements of the Residential Design Codes.
- The roof pitches of the proposed studio/shed ranging from 21.5 – 31°, in lieu of the required 28 degree minimum as per the Local Planning Policy 66 in relation to roofing.

for a proposed studio/shed addition to the existing single house at No. 28 (Lot 252) Irwin Street, East Fremantle as shown on plans received 17 March 2010 and subject to the following conditions:

1. The studio is not to be used for any form of accommodation or habitation.
2. 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 CEO prior to issuance of a building licence.
3. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the CEO prior to issuance of a building licence.
4. 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 CEO prior to issuance of a building licence.
5. All storm water resulting from the development is to be retained on site.
6. 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.
7. 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.
8. 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.
9. The proposed works 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.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (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

25 May 2010

## MINUTES

**100.10 T150.8 View Terrace No. 81 (Lot 1)****Applicant / Owner: C & J King****Application No. P13/2008**

The two letters from Mrs Murdoch and letter from Mr King, referred from Correspondence (MB Ref 98.1, 98.2 & 98.3) were tabled.

The Chief Executive Officer placed on record that the Mayor had also received a letter from Mrs Murdoch which the Mayor had subsequently sent to the CEO, however which the CEO had considered should not be tabled due to the nature of some comments in the letter. Elected members advised they had all received a similar version of this letter.

**Cr de Jong – Cr Lilleyman**

**That the application be adjourned to the July Council meeting as per the applicant's request.** CARRIED

**100.11 T150.9 Preston Point Road No. 174 (Lot 10)****Owner: C & J Scarvaci****Applicant: Beaumonde Homes****Application No. P98/2010**

The Acting Town Planner provided the following additional report:

**Preston Point Road No. 174 (Lot 10)****Owner: C & J Scarvaci****Applicant: Beaumonde Homes****Application No. P98/2010**

By Gemma Basley, Acting Town Planner, on 18 May 2010

**BACKGROUND****Description of site**

The subject site is:

- a 1031.95m<sup>2</sup> block,
- zoned Residential R12.5;
- an undeveloped site, post demolition of the original residence;
- adjacent to two developed lots to the east and the west; and
- located in the Woodside Precinct.

At the Committee meeting a concern was raised by the Applicant with regard to the calculations of the maximum wall height that had been reported to be 8.1m and requiring a variation to the Codes. This is an error and is reflected in this report.

The amended recommendation, deleting all reference to a maximum wall height variation, is as follows.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for:

- a variation of 0.5m for the retaining wall heights in the eastern section of the front setback area;
- a variation of 0.65m to the wall height of the main building line on the western boundary;

for a two-storey house with an undercroft double garage at No. 174 (Lot 10) Preston Point Road, East Fremantle, as shown on plans date stamped 5 May 2010 and subject to the following conditions:

1. The east facing window of Bed 2 window be obscured or a highlight window be provided.
2. Screening to be provided on the western edge of the ground and upper floor balcony.
3. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.



25 May 2010

## MINUTES

4. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
5. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
6. All storm water resulting from the development is to be retained on site.
7. 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.
8. 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.
9. 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.
10. The proposed works 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.
11. 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.
12. This planning approval to remain valid for a period of 24 months from date of this approval.
13. Additional information demonstrating how vehicle access to the undercroft can be provided without raising the ground floor level of the dwelling and without requiring a driveway to be cut in at the subject lot's front boundary is to be provided to and endorsed by the CEO prior to issuance of a Building Licence

That the applicant be advised of the following:

- (a) *This approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

**Cr Wilson – Cr de Jong**

**That Council exercise its discretion in granting approval for:**

- a variation of 0.5m for the retaining wall heights in the eastern section of the front setback area;
- a variation of 0.65m to the wall height of the main building line on the western boundary;

**for a two-storey house with an undercroft double garage at No. 174 (Lot 10) Preston Point Road, East Fremantle, as shown on plans date stamped 5 May 2010 and subject to the following conditions:**

1. **The east facing window of Bed 2 window be obscured or a highlight window be provided.**
2. **Screening to be provided on the western edge of the ground and upper floor balcony.**
3. **A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard**

