

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 MAY 2012 COMMENCING AT 6.30PM.

89. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

89.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr B de Jong	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services to 8.00pm
Mrs P Cooper	Minute Secretary

90. 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.”

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

There were 14 members of the public in the gallery at the commencement of the meeting.

92. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Lilleyman
Cr Martin
Cr Olson

93. RECORD OF APOLOGIES

Nil.

94. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

95. PUBLIC QUESTION TIME

Nil.

96. APPLICATIONS FOR LEAVE OF ABSENCE

96.1 Cr Collinson

Cr Collinson sought leave of absence for Council Meeting to be held on 5 June 2012.

That leave of absence be granted to Cr Collinson for the Council Meeting to be held on 5 June 2012. CARRIED

96.2 Cr Wilson

Cr Wilson sought leave of absence for Council Meeting to be held on 19 June 2012.

That leave of absence be granted to Cr Wilson for the Council Meeting to be held on 19 June 2012. CARRIED



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97. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**97.1 Council Meeting – 17 April 2012****Cr Nardi – Cr Wilson****That the Minutes of the Council Meeting held on 17 April 2012 be confirmed.**CARRIED**98. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION****98.1 Anzac Day**

Mayor Ferris reported on his attendance at the Bicton RSL Anzac Day Service and thanked Crs Nardi, Rico & Lilleyman for their attendance also.

98.2 Battle of the Burbs

Mayor Ferris informed elected members of the Town's win in the 'Battle of the Burbs' and that a function in appreciation arranged by the Red Cross will be held on 18 May.

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

Nil.

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

Nil.

101. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**101.1 T42.9 Canning Highway No 158 (Lot 3)****C Urry (State Swim):** Advising that given the Town Planning Committee had recommended approval of the development at 158 Canning Highway despite the concerns of adjoining owners, Mr Urry would not waste his time attending tonight's Council meeting. Mr Urry advised that he would:

- request Council to mediate between the parties should people from the neighbouring properties park in his car park
- no longer allow customers from the row of shops next door to park in his car park
- install bollards restricting access to his carpark outside of State Swim operating hours
- need to approve any signage Council requires the operators of 158 Canning Highway to erect on his carpark

Cr Rico – Cr Wilson**That the correspondence from C Urry (State Swim) be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 103.4).**CARRIED**102. ORDER OF BUSINESS****Cr Wilson – Cr Rico****That the order of business be changed to allow members of the public to address planning issues.**CARRIED**103. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****103.1 T42.6 George Street No. 88 (Lot 433 & 534)****Applicant: Peter Broad: In House Building Design****Owner: Puresea Investments Pty Ltd****Application No. P45/2012**

Lisa Walsh (on behalf of the applicant) although present in the gallery chose not to address the meeting.

Cr Collinson – Cr Nardi

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

That the application at No. 88 (Lot 433 & 534) George Street, East Fremantle for a partial change of use from shop to restaurant (café) in Shop 'A' as designated on the proposal plans date stamp received 27 March 2012, be approved subject to the following conditions:

1. The applicant shall pay to the Town of East Fremantle (Town) \$27,000 representing the owner's contribution (Contribution) to the preparation and implementation of the George Street Precinct Access and Parking study (the Study). No use of the subject of this approval may be commenced prior to the receipt of the Contribution by the Town.
2. The number of diners to be accommodated on the premises at any onetime shall not exceed twenty persons and they shall be contained wholly within the premises.
3. 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.
4. Any proposed signage to be the subject of a separate application for planning approval.
5. A waste management plan shall be approved to the satisfaction of the Chief Executive Officer prior to the occupation of the premises.
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) *This approval specifically excludes al fresco dining. Any such proposal will require further application to Council.*

CARRIED

103.2 T42.14 Fraser Street No. 41 (Lot 4279)

Applicant: Inhouse Building Design

Owner: R Dorrington & N Devlyn

Application No. P145/2011

Mr Rance Dorrington (owner) addressed the meeting and handed out a marked up sketch plan and photographs.

Mr Dorrington indicated that:

- he was happy to reduce the width of the garage door;
- it was his desire to maintain the weatherboard finish to the western side of the house; and
- he wished to continue the verandah around to the eastern side of the house.

Cr Wilson – Cr Nardi

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

That the development application for alterations and extensions at No. 41 (Lot 4279) Fraser Street, East Fremantle, in accordance with the submitted plans date stamped received on 27 September 2011, be deferred pending further information being submitted to and approved by Council addressing the recommendations of the Heritage Assessment.

CARRIED



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103.3 T42.7 Petra Street No. 123 (Lot 23)
Applicant: S Evans & A Richardson
Owner: S Evans & A Richardson
Application No. P35/12

Ms Angela Richardson (owner) addressed the meeting and sought clarification on the matter of the front setback.

Cr Nardi – Cr de Jong

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

That the applicant be advised that following the submission of revised plans, which are to be to the satisfaction of the CEO, and which show the proposed carport set back in line with or behind the main building line, which is determined as being a front setback of 13.2m, that Council exercise its discretion in granting approval to:

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback from the northern wall of the garage and studio to the northern boundary,
- (b) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.0m setback from the northern wall of the carport to the northern boundary

for the construction of extensions at No. 123 (Lot 23) Petra Street, East Fremantle, in accordance with the plans date stamped received on 8 March 2012 subject to the following conditions:

1. The carport is to remain open open-faced at all times.
2. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face at the applicant's expense.
3. The studio addition shall not be independently leased either as a rental property or for short stay accommodation and shall only be occupied by members of the same family and their guests as the occupiers of the main dwelling.
4. The zinalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed 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.
8. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
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. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (*refer footnote (h) below*).
11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.

