



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 JULY 2008 COMMENCING AT 6.30PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 JULY, 2008 COMMENCING AT 6.30PM.

209. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

209.1 Present

Mayor Alan Ferris	Presiding Member
Cr David Arnold	
Cr Stefanie Dobro	
Cr Dean Nardi	
Cr Richard Olson	
Mr John Roberts	Executive Manager – Finance & Administration
Mr Chris Warrener	Town Planner
Mrs Peta Cooper	Minute Secretary

210. ACKNOWLEDGEMENT OF COUNTRY

Mayor Ferris made the following acknowledgement:

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

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

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

212. RECORD OF APPROVED LEAVE OF ABSENCE

Cr C Collinson
Cr B de Jong
Cr M Rico
Cr A Wilson

213. RECORD OF APOLOGIES

Nil.

214. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

215. PUBLIC QUESTION TIME

Nil.

216. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

217. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

217.1 Council Meeting – 1 July 2008

Cr Nardi – Cr Dobro

That the Minutes of the Council Meeting held on 1 July 2008 be confirmed.

CARRIED

217.1 Special Council Meeting – 9 July 2008

Cr Olson – Cr Dobro

That the Minutes of the Special Council Meeting held on 9 July 2008 be confirmed.

CARRIED

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218. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

221. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

221.1 Glyde Street No. 46 (Lot 149)

Matthew Young (Co-praxis): Providing -

- (i) *additional drawings showing the existing shadows cast both by the existing fences and the existing building.*
- (ii) *email outlining changes in revised plans date stamp received 15 July 2008.*

Cr Olson – Cr Dobro

That the additional information be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 226.1).

CARRIED

221.2 George Street No. 88 (Lots 433 & 534)

Heritage & Conservation Professionals: Submitting clarification on content of report dated 16 April 2008.

Cr Olson – Cr Dobro

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 226.2). CARRIED

222. ORDER OF BUSINESS

Cr Dobro – Cr Arnold

That the order of business be changed to allow members of the gallery to speak to town planning applications. CARRIED

223. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

Mayor Ferris and Crs Arnold, Dobro, Nardi & Olson made the following impartiality declaration in the matter of the East Fremantle Yacht Club: "As a consequence of our honorary membership of the yacht club, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

223.1 T62.6 East Fremantle Yacht Club

Mr John Tissott (Club Manager) advised he was satisfied with the Committee's recommendation and was available to answer any questions that may arise.

Cr Olson – Cr Dobro

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

That Council advise the Swan River Trust that it raises no objections to the proposed alterations to the East Fremantle Yacht Club's clubhouse building comprising:

- relocate and upgrade the kitchen;
- relocate and upgrade the ablutions;
- rationalise the existing circulation;
- provide additional storage areas;
- provide a new entry to the members lounge from the members carpark;



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- upgrade service infrastructure;
in accordance with the plans date stamp received on 5 June 2008 subject to the following conditions:

 1. the proposed works are not to be commenced until Council has received an application for and issued a building licence.
 2. all stormwater is to be disposed of on site, an interceptor channel installed if required, and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
 - (b) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- CARRIED

Cr Nardi made the following impartiality declaration in the matter of 46 Glyde Street: "As a consequence my having been a resident of Glyde Street for a number of years the owners of 48 Glyde Street, Mr Stephen Hille & Ms Catherine Keogh, are known to me, therefore 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.

223.2 T62.8 Glyde Street No. 46 (Lot 149)

Mr Jason Parish (applicant) addressed the meeting and spoke in favour of the original application, plans stamp dated 22 May 2008, stating that the impact on adjoining neighbours was considered minimal.

Mr Stephen Hille & Ms Catherine Keogh (adjoining neighbours) addressed the meeting on the issue of overshadowing and their preference for a 1.5m side setback.

224. ADJOURNMENT

Cr Dobro – Cr Arnold

That the meeting be adjourned for a short break at 7.07pm to further consider the matter.

CARRIED

225. RESUMPTION

Cr Nardi – Cr Olson

That the meeting be resumed at 7.21pm with all those present prior to the adjournment in attendance.

CARRIED

**226. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)****226.1 T62.8 Glyde Street No. 46 (Lot 149) (Continued)**

Correspondence from MB Ref 221.1 was tabled.