25 May 2010

## MINUTES

- a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.
4. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
  5. Details of materials and finishes are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.
  6. All storm water resulting from the development is to be retained on site.
  7. 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.
  8. 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.
  9. 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.
  10. The proposed works 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.
  11. 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.
  12. This planning approval to remain valid for a period of 24 months from date of this approval.
  13. Additional information demonstrating how vehicle access to the undercroft can be provided without raising the ground floor level of the dwelling and without requiring a driveway to be cut in at the subject lot's front boundary is to be provided to and endorsed by the CEO prior to issuance of a Building Licence

**That the applicant be advised of the following:**

- (a) ***This approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.***
- (b) ***A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) ***All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (d) ***Matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

CARRIED

**100.12 T150.11 Dalgety Street No. 31 (Lot 62)  
Applicant / Owner: Megan & Robert Cox  
Application No. P59/2010**

The CEO commented on the processes which he believed should generally be followed in relation to replacing the roofs of heritage listed properties. In response to a query the CEO advised that all roof replacements required planning approval and the roof replacement in this case had nothing to do with Council's Municipal Inventory or Heritage List. The CEO noted the Town Planning Advisory Panel had recently provided Council with useful advice in respect to another roof replacement application, involving 20 East Street, after the matter had been referred to the Panel, and subsequently to elected

25 May 2010

## MINUTES

members, who had raised no issues with either the referral to the Panel or the advice of the Panel.

**That the application for a retrospective roof replacement to the existing single house at No. 31 (Lot 62) Dalgety Street, East Fremantle as shown on plans received 1 April 2010 be approved.** CARRIED

Reason for not Supporting Officer's Recommendation

Elected members stated that this decision was not a precedent and were of the view that the replacement roof was architecturally consistent with the fabric of that building and could be approved without consideration by the Town Planning Advisory Panel.

**100.13 T150.13 Osborne Road No. 28 (Lot 12)**  
**Applicant / Owner: Mel & Emma-Jane Grier**  
**Application No. P63/2010**  
**Cr Lilleyman - Cr Nardi**

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

That Council exercise its discretion in granting approval for:

- (a) the building height of the proposed upper floor of 6.5 metres from the southern elevation, in lieu of the required 6 metres as per the Residential Design Code (Building Height);
  - (b) the roof pitches of the proposed dwelling to be ranging from 24 – 26°, in lieu of the required 28° as per the Local Planning Policy 66 in relation to roofing;
- for alterations and a second storey addition to the existing house at No. 28 (Lot 12) Osborne Road, East Fremantle as shown on plans received 30 March, 12 April and 3 May 2010 and 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 CEO prior to issuance of a building licence.
2. Prior to the issue of a building licence a schedule of materials and finishes, sympathetic to the adjoining residence at 30 Osborne Road, be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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 CEO prior to issuance 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 works 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.

*That the applicant be advised of the following:*

- (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) *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

25 May 2010

## MINUTES

The Acting Town Planner left the meeting at 9.25pm.

**101. FINANCE****101.1 Accounts for Payment**

By John Roberts, Executive Manager Finance & Administration on 20 May 2010

**PURPOSE**

To endorse the list of payments for the period 1 March 2010 to 31 March 2010 and 1 April 2010 to 30 April 2010.

**BACKGROUND**

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

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

The List of Accounts for the periods beginning 1 March 2010 and ending 31 March 2010 and 1 April 2010 and ending 30 April 2010 require endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the periods beginning 1 March 2010 and ending 31 March 2010 and 1 April 2010 and ending 30 April 2010 be received, as per the following tables:

<i>March 2010</i>		
Voucher Nos	Account	Amount
3819-3845	Municipal (Cheques)	\$40,452.65
EFT11857 – EFT12002	Electronic Transfer Funds	\$516,586.81
Payroll	Electronic Transfer Funds	\$170,415.80
Loans	Direct Debits	\$18,738.43
	<b>Municipal Total Payments</b>	<b>\$746,193.09</b>