12. 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.
13. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

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 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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED

**103.4 14.1.1 Canning Highway No. 158 (Lot 3)
Applicant: Dharmapala Buddhist Centre
Owner: Perth Photographic Services P/L
Application No. P41/12**

The following additional report by Jamie Douglas, Manager – Planning Services, was considered:

**Canning Highway No. 158 (Lot 3)
Applicant: Dharmapala Buddhist Centre
Owner: Perth Photographic Services P/L
Application No. P41/12**

By Jamie Douglas, Manager Planning Services on 24 April & 11 May 2012

PURPOSE OF THIS REPORT

This report assesses an application for a change of use from a dwelling to a Place of



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Worship and for additions at 158 Canning Highway and recommends approval.

BACKGROUND

At its meeting on 8 May 2012 the Town Planning & Building Committee considered a report on the matter and resolved as follows;

That the application be deferred to allow:

1. Council staff to have due regard to all submissions received in relation to this development
2. The applicants to make a further submission for potential management options to restrict parking overflow on to non parking areas, particularly that belonging to State Swim.

APPLICATION DETAILS**Documentation**

Plans, accompanying information and relevant forms date stamp received on 23 March 2012

Date Application Received

26 March 2012.

Site Inspection

By Manager Planning Services on 24 April 2012

DESCRIPTION OF THE PROPOSAL

The subject site is 827 m² and is the front lot of a three lot survey strata which fronts Canning Highway.

The subject site has previously operated as a photographic studio but is currently rented as residential accommodation. The proposed change of use would provide accommodation for a small residential community of ordained Buddhist nuns and monks, and would be a place of assembly for prayer services and for mediation and Buddhist study classes.

The proposed building works comprise the demolition of a rear (non original) extension and swimming pool and its replacement by a 91m² single storey addition to house a meditation room.

The existing four on site car parks are to be retained and no alterations to the principal building or its front façade are proposed.

PREVIOUS COUNCIL DECISIONS AND/OR ISSUES RELATED TO THE SITE

20 February 2001	Council granted special approval for a change in use from residence to residential building (Lodging House) subject to the proposed fence being constructed in accordance with the provisions of the Council's Local Laws relating to Fencing; and the lodging house complying with the provisions of the Health Act.
17 April 2001	Building Licence issued for patio & verandah addition and the raising of the front fence height
13 August 2001	Building Licence issued for alterations/additions to the atrium and rear verandah.

STATUTORY PLANNING PROVISIONS

The following planning provisions are applicable to the assessment of the application:

- Town Planning Scheme No. 3 – Town Centre Mixed Use zone
- Local Planning Policy – Town Centre Redevelopment Guidelines (adopted 15 November 2011)
- Local Planning Policy No. 140 – Port Buffer Development

CONSULTATION

Advertising

Adjoining landowners, sign on site, and advertisement in local newspaper

Date Advertised

19 April 2012

Close of Comment Period

4 May 2012

Public Submissions

At the close of the comment period nine submissions were received. A summary of the submissions and responses follows. The applicants have also tendered supplementary submissions (dated 8 May and 10 May) in response to the submission by 'Landvision' and to issues raised at the TP&B Committee meeting of 8 May 2012. All submissions area attached in full to this report

Comment	Author's Response
<p>B Christian 156 Canning Highway owner/manager of 'A Place to Be'</p>	
<p>Supports the proposed use but is concerned about the increase in height of boundary wall by 1 metre. The proposed flat roof to the extension does not conform to existing buildings; prefer wall to be moved 1 metre inside boundary to prevent the proposed wall blocking sunlight to 2 bedrooms, courtyard and back garden.</p>	<p>Given the orientation of the lots, the submitter's house will not be impacted by overshadowing from the proposal. There will be no material impact to the garden areas due to the increased wall height. The proposed parapet wall conforms to the Scheme's side boundary setback provisions for the mixed business zone.</p>
<p>Janice Clarke State Swim System 160 Canning Highway</p>	
<p>Does not object to a 'place of worship' however stipulates that our car park is not to be used by their worshippers, customers or staff.</p>	<p>The submission is supported. The swim facility car park is private property dedicated for the use of the facilities patrons. No reliance has been allowed (in the assessment of carparking provisions) for use of this car park by visitors and occupants of the proposed centre. The applicant has advised that visitors to the centre are advised of public transport options, cycle and pedestrian facilities and locations of public parking areas.</p>
<p>C & M Ciccarelli 158B Canning Highway</p>	
<p>Not enough parking; entering their property might be more difficult if increased vehicles entering the front property, will gongs be used in meditation at early hours of the morning ?</p>	<p>Parking issues are addressed in the assessment section of this report – it is considered that parking demand will be adequately met by existing on street parking within a 250m radius of the development. Given on-site parking is not to be increased, traffic volumes at the entrance should not affect accessibility for vehicles to 158B Canning Highway. The application indicates that the activities will not generate noise affecting neighbours.</p>
<p>M. LoPresti 53 Station Road</p>	
<p>Does not oppose change of use but concerned with parking, clashes between hours of use of the swim centre and place of worship will cause confusion, does not agree patrons will use other parking areas when places in the swim centre car park are available, there are only 3 bays for parking in front of the house.</p>	<p>Parking issues are addressed in the assessment section of this report and in the preceding comments.</p>