Cr Dobro – Cr Arnold

That Council exercise its discretion in granting approval for a variation to wall height for a study at the rear pursuant to the Residential Design Codes from 6m to 6.5m for the construction of renovations and additions to the single storey house at No. 46 (Lot 149) Glyde Street, East Fremantle comprising:

- a skillion roof over the driveway set back 0.6m from the north side boundary;
 - demolition of a rear patio and extension of the house to accommodate a new kitchen and living area;
 - extension of the roof line to the rear and construction of a mezzanine to accommodate an upstairs bedroom, bathroom, and a study
- in accordance with the plans date stamp received on 15 July 2008 subject to the



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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. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater 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.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. the boundary wall extension is to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *the applicant/owner is encouraged to research the original appearance of the house and undertake works to reconstruct the original facade, including checking the original pitch of the roof when re-roofing in zincalume, the detached veranda from the roof, eaves, sash windows, fanlight above door, turned posts etc.*
- (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 any affected owner.*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the boundary wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *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

226.2

T62.10 George Street No. 88 (Lots 433 & 534)

Correspondence from MB Ref 221.2 was tabled.

Mr Peter Broad (designer) made himself available to answer any questions that may arise and advised that the applicants were willing to work with Council on appropriate finishes for the building ie materials and colour.



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Cr Olson – Cr Nardi

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

- (a) variation to plot ratio pursuant to Town Planning Scheme No 3 from 0.5:1 to 1.185:1;*
- (b) variation to the provision of on site parking pursuant to Town Planning Scheme No 3 from 9 spaces to 4 spaces;*
- (c) variation to building height pursuant to Town Planning Scheme No 3 from 8m to 8.7m;*
- (d) variation to the setback from the west side boundary pursuant to the Residential Design Codes for a balcony on the mezzanine level (Level 2) and a balcony on Level 3 from 7.5m to 6.3m and 5.2m respectively;*

for the redevelopment of No. 88 (Lots 433 & 534) George Street, East Fremantle comprising the refurbishment and re-use of the 2 existing ground level shops with the addition of mezzanines, and construct a 3-level residence with:

Ground Floor: double garage and store, entry, study, lift, and wc;

Mezzanine: lift, landing, bedroom, bathroom/powder room, laundry & balcony;

Upper Floor: lift, landing, main bedroom, wir & ensuite, living-room, dining-room, kitchen, music retreat, linen, wc, balcony & terrace;

in accordance with the plans date stamp received on 5 June 2008 subject to the following conditions:

- 1. prior to the issue of a Building Licence the applicant/owner is to pay for the manufacture and installation of 5 stainless steel U-rail bicycle parking racks.*
- 2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
- 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
- 4. the proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*
- 5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
- 6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.*
- 7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.*
- 8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.*
- 9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.*
- 10. compliance with all relevant engineering, building and health requirements.*
- 11. this planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:

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

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



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- (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 property.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.

Amendment**Cr Dobro – Mayor Ferris**

That the following be inserted as condition (1):

1. **prior to the issue of a building licence the following be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers:**
 - (a) **a schedule of colours and finishes for the new addition.**
 - (b) **amended plans showing:**
 - (i) **the original façade having been researched to allow it to be authentically restored;**
 - (ii) **window openings on the southern side to be of a similar proportion to the original.**

and the remainder of the conditions contained in the officer's report be renumbered. THE AMENDMENT ON BEING SUBMITTED WAS CARRIED

The motion, as amended, was put.

Cr Olson – Cr Nardi

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

- (a) variation to plot ratio pursuant to Town Planning Scheme No 3 from 0.5:1 to 1.185:1;
 - (b) variation to the provision of on site parking pursuant to Town Planning Scheme No 3 from 9 spaces to 4 spaces;
 - (c) variation to building height pursuant to Town Planning Scheme No 3 from 8m to 8.7m;
 - (d) variation to the setback from the west side boundary pursuant to the Residential Design Codes for a balcony on the mezzanine level (Level 2) and a balcony on Level 3 from 7.5m to 6.3m and 5.2m respectively;
- for the redevelopment of No. 88 (Lots 433 & 534) George Street, East Fremantle comprising the refurbishment and re-use of the 2 existing ground level shops with the addition of mezzanines, and construct a 3-level residence with:
- Ground Floor: double garage and store, entry, study, lift, and wc;
Mezzanine: lift, landing, bedroom, bathroom/powder room, laundry & balcony;
Upper Floor: lift, landing, main bedroom, w/c & ensuite, living-room, dining-room, kitchen, music retreat, linen, wc, balcony & terrace;

in accordance with the plans date stamp received on 5 June 2008 subject to the following conditions:

1. **prior to the issue of a building licence the following be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers:**
 - (a) **a schedule of colours and finishes for the new addition.**
 - (b) **amended plans showing:**
 - (i) **the original façade having been researched to allow it to be authentically restored;**



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- (ii) window openings on the southern side to be of a similar proportion to the original.
2. prior to the issue of a Building Licence the applicant/owner is to pay for the manufacture and installation of 5 stainless steel U-rail bicycle parking racks.
 3. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 4. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 5. the proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
 9. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 10. 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.
 11. compliance with all relevant engineering, building and health requirements.
 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) *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) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

CARRIED



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Mayor Ferris made the following impartiality declaration in the matter of 82 Hubble Street: "As a consequence of the applicant being known to me due to my having worked with him approximately 15 years ago, 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.