<i>April 2010</i>		
Voucher Nos	Account	Amount
3846-3868	Municipal (Cheques)	\$36,404.46
EFT12003 – EFT12151	Electronic Transfer Funds	\$590,154.27
Payroll	Electronic Transfer Funds	\$120,418.18
	Direct Debits	0.00
	<b>Municipal Total Payments</b>	<b>\$746,976.91</b>

**Cr de Jong – Cr Lilleyman**

**That the List of Accounts for the periods beginning 1 March 2010 and ending 31 March 2010 and 1 April 2010 and ending 30 April 2010 be received. CARRIED**

101.2

**Monthly Financial Activity Statement for Period Ending 30 April 2010**

*By John Roberts Executive Manager Finance & Administration on 20 May 2010*

**PURPOSE**

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

**BACKGROUND**

The monthly Financial Activity Statement for the period ending 30 April 2010 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital Works/Major Capital Project Status Report **ATTACHMENT**

The attached Financial Activity Statement is prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; with additional material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

**REPORT****Introduction/Comments**

The following is summary information on the attached financial reports:

The April 2010 year to date Financial Activity Statement report shows an overall actual surplus of \$2,407,355 compared to the year to date budget of \$1,406,023. Revenue and expenditure variances are generally timing in nature. The surplus is large at the start of the year as the full year rate revenue is brought to account. This surplus will decrease in the remaining months of 2009/10 as it is used to fund expenditure providing works and services..

The overall favourable variance of \$1,001,332 can be analysed as follows:

- The YTD actual Operating Revenue is \$7,092,129 compared to the YTD budget of \$6,787,868, a favourable variance of \$304,261. The variance is due primarily to increased investment income, a higher than anticipated level of infringement revenue and 40% Back Spot grant for Preston Point Rd works.
- The YTD actual Operating Expenditure is \$5,197,186 compared to the YTD budget of \$5,524,765, a favourable variance of \$327,579. The variance is due primarily to lower than anticipated expenditure on functional administration expenses, underspends in reserve maintenance, together with a delay in implementing the Ranger electronic infringement devices.
- The YTD actual Capital Expenditure is \$1,118,871 when compared to the YTD budget of \$1,564,673 a favourable variance of \$445,802. The variance is due to a delay in completing drainage works combined with a delay in building projects. Scheduled building projects have been delayed due to the completion of stimulus package works under RLCIP.
- The 30<sup>th</sup> June 2009 Brought Forward actual surplus was \$1,142,666 compared to a 2009/2010 budget estimated figure of \$857,167, a variance of \$285,499.

**Statutory Requirements**

Local Government Act 1995 (As amended)

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

**Relevant Council Policies**

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

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The April 2010 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2009 to 30 April 2010 be presented to the Council for information.

**RECOMMENDATION**

That the Financial Activity Statement for the period ending 1 July 2009 to 30 April 2010 be received.

**Cr Nardi – Cr Lilleyman**

**That the Financial Activity Statement for the period ending 1 July 2009 to 30 April 2010 be received.** CARRIED

**102. REPORTS OF CHIEF EXECUTIVE OFFICER****102.1 Budget Forum**

The CEO drew elected members' attention to the Budget Forum which had been scheduled to be held this evening but was now to take place on Tuesday, 1 June 2010, in lieu of the Council meeting previously scheduled for that date, and sought formal endorsement for this change.

**Cr de Jong – Cr Martin**

**That Council endorse the holding of the Budget Forum on Tuesday, 1 June 2010 at 6.30pm and the adjournment of the Council Meeting scheduled for that date.** CARRIED

**102.2 Heritage Awards – 3 June 2010**

The CEO advised that the Mayor was unable to attend this year's Heritage Awards, and enquires with the Deputy Mayor and Presiding Member of the Town Planning & Building Committee (Private Domain) had revealed that they too were unable to attend. The CEO asked whether any other elected member was available to represent Council at this function.

Cr Nardi advised that he would be attending the function and agreed to deputise for the Mayor and make a brief speech.