<p>Con Tripi , Southern River Superfund, 158 Canning Highway</p>	
<p>Concerned about pavilion being built in the courtyard, parking is a real issue for all business here already, extra traffic be it pedestrian or cars will cause congestion in an already busy area. We wonder what time these seminars will take place as it is a residential area and residents may be disturbed.</p>	<p>The pavilion extension of 91m2 will result in a plot ratio of 0.5:1 which is well below the allowable plot ratio limit of the site (3:1).</p> <p>Parking issues are addressed in the assessment section of this report and in the preceding comments.</p> <p>Operating hours have been identified in the application. It is considered that the range of operating hours should be the subject of a condition of any approval.</p> <p>The application and subsequent information provided by the applicants confirms that activities will not generate noise that may cause a nuisance to surrounding properties.</p>
<p>DJL Trust, JAP Trust & PJ Hunt Family Trust suite 1, 163 Canning Highway</p>	
<p>Not enough on- site parking available, increased traffic coming in and out of the front of the property will be dangerous, if gongs are used as part of the meditation, this will annoy all neighbouring residential owners.</p>	<p>Parking issues addressed in above comments. If on-site parking provisions are not to be increased it is reasonable to expect that traffic volume and safety in respect to traffic ingress and egress will be unaltered.</p>
<p>Gordon Cook, 158A Canning Highway</p>	
<p>Objector's property is immediately behind subject site. The premises will be used most days and at weekends from early morning to late in the evening, there can be upward of 33 people utilizing the premises at any given time, applicants have endeavoured to address parking problem but increased traffic volumes using shared driveway will be disruptive. Currently a residential precinct – amenity will be impacted by constant flow of people up to 50 at a time using meditation centre. Possibility of side entrance to the meditation centre will be used as principle access for seminars. Objects to proposed extension as plans show a wall slightly higher than the gutter on our garage. Current residential enclave will be turned into a commercial precinct because of change of use.</p>	<p>The proposed hours of operation do not show seminar times occurring during early in morning or late at night. Potential noise and amenity impacts are not considered to exceed those which could arise from a large family occupation of this large property.</p> <p>The subject site and the objector's property have established commercial zoning. Commercial uses have operated from the subject property in the past. More potentially intrusive uses such as restaurant, shop and offices are permitted 'as of right' in this zone.</p> <p>As indicated above, any approval should be conditioned to control the range of operating times.</p> <p>All other issues addressed in above responses.</p>
<p>Christian Urry, Managing Director State Swim, 160 Canning Highway</p>	
<p>Lack of Car Parking onsite for the proposal – will inevitably be forced to police and administer our private car park so that non swim customers do not occupy our spaces, fears notwithstanding any management plans their customers will be forced to park on street, it is a (new) business responsibility to provide for parking needs, initial support was based on an understanding of proposed limited private classes only</p>	<p>Parking issues addressed in above comments. Necessary to also note that subject property is commercially zoned with limited curtilage and containing a heritage structure, any commercial proposal would need to respect heritage structure and so on site parking opportunities are extremely constrained. The objectors concerns regarding – 'non customer' use of their car parking are nevertheless upheld and will require careful consideration in any determination.</p>

<p>Trevor Moran, Landvision on behalf of owner 160 Canning Highway (swim centre)</p>	
<p>Application for a change of use is misleading as it is really an application for an 'additional' use.</p> <p>The application is misleading as it is confined to part only of the property (No 158), ignoring the other two residences which form part of the Strata Title. – consent of owners of rear strata lots should be a necessary precondition to consideration of the application.</p> <p>The application is misleading in its calculation of car parking bays and the likely shortfall</p> <p>Despite adding substantially to the use of the site, no effective provision has been made for car parking to recognise the increased activity. – conflicts with scheme provisions in this regard</p> <p>..in the event that the additional use is approved the applicants should be required:</p> <ol style="list-style-type: none"> 1) To pay cash in lieu for a minimum of 9 car parking bays; 2) Erect signs on their property indicating that parking on State Swim Centres property is illegal; 3) Erect signs on State Swim Centres property indicating that it is private property and that parking on it by non patrons of their business is illegal; and 4) Agree to pay (or Council to accept) any costs incurred by my clients in policing, clamping or towing away illegally parked vehicles. 	<p>The point is immaterial to the assessment of the planning merit of the application. Full details of the portion of the property to be used as a place of worship are described within the planning application. The 'Place of Worship use occupies the majority of the floor area.</p> <p>The application contains also necessary title information. The application clearly defines which strata is associated with the change of use. The requirements of the Strata Title Act do not restrict determination under the Planning and Development Act, indeed under the provisions of TPS No 3 a determination must be made by Council within 90 days of application otherwise it is deemed to be a 'refusal' and therefore subject to SAT appeal provisions.</p> <p>Existing bays have been widened to meet the standard dimensions prescribed in Schedule 12 of TPS No3. It is reasonable given that practitioners within the church are also residents within the dwelling, to count the 3 spaces and 1 jockey space as constituting 4 on site spaces. Parking issues are addressed in the assessment section of this report and in the preceding comments.</p> <p>The issue is addressed within the assessment section of the report</p> <p>Agreed although wording to be determined</p> <p>Agreed although wording to be determined</p> <p>There is no 'head of power' to require such a condition.</p>

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 24 April 2012. The following comment was made:

- *Panel supports the application.*

Agency Referrals - Department of Main Roads

Main Roads WA responded to the letter of referral on 1 May 2012 as follows;

*The proposed development is acceptable to Main Roads subject to the following condition being imposed:
All vehicle access shall be restricted to the existing driveway.*

The proposal plans confirm that only the existing driveway will be used, however there is no objection to the inclusion of this condition. The Main Roads letter also contained the following advice to the applicant.