226.3 T62.3 Hubble Street No. 82 (Lot 280)

Mayor Ferris – Cr Dobro

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

That the application for a two storey residence at No. 82 (Lot 280) Hubble Street, East Fremantle be deferred to provide Council the opportunity to work with the applicant to explore the options relating to retaining and extending the existing residence. CARRIED

226.4 T62.7 Gill Street No. 32A (Lot 89)

Mayor Ferris – Cr Dobro

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

That the application for a two storey residence at No. 32A (Lot 89) Gill Street, East Fremantle be deferred to allow the applicant the opportunity to work with Council to address issues raised in the officer's report including overshadowing, streetscape, garage element and wall height.

Footnote:

A site visit be undertaken of the vacant lot and also the neighbouring property at 30B Gill Street to ascertain the impact overshadowing will have on that residence.

CARRIED

226.5 T62.12 Clayton Street No. 11 (Lot 102)

Cr Dobro – Cr Olson

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

That Council exercise its discretion in granting approval for a variation to the length of a boundary wall along the south side pursuant to Local Planning Policy 142 from 9m to 13.2m for the construction of ground floor additions to the single storey house at No. 11 (Lot 102) Clayton Street, East Fremantle comprising:

- removal of a single garage and lean-to carport and construction of a double garage;
- new bedroom and en-suite;
- extension of a covered deck at the rear;

in accordance with the plans date stamp received on 13 May 2008 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. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater 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.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of

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- fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 8. 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.
 9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

227. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) EN BLOC ADOPTION

Cr Olson – Cr Nardi

That the following recommendations of the Town Planning & Building Committee Meeting of 8 July 2008 in respect to Items MB Ref: 27.1 to 227.6 be adopted en bloc.

CARRIED



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227.1 T62.4 Bay Patch Street No. 26 (Lot 275)

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 1m to 0.5m for the construction of a 5.8m long x 4m wide x 3.1m high gable roofed patio fixed to the northeast corner of the single storey house at No. 26 (Lot 275) Bay Patch Street, East Fremantle in accordance with the plans date stamp received on 15 May 2008 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. the proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater 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.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

227.2 T62.5 Dalgety Street No. 60A (Lot 2)

That Council grants approval for the construction of a 2-storey house on the rear (battleaxe) block at No. 60A (Lot 2) Dalgety Street, East Fremantle comprising:

Ground floor: double carport & store, bedroom & en-suite, laundry, study, living room, kitchen, & dining room;

First floor: bedroom & en-suite, balcony, retreat, and a void over the living room;

in accordance with the plans date stamp received on 27 May 2008 subject to the following conditions:

1. prior to the issue of a Building Licence plans are to be submitted specifying that the upper floor balcony screen on the east side will be a visually impermeable structure 1.65m above finished floor level, and specifications for the roof to be a non-reflective finish;



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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. 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.
5. 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.
6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. 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.
10. 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.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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



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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

227.3 T62.9 Preston Point Road No. 124 (Lot 4960)

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

- (a) variation to the south side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 4.2m;
- (b) variation to the north side (front) boundary setback pursuant to LPP 142 for a balcony from 10m to 9.3m;

for the construction of a 2-storey house at No. 124 (Lot 4960) Preston Point Road, East Fremantle comprising:

Ground level: Porch, entry, 3 bedrooms, 2 bathrooms, entertaining room, a double garage, store, patio, deck, and swimming pool;

First floor: Bedroom, bathroom with spa, powder room, dressing room, kitchen/dining room, living room, study, alfresco area with barbeque, and 2 balconies;

in accordance with the plans date stamp received on 27 June 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans be submitted showing roof height at 8.1m pursuant to Local Planning Policy 142.
2. roof to be finished in a non reflective roofing material.
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. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
9. 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.



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10. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
11. 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.
12. 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.
13. 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.
14. pool contractor/builder is required to notify Council's Building Surveyor ***immediately upon completion of all works*** including fencing.
15. 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.
16. any new crossovers which are constructed under this approval are to be a maximum width of 5.4m, 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.
17. 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.
18. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) ***this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) ***a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) ***it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.***
- (d) ***all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (e) ***with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.***
- (f) ***the patio may not be enclosed without the prior written consent of Council.***
- (g) ***matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

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227.4 T62.11 Silas Street No. 7c (Lot 583)

That Council refuse to grant planning approval for the unauthorised existing use of No. 7c (Lot 583) Silas Street, East Fremantle for the purposes of Recreation – Private (Definitive Fitness) in accordance with the application date stamp received on 12 May 2008 for the following reasons:

1. the use is not compatible with the approved use of the building at 5-7 Silas Street for offices, consulting rooms, and residential.
2. the use involves a parking shortfall, which is significant, and has a detrimental impact on the existing parking arrangement for the use of the other owners and occupiers of the building.
3. the use is a noisy activity which has a detrimental impact on the amenity of the residential use of the property.