**102.3 R Code 2008 Manuals**

The CEO distributed new R Code 2008 Manuals to elected members, together with a memo requesting that they not be marked to allow transfer to future members following elections. Elected members were also requested to keep the document up to date when provided with periodic updates.

**102.4 Mural – Glasson Park**

The CEO circulated photos of the mural painted by John Curtin students on the hardball court at Glasson Park, both in progress and completed.

25 May 2010

## MINUTES

Elected members were very impressed with the work and suggested promoting the project through a presentation at a school assembly, Council's newsletter or on Council's website. It was also hoped that future urban art projects involving students of the school could be arranged throughout the Town.

**102.5 Left Bank Legal Issue**

The CEO gave a brief verbal update on this matter.

**102.6 Local Government Reform**

The CEO gave a brief verbal report on this matter, as follows:

The outcome of the Minister's reform program is as follows:

- 10 local governments have decided to merge into 4 entities between 2011 and 2013. The 10 local governments are:  
Chapman Valley, Geraldton-Greenough & Mullewa  
Mingenew, Morawa, Perenjori & Three Springs  
Westonia & Yilgarn  
Carnamah & Coorow
- 11 local governments have agreed to prepare regional business plans, the Minister's words, "with a view to amalgamation in 2013" (*in fact the business plan process does not imply any commitment to amalgamation – it is merely a means of helping assessing the relevant business case*).

The 11 local governments are:

Beverley, Cunderdin, Quairading, Tammin & York  
Esperance & Ravensthorpe  
Brookton & Pingelly  
Claremont & Cottesloe

- 16 local governments within the Kimberley, Pilbara, Gascoyne and parts of the Eastern Goldfields have resolved to form Regional Collaborative Groups (*an option which was only offered to local governments in respect of which amalgamation was not seen as a practical option due to size, geographic location etc and which was not made available to metropolitan councils and those in a number of other parts of the State eg the south west*).

*It is also understood future regional funding arrangements (eg Royalties for Regions funding) is to be tied to the Regional Collaborative Groups' arrangements – suggesting the local governments concerned had little real choice in the matter.*

- Six other local governments that were invited to form Regional Transition Groups have requested approval to form Regional Collaborative Groups.

*It is not known what the outcome of these requests were.*

- The last group (and of most relevance to the Town) is a group of 22 local governments which (in the Minister's words) "support reform, however, are blocked from doing so due to a lack of support from neighbouring local governments".

It is concluded the City of Fremantle would be in this group, based on their endorsement of the Minister's proposal that the City formed a Regional Transition Group with the Town of East Fremantle. This proposal was not supported by the Town of East Fremantle.

Elsewhere the Minister had written that these 22 local governments "support reform but are impeded by local governments opposing reform and seeking to maintain the status quo".

25 May 2010

MINUTES

---

In the case of the Town of East Fremantle, at least, this is a serious misrepresentation of the Town's position, which was not opposed to reform, but rather, involved the Town putting forward an alternative model of reform.

Such is the narrowness of the Minister's definition of "reform".

Accordingly, when the Minister writes:

*"I commend those local governments that have displayed leadership and long term vision on behalf of their communities"*

the Minister is effectively commending only those local governments which have embraced (however keenly or reluctantly and under whatever circumstances) the Minister's model of reform.

In terms of plans for the 22 local governments the Minister goes on to say:

*"The Western Australian Local Government Association and the Department of Local Government will be working proactively with those local governments that have not been able to gain support for reform."*

It is unclear what this means.

In conclusion, the only concrete result of the Minister's amalgamation agenda to date has been that out of 139 local governments, only 10 (all from the country and with one exception, all very small) local governments have agreed to amalgamate, into 4 new entities. In other words representing a reduction of 6 councils. The Minister and Premier's own benchmark for success had been to reduce the number of local governments to less than 100, which would have required a reduction of at least 40.

Even if all 11 local governments which have agreed to prepare regional business plans proceeded to amalgamate, this would only represent a reduction of 7 (total 13).