Advice to Applicant

1. *This property is not currently affected by land reserved in the Metropolitan Region Scheme (MRS) as shown on the enclosed drawing, however a current MRS review is being carried out by Main Roads WA (previously Department of Planning). Once this is completed, a section of the land will be under the MRS*

and will be required for road purposes at some time in the future. Meaning the residence car parking at the front of the property will be impacted upon future widening of Canning Highway.

2. *The project for the upgrade/widening of Canning Highway is not in Main Roads WA current 4-year forward estimate construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads WA assumes no liability whatsoever for the information provided.*

It should be noted however that in respect to the above advice that Main Roads WA is not the determining body in respect to MRS amendments and further any amendment to existing planning permits can only be made with the consent of the Responsible Planning Authority.

COMPLIANCE WITH STATUTORY PLANNING PROVISIONS

Compliance with TPS No.3

Zone Objectives

The subject site is contained within the Town Centre Zone which has the following objectives (clause 4.2):

- To provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town.*
- To encourage the development of a consolidated Town Centre, which will provide a focus for the community and exhibit a high standard of urban design in keeping with the historical character of the Town.*
- To enhance pedestrian connectivity to and within the Town Centre, so as to*
- To facilitate the safe and convenient movement of local residents, and enhance the viability of Town Centre businesses.*
- To ensure the location and design of vehicular access and parking facilities do not detract from the character or integrity of the Town Centre or the streetscapes which define the centre.*

It is considered that the proposed use meets the above Zone Objectives of the Scheme because it would contribute to the civic and community activity within the Town Centre.

Land Use

The proposal is defined as a 'Place of Worship' under the Scheme; which is a 'discretionary use' in the Town Centre zone - . Mixed Business.

Car Parking

Schedule 11 of TPS No3 establishes parking requirements for various use categories. For a 'Place of Worship' the requirement is:

1 space for 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater.

The total parking requirement under the Scheme is assessed as 12 spaces (10 spaces for the Place of Worship and 2 spaces for the residence), 4 car bays are provided on site and the proposal therefore has a theoretical shortfall of 8 spaces. The issue is addressed in detail in the assessment section of this report.

Compliance with LPP- Town Centre Redevelopment Guidelines

Council adopted the LPP Town Centre Redevelopment Guidelines to provide detailed guidance for development within the Town Centre Zone. This Policy varies the scheme standards in respect to plot ratio, height, density and car parking. The LPP also contains additional design guidelines and requirements which complement the General Provisions

of the Scheme. Where the LPP is at variance with the Scheme provisions, Council may apply the provisions of the LPP pursuant with the following clauses of TPS No 3.

The proposal meets the density, height provisions of the LPP. It does not qualify for a reduction in car parking under the LPP provisions since it is not a 'mixed use' development.

Compliance with Local Planning Policy No. 140 – Port Buffer Development Guidelines

The subject site is located in Area 2 of the Fremantle Port Buffer, accordingly any new works will need to meet the relevant built form requirements of the LPP.

ASSESSMENT

Land Use

The Dharmapala Buddhist Centre has been operating in leased premises in a residential area at 160 High Street in Fremantle for the last 8 years and now wishes to purchase and operate from the subject site at 158 Canning Highway.

It is proposed to conduct prayer services and meditation classes from the subject site and to provide accommodation for up to four ordained priests and nuns. Details of the nature of the use are contained within the planning application which forms attachment 1 to this report. In summary, based on the existing activities, the Centre would operate classes of approximately 2 ½ hours duration between the hours of 9.30 am and 8 pm on Monday, Tuesday, Saturday and Sunday in addition to some half-day workshops on Saturday each month. The average attendance at the classes is stated to be 33 persons with a peak of 51 persons. In addition prayer services are held twice a day, usually at 7.00am and 5pm.

The proposed non-residential activities are instructive and meditative and it is considered they would not produce any detrimental impacts to surrounding amenity. However there is some potential that persons accessing the site 'after hours' may cause minor disturbance given the proximity of the two rear strata residences which share the access way and the adjacent residence at 156 Canning Highway, although this must be weighed against any comparative impact from alternative commercial and/or residential uses of the subject site. Accordingly it is considered that any approval should restrict the range of operating hours of the 'Place of Worship' whereby non-residents shall not attend services or classes outside the hours of 8 am and 8:30 pm on any day.

As stated above it is considered the proposed use will contribute to the civic activity and vibrancy of the Town Centre and is therefore consistent with the Scheme objectives.

Car Parking and Access

As stated the proposal has an on-site parking deficiency under the Scheme of 8 spaces. The following clauses apply to any determination in respect to varying the on-site parking requirements of the Scheme.

5.8.6 Location of Car Parking:

Required car parking is to be provided on the site of the development for which it is required, or subject to the local government's approval, off-site in the immediate vicinity of the development site. In considering a proposal for off-site parking, applicants will need to demonstrate to the satisfaction of the local government that any off-site parking areas will continue to be available for use in conjunction with the development at such times as it might reasonably be required.