Footnote:

The applicant is advised that this decision of the Council is herein issued as a notice pursuant to s. 214 of the Planning and Development Act 2005 constituting a direction to cease the current use of the premises within 90 days of the date of the Council decision.

227.5 T62.13 George Street No. 141 (Lot 201)

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.25m for the construction of additions to the single storey house at No. 141 (Lot 201) George Street, East Fremantle comprising:

- a 7.8m long x 5.5m wide x 2.838m high polycarbonate roof sheeted patio between the house and the garage; and
- an L-shaped veranda fixed to the east and south sides of the existing garage and store;

in accordance with the plans date stamp received on 14 May 2008 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. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater 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.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

227.6 T62.14 Duke Street No. 25 (Lot 481)

That Council

- 1. refuses to grant approval for the construction of a 3.1m wide X 10.4m long X 3.8m high carport fixed to the north side of the house at No. 25 (Lot 481) Duke Street, East Fremantle in accordance with the plans date stamp received on 4 June 2008 because the subject land is affected by an easement for which the adjoining landowner's consent is required.**
- 2. grants approval to the unauthorised existing development pursuant to Town Planning Scheme 3 Clause 8.4 for the additional window openings in the additions at the rear subject to the applicant/owner applying for and obtaining a Building Approval Certificate to the satisfaction of the Town of East Fremantle.**

Footnote:

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

- (a) in regard to the requirement to obtain a Building Approval Certificate pursuant to 2. above, you are advised to contact Council's Building Surveyor.*
 - (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) 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).*
- 3. refuses the unauthorised existing development comprising additional windows to the north and south sides of the existing house because the works have a detrimental impact on the appearance of the property in conflict with Town Planning Scheme 3, Clause 10.2(j), and Clause 10.2(o), and the applicant/owner is requested to re-instate the appearance of the original house by removing the newly installed windows.**

Footnote:

The applicant be advised that this decision constitutes a direction pursuant to s214 of the Planning and Development Act 2005, and you are herein advised to comply with this direction within 60 days of the date of this decision.

Mr Chris Warrener left the meeting at 8.25pm.

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228. REPORTS OF CHIEF EXECUTIVE OFFICER

228.1 *East Fremantle Festival Committee*
By Stuart Wearne, Chief Executive Officer, on 7 July 2008

PURPOSE

The purpose of this report is to facilitate the election of a new East Fremantle Festival Committee prior to 30 July 2008.

BACKGROUND

Members of the previous Committee were as follows:

Cr Jenny Harrington
 Cr Stefanie Dobro
 Cr Alex Wilson
 Cr Maria Rico
 Cr Richard Olson

Under the relevant statutory provisions the tenure of that Committee has expired and a new Committee needs to be appointed. This needs to be by an absolute majority.

Shelley Cocks wishes to hold the first meeting of the 2008 Festival Committee at 6pm on 30 July 2008.

As a "non Town Planning" matter, this issue would normally be dealt with at the first Council meeting of the month however that meeting (August 5) will be too late for the proposed 30 July meeting. Hence including this item in the agenda of the July 15 meeting.

Interested elected members are asked to nominate either at the July 15 meeting (if in attendance) or beforehand (preferably in writing) if they are not going to be in attendance at the July 15 meeting.

RECOMMENDATION

That the following elected members:

be appointed as members to the 2008 East Fremantle Festival.

Absolute Majority Resolution Required

Cr Olson – Mayor Ferris

That Crs Arnold, Dobro & Nardi be appointed as members of the East Fremantle Festival Committee.

CARRIED
ABSOLUTE MAJORITY

Cr Nardi – Cr Dobro

That Cr Olson be appointed as a member of the East Fremantle Festival Committee.

CARRIED
ABSOLUTE MAJORITY

229. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) (CONTINUED)**229.1 *T63.1 Design Guidelines*****Cr Dobro – Cr Olson**

That the Design Guidelines for both the George Street Precinct and the Plympton Ward be progressed.

CARRIED

230. CONFIDENTIAL BUSINESS

Nil.

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

231.1 Plympton Ward – Designated Heritage Area

Cr Arnold introduced the following matter for consideration at the next meeting of Council:

That Plympton Ward be designated a 'Heritage Area' under the Local Planning Scheme.

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

Nil.

233. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.45pm

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **15 July 2008**, Minute Book reference **209. to 233.** were confirmed at the meeting of the Council on*

.....

Presiding Member