Even if the 22 councils which support reform but are allegedly impeded by their neighbours, were eventually able to convince their neighbours to amalgamate, at best, based on each amalgamation involving only one other council which would almost certainly be an under estimate, this would only result in a reduction of another 11 local governments at the most (total 24).

Presumably all of the above means, unless the Minister's thinking has changed, that other strategies to achieve significantly greater numbers of amalgamation will now be considered.

WALGA President, Troy Pickard has noted the \$10.3m allocated in the recent budget to carry out local government reform and it is observed that it was "well short of what the sector required to achieve effective reform".

Mr Pickard stated:

*"When you consider a single amalgamation is estimated to cost \$4m...the amount of funding set aside will not be sufficient."*

The Minister will be reporting to Cabinet in the near future on current and future local government reform in the State.

The Minister has advised it is his intention to release the Steering Committee's report after Cabinet has considered and approved its release.

Finally, it is noted the Minister has advised that he had been successful in reducing the number of elected members by 100, to take effect at the 2011 local government elections.

It was never clear why the Minister considered reducing the opportunity for citizens to continue to serve their local communities as an elected member, to be such a worthy objective.

**102.7 Planning Applications**

Further to enquiries from elected members, the CEO advised of the following situation in relation to planning applications currently with Council:

- 22 delegated authority applications (10 with Town Planner, 9 with elected members) 2 with CEO and Tennis Club application pending)
- 13 Applications being considered at May round of meetings
- 10 Applications to be considered at June round of meetings
- 3 Applications to be considered at July round of meetings
- 5 Applications awaiting further plans or advice
- 7 Applications with Chief Executive Officer
- 2 Applications with Heritage Council.

**102.8 22 Silas Street**

The CEO advised that the building works being carried out at this site, which involves Crown Land under the control of the Department of Housing, were not subject to any form of referral to the Council, either formally or informally, and nor subject to any grant of building licence.

After queries from elected members, planning staff had followed up with the Department of Housing with respect to why the matter had not been referred to the Town, even for comment, and been given unsatisfactory responses. Subsequently the CEO spoke with the Head of Department who has provided some explanation however offered to follow the matter up further. Essentially the explanation involved a conflict between advice given in a letter from the Director General of the Department of Housing dated 3 July 2009 and a Planning Bulletin issued by the WA Planning Commission in November 2008, in respect of approval requirements for such works by public authorities.

Complicating the matter further was what appeared to be an understanding by the Department that single residential developments were not dealt with by elected members. The CEO has pointed out that whilst this may be the case with a number of larger local governments, at the Town of East Fremantle it was not the case. Further, even if the matter were being dealt with at officer level, this had no bearing on the applicable consultation/approved requirements.

At this point the Head of the Department has still not responded to the issues raised.

The CEO had asked if a stop work order could be placed on the garage which was being constructed in the front setback. The Head of the Department had agreed to consider that request. It does appear, at this stage, however that the construction of the garage has proceeded.

**102.9 Riverside Road Shelters**

The CEO noted that he had briefed elected members regarding this issue prior to tonight's meeting.

**102.10 Royal George Hotel**

The CEO gave a detailed report on the nature of the current application and issues related to the application.

*The Minute Secretary left the meeting at 10.40pm*



25 May 2010

MINUTES

- 102.11 **River Foreshore Car Park at John Tonkin Park**  
The CEO tabled a report and plan on proposed new car parking arrangements, which he had received from the Works Manager today. The CEO advised the matter remained under consideration at officer level.
  
- 102.12 **Main Roads Property – 21 Duke Street**  
The CEO reported that Main Roads WA had advised that demolition of 21 Duke Street would be commencing around 28 May.
  
- 103. **CONFIDENTIAL BUSINESS**  
Nil.
  
- 104. **NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING**  
Nil.
  
- 105. **MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**  
Nil.
  
- 106. **CLOSURE OF MEETING**  
There being no further business, the meeting closed at 11.20pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **25 May 2010**, Minute Book reference **86. to 106.** were confirmed at the meeting of the Council on*

.....

\_\_\_\_\_  
*Presiding Member*