5.8.7 On-Street Parking:

The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

5.8.8 Cash-in-lieu of Parking:

The local government may accept or require cash-in-lieu of all or a proportion of required car parking, based on the estimated cost of providing the requisite parking, including any associated access and manoeuvre facilities. Cash-in-lieu of parking shall be paid into a trust fund and used to provide public parking in the vicinity of the development site in relation to which any cash-in-lieu contributions have been received.

The applicants have provided an access and car parking assessment which they state demonstrates that the site is well serviced by public transport and there are 218 parking bays available for public use within 250 metres of the subject site. The applicants have also submitted a survey of the usage of these bays which concluded that no less than 72 public bays were available at any one time during the survey period and on average 134 public bays were available.

Two bus routes run along Canning Highway and a bus stop is within 50 metres of the site. Two more bus routes run along nearby Preston Point Road, with bus stops 150 metres away from the site. In addition a bicycle rack is to be installed in the front garden of the property and showers will be available for use by cyclists who wish to shower before attending classes. It is the applicant's existing practice for visitors to be advised of alternative transport options and public parking locations. To this end the application states;

"Managing Parking in the Immediate Vicinity

We currently provide information about where to park when attending the Centre both on our website and in publicity and will continue to do this when we move to the subject site. For those attending half-day or day courses, booking confirmations will provide information about where to park. These measures will help ensure that the place of worship parking does not prejudice adjacent development or adversely affect the safety or amenity of the locality."

With respect to the applicant's car parking assessment, it is noted the applicants have factored in "Town of East Fremantle Council office car park" (24 bays), "car park between Council Place and Silas Street" (76 bays), and "May Street car park" (42 bays).

However the above bays should not be included in the applicant's calculations as public car parks as these car parks are not available for unconditional use to the general public. For example Council has already been approached regards assisting with restricting parking at the East Fremantle Shopping Centre to users only and the Council car park is technically, intended for members of the public on Council business.

Nevertheless it is considered there is sufficient on street car parking available in the general area in respect of the identified shortfall. The applicant's supplementary submission received on 10 May 2012 indicates the adequacy of on street parking in the vicinity with a total of 161 spaces being reasonably available albeit that some of these are at some distance from the site.

Notwithstanding the above, the concerns by the owners and operators of the State Swim Centre regarding possible impacts upon their customer car parking are acknowledged and should be addressed in any approval of the proposal.

The total parking requirement under the Scheme is assessed as 12 spaces (10 spaces for the Place of Worship and 2 spaces for the residence) based on the maximum capacity of the Place of Worship of 50 persons. The applicants submit however that their average attendance is 33 persons. The maximum parking peak within the vicinity of the subject site will occur during office hours when all commercial premises and council offices etc are open. Should attendance at the proposed Place of Worship be limited to 35 persons during these times then the assessed shortfall would be 5 spaces ($35/5=7-2$ on site =5 spaces). Such a condition would assist in ameliorating parking impact when combined with other proposed measures (listed below) which are proposed to address the concerns of 'unauthorised use' of the State Swim Centre facilities.

- advisory signage to be erected on the subject site and swim centre site,
- parking and public transport advice to attendees of the centre when booking,
- onsite bicycle and end of trip facilities

In light of the above it is considered that the waiving of the requirement for 8 on-site spaces in respect to the proposed change of use will not significantly impact upon commercial operations or residences in the vicinity and accordingly 'cash-in-lieu of parking' is not considered to be appropriate or necessary.

Proposed works

The proposed works include the demolition of skillion roofed addition and the swimming pool and the redevelopment of this space for a meditation room and garden in the northern portion of the site.

The bulk of the building will be unaltered except where maintenance is required. One bathroom will be modified to provide universal access. The front of the building and the heritage significant palm trees in the front setback will be retained. Accordingly the heritage significance will be unaffected.

The proposed single storey extension will not be visible from the street and as such will not have a detrimental impact on the streetscape. The extension will have a maximum parapet wall height of 4.4 m. above natural ground level, and will add 91m² of floor area to the building. The applicant has submitted shadow diagrams which confirm the development will not overshadow neighbouring properties. The proposed parapet wall complies with the height and setback requirements for development in the Town Centre – Mixed Use Zone.

The existing plot ratio of the building is 0.4:1. The subject site is limited to 3:1 under the LPP- Town Centre Redevelopment Guidelines. The proposed plot ratio of 0.5:1 complies with the plot ratio limits of the site.

Conclusion

It is considered the proposed change of use will contribute to the civic activity and vibrancy of the Town Centre and will not impact the amenity of nearby residents subject to the conditions of approval identified in this report. Car parking can be satisfactorily accommodated by the proposed onsite parking and management measures identified in this report and by existing public car parking.

The proposed works will not detrimentally impact upon the heritage significance of the principal residence or the amenity of neighbours. There will be no change to the existing streetscape presence of the property.

The property is subject to the Strata Titles Act and the written consent of owners of Lots 1 and 2 or a resolution without dissent as defined by sec 3AC of the Act in respect to the proposed works will be a necessary precondition to their commencement. In addition any signage should be the subject of a separate application for planning approval.

Subject to the above comments, it is considered the application should be approved.

RECOMMENDATION

That Council exercise its discretion to vary the onsite car parking requirements from 12 to 4 spaces and grant approval for a change of use from a dwelling to a 'Place of Worship' and for demolition and additions at 158 Canning Highway, East Fremantle in accordance with the proposed plans and accompanying information date stamp received 23 March 2012 subject to the following conditions:

1. All vehicle access shall be restricted to the existing driveway.
2. The design, construction and use of the buildings shall at all times conform with the requirements of the Town of East Fremantle Local Planning Policy – Noise Attenuation and the Environmental Protection (Noise) Regulations 1997.
3. Prior to the installation of any externally mounted air conditioning plant, a

- development application which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council
4. The works are to be constructed in conformity with the drawings date stamped 'Received 23 March 2012' 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. Persons who do not reside on site shall not attend services or classes outside the hours of 8 am and 8:30 pm on any day.
 6. The maximum number of persons attending the site between the hours of 8:30 am and 5:30 pm Monday to Friday inclusive shall not exceed 35.
 7. Prior to occupation of the subject site, the applicants shall erect (at their cost) signage at 160 Canning Highway (subject to the agreement of the property owners), and upon the subject site, advising of relevant parking provisions. The method of construction, dimensions, placement and wording of the signage shall be to the satisfaction of the Chief Executive Officer.
 8. Bicycle racks and end of trip facilities shall be included in plans submitted for a building licence and installed prior to occupation and the operators of the site will make all reasonable endeavours to advise attendees of transport options and parking provisions to the satisfaction of the Chief Executive Officer.
 9. 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.
 10. 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.
 11. The development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy - 'Fremantle Port Buffer Area Development Guidelines'.
 12. 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.
 13. 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.
 14. This planning approval to remain valid for a period of 24 months from date of this approval.

Note:

1. *The property is subject to the Strata Titles Act and the written consent of owners of Lots 1 and 2 in respect to the proposed works will be a necessary precondition to their commencement.*
2. *Any proposed signage (other than that required by condition 6 of this approval) shall require a separate application for planning approval.*

Mr Gordon Cook (adjoining neighbour) addressed the meeting, reiterating the contents of his letter of objection.

Kelsang Ani (applicant) addressed the meeting in support of the proposal. Ani advised the meeting that the Centre was currently operating in a comparable situation without problems and felt certain that a good relationship with the neighbours would evolve at the new site should it be approved. Ani also addressed issues such as heritage, noise reduction and car parking.

The Chief Executive Officer responded to Ani's request for the deletion of Condition (7) of the officer's report.

Cr de Jong – Cr Collinson

That Council exercise its discretion to vary the onsite car parking requirements from 12 to 4 spaces and grant approval for a change of use from a dwelling to a 'Place of Worship' and for demolition and additions at 158 Canning Highway, East Fremantle in accordance with the proposed plans and accompanying information date stamp received 23 March 2012 subject to the following conditions:

1. All vehicle access shall be restricted to the existing driveway.
2. The design, construction and use of the buildings shall at all times conform with the requirements of the Town of East Fremantle Local Planning Policy – Noise Attenuation and the Environmental Protection (Noise) Regulations 1997.
3. Prior to the installation of any externally mounted air conditioning plant, a development application which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council
4. The works are to be constructed in conformity with the drawings date stamped 'Received 23 March 2012' 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. Persons who do not reside on site shall not attend services or classes outside the hours of 8 am and 8:30 pm on any day.
6. The maximum number of persons attending the site between the hours of 8:30 am and 5:30 pm Monday to Friday inclusive shall not exceed 35.
7. Prior to occupation of the subject site, the applicants shall erect (at their cost) signage at 160 Canning Highway (subject to the agreement of the property owners), and upon the subject site, advising of relevant parking provisions. The method of construction, dimensions, placement and wording of the signage shall be to the satisfaction of the Chief Executive Officer.
8. Bicycle racks and end of trip facilities shall be included in plans submitted for a building licence and installed prior to occupation and the operators of the site will make all reasonable endeavours to advise attendees of transport options and parking provisions to the satisfaction of the Chief Executive Officer.
9. 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.
10. 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.
11. The development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy - 'Fremantle Port Buffer Area Development Guidelines'.
12. 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.
13. 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.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Note:

1. *The property is subject to the Strata Titles Act and the written consent of owners of Lots 1 and 2 in respect to the proposed works will be a necessary precondition to their commencement.*
2. *Any proposed signage (other than that required by condition 6 of this approval) shall require a separate application for planning approval. CARRIED*

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Cr de Jong declared a proximity interest in the following two items as his residence adjoins the property at 4 Chauncy Street and he owns the property 126 Preston Point Road which is in close proximity to Wauhop Park, and left the meeting at 7.53pm.

- 103.5 T42.3 Chauncy Street No. 4 (Lot 5037)**
Applicant: Hartree & Associates Architects
Owner: J & M Gale
Application No. P37/2012

Cr Wilson – Cr Nardi

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

That the applicant be advised Council exercises its discretion in granting approval for the following:

- (a) variation to the side setback requirements of the Residential Design Codes of Western Australia to permit a 3.2m side setback from the North-West wall of the dwelling North-West boundary;
- (b) variation to the building height requirements of the Local Planning Policy 142 to permit a maximum wall height (concealed roof) of RL40.72 as provided on the submitted and approved plans;
- (c) variation to the requirements of the Local Planning Policy 66 to permit a skillion roof form as provided on the submitted and approved plans; and
- (d) variation to the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the terrace to intrude 3.2m over the north-west boundary.

for the construction of alterations and additions at No. 4 (Lot 5037) Chauncy Street, East Fremantle, in accordance with the plans date stamped received on 9 March 2012 subject to the following conditions:

1. The proposed swimming pool does not form part of this approval.
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. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
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. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (*refer footnote (h) below*).
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.

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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 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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED

- 103.6 **T42.12 Wauhop Park (Reserve 2 2365) - Preston Point Road - East Fremantle Soccer Club – Lighting of Soccer Pitches**
Applicant: East Fremantle Soccer Club
Owner: Vested in Town of East Fremantle
Application No. P3/2012 (File Ref. R/RSC1)

Cr Wilson – Cr Nardi

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

Council advise the Western Australian Planning Commission that it supports the application by the East Fremantle Soccer Club for the erection of flood lighting to illuminate the upper and lower soccer pitches at Wauhop Reserve, Preston Point Road, East Fremantle in accordance with application plans date stamp received 8 & 16 March and 10 April 2012.

CARRIED

Cr de Jong returned to the meeting at 7.55pm and it was noted he did not speak or vote on the previous two items.

Cr Rico declared a proximity interest in the following item as the rear of her property adjoins the subject property and left the meeting at 7.55pm.

Cr Wilson made the following impartiality declaration in the matter of 80 Oakover Street: "As a consequence of the applicant being known to me, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

103.7 T42.13 Oakover Street No. 80 (Lot 313)
Applicant and Owner: Domenic McKenna & Mary Anne Kenny
Application No. P47/2012

Cr de Jong – Cr Nardi

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

That Council exercise its discretion in granting approval for a boundary wall of 10.0 metres which exceeds a length of 9.0 as required under Local Planning Policy 142 for the outbuilding to the residence at No. 80 (Lot 313) Oakover Street in accordance with the plans date stamp received on 27 March 2012 and email dated 8 May (lowering ground floor slab to achieve 2400 wall height), 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. prior to the issue of a building licence, plans shall be submitted and approved by Council which show the proposed shed set back in line with the living room of the existing dwelling.
3. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
4. the outbuilding shall not be used for habitable purposes.
5. 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.
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. all stormwater is to be disposed of on -site and clear of all boundaries.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drain age 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. 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)*

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Regulations 1997 (as amended).

- (d) *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.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

Cr Rico returned to the meeting at 7.58pm and it was noted she did not speak or vote on the previous motion.

Cr Wilson made the following impartiality declaration in the matter of 7 Gill Street: "As a consequence of the owners being known to me as the parents of my son's best friend, 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".

103.8 T42.8 Gill Street No. 7 (Lot 6)
Applicant/Owner: Glenn Frewin
Application No. P7/2012

Cr Nardi - Cr de Jong

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

That Council exercise its discretion in granting approval for a variation to the requirements of LPP No. 142 to allow an additional boundary wall that is 13.50 metres long in lieu of the 9 metre restriction for the construction of additions to the residence at No. 7 (Lot 6) Gill Street in accordance with the plans date stamp received on 17 January 2012, 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. prior to the issue of a building licence, plans shall be submitted and approved by Council which show the proposed shed set back in line with the living room of the existing dwelling.
3. prior to the issue of a building licence, revised plans shall be submitted showing the maximum wall height of the southern wall of the shed to be RL12.21, to the satisfaction of the CEO.
4. the proposed shed and garage shall be finished in render without matching brickwork detail.
5. 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.
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. all stormwater is to be disposed of on -site and clear of all boundaries.
9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drain age 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.

10. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (refer footnote (g) below)
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.*
- (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.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

Cr Wilson made the following impartiality declaration in the matter of 3 Walter Street: "As a consequence of my brother being a potential owner of 3A Walter Street, 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".

103.9 T42.11 Walter Street No. 3 (Lot 1 on Survey Strata Plan 44581)
Applicant: Mark Baldwin
Owner: Mark Baldwin
Application No. P51/2012

Cr Nardi – Cr Collinson

That the applicant be advised that following the submission of revised plans demonstrating that the "Fence Plan" complies with the visual permeability requirements of the Local Planning Policy No. 143 Policy on Local Laws Relating to Fencing to the satisfaction of the CEO, that Council exercise its discretion in granting approval to vary the front fencing requirements of the Local Planning Policy 143 Policy on Local Laws Relating to Fencing to permit a maximum overall fence height of 2.126m for the construction of front fencing at No. 3 (Lot 1 on Survey Strata Plan 44581) Walter Street, East Fremantle, in accordance with the revised plans date stamped received on 3 May 2012 subject to the following conditions:

1. Vehicles are not to traverse the Council verge to access the southern gate.

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. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
5. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
7. 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.
8. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. This planning approval to remain valid for a period of 24 months from date of this approval.

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 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) ***with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.***
- (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) ***matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

CARRIED



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104. EN BLOC RECOMMENDATION

Cr de Jong - Collinson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 8 May 2012 in respect to Items MB Ref 42.4, 42.5, 42.10 & 42.15. CARRIED

104.1 T42.4 Sewell Street No. 66 (Lot 646)*Applicant: J Cornish**Owner: J Cornish**Application No. P48/2012*

That Council defer determination of the development application for the construction of single dwelling at No. 66 (Lot 646) Sewell Street, East Fremantle, in accordance with the plans date stamped received on 1 May 2012, subject to resolution of the following issues:

1. Further information and/or revised plans addressing the impact of the proposed dwelling on the streetscape and character of the locality;
2. Further information and/or revised plans responding to the concerns raised by the Town Planning Advisory Panel; and
3. Revised plans addressing compliance with the BCA fire rating standards along the side deck.

104.2 T42.5 George Street No. 88 (Lot 433 & 534)*Applicant: Peter Broad: In House Building Design**Owner: Puresea Investments Pty Ltd**Application No. P46/2012*

That the application at No. 88 (Lot 433 & 534) George Street, East Fremantle for a 'bull nosed verandah' over the footpath in front of the commercial tenancies as designated in the amended proposal plans date stamp received 30 April 2012, be approved subject to the following conditions:

1. The 'ply infill signage area' indicated on the amended proposal plans is not approved and shall be deleted from any plans submitted for a subsequent building licence.
2. 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.
3. Any proposed signage to be the subject of a separate application for planning approval.
4. 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).*

104.3 T42.10 Glyde Street No. 50 (Lot 23)*Applicant: J Stirling**Owner: J Stirling**Application No. P50/12*

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

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.0m side setback from the southern side of the

side deck to the southern boundary.

- (b) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit a 3.0m side setback from the northern side of the rear deck to the northern boundary.

for the construction of alterations at No. 50 (Lot 23) Glyde Street, East Fremantle, in accordance with the plans date stamped received on 3 April 2012 and additional plans date stamped received on 13 April 2012 subject to the following conditions:

1. This approval specifically excludes the proposed front fencing. Any such proposal will require amended plans, which must be to the satisfaction of the CEO in order to be approved.
2. The decks are to remain open-faced and uncovered at all times.
3. The zinalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
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. Prior to the installation of any externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.
9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
10. 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.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

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 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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

104.4 **T42.15 Duke Street No. 21 (Lot 12)**
Applicant: G & G Petit
Owner: G & G Petit
Application No. P24/2011

That the applicant be advised that following the submission of a detailed schedule of external materials, finishings (including paint colours) and landscaping for the proposed metal infill fence, retaining walls and planters in the front setback area to the satisfaction of the CEO, that Council exercise its discretion in granting approval for the following:

- (a) variation to the side setback requirements of the Residential Design Codes of Western Australia to permit a nil side setback from the southern wall of the garage northern boundary, and 1.6m setback from the northern wall of the Games Room and Guest Room to the proposed northern boundary;
- (b) variation to the Part 2 – Streetscape requirements of the Local Planning Policy 142 in relation to front setbacks to permit a 5.0m setback from the upper storey to the front boundary;
- (c) variation to the site works requirements of the Residential Design Codes of Western Australia to permit filling in the front setback to 1.52m to achieve a ground floor Finished Floor Level of RL14.72;
- (d) variation to the building height requirements of the Local Planning Policy 142 to permit a maximum wall height of RL20.10 and maximum ridge height of RL22.12 as provided on the submitted and approved plans; and
- (e) variation to the Visual Privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the alfresco to intrude 1.8m over the proposed northern boundary.

for the construction of a dwelling at No. 21 (Lot 12) Duke Street, East Fremantle, in accordance with the plans date stamped received on 1 May 2012 subject to the following conditions:

1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face at the applicant's expense.
2. The jacaranda tree to the front of the development is to be retained.
3. The proposed swimming pool does not form part of this approval.
4. Plans to meet requirements of Council's Local Planning Policy regarding Noise Attenuation.
5. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.

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. 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 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.
9. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
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. prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council. (*refer footnote (h) below*).
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 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. 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 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) *with regard to construction of the crossover the applicant/builder is to contact*

Council's Works Supervisor.

- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

105. FINANCE

105.1 *Monthly Financial Activity Statement for Period Ending 30 April 2012*
By Les Mainwaring Executive Manager Finance & Administration on 10 May 2012

PURPOSE

To provide financial information to Elected Members. This statement outlines operating and capital revenues and expenditures in accordance with statutory requirements.

BACKGROUND

The monthly Financial Activity Statement for the period ending 30 April 2012 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital expenditure 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 2012 year to date Financial Activity Statement report shows an overall actual surplus of \$1,816,136 compared to the year to date budget of \$108,019 a favourable variance of \$1,708,117

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 2011/12 as it is used to fund expenditure providing works and services.

The overall favourable variance of \$1,708,117 can be analysed as follows:

- The YTD actual Operating Revenue is \$8,030,216 compared to the YTD budget of \$8,081,555, an unfavourable variance of \$51,339. The total is in line with budget estimates for this period, however there are still variances associated with capital grants.
- The YTD actual Operating Expenditure is \$6,011,930 compared to the YTD budget of \$5,841,916, an unfavourable variance of \$170,014.

- The YTD actual Capital Expenditure is \$1,405,226 when compared to the YTD budget of \$3,252,455 a favourable variance of \$1,847,229. The variance is due to the timing of undertaking road and building works.

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 2012 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 2011 to 30 April 2012 is presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2011 to 30 April 2012 be received.

Cr Rico – Cr Collinson

That the Financial Activity Statement for the period ending 1 July 2011 to 30 April 2012 be received. CARRIED

The Manager Planning Services left the meeting at 8.00pm.

105.2 Accounts for Payment – March & April 2012

By Les Mainwaring, Executive Manager Finance & Administration on 11 May 2012

PURPOSE

To endorse the list of payments for the period 1 March to 31 March and 1 April to 30 April 2012.

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 and ending 31 March 2012 and 1 April ending 30 April 2012 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the periods beginning 1 March and ending 31 March 2012 and 1 April ending 30 April 2012 be received, as per the following tables:



15 May 2012

MINUTES

March 2012		
Voucher No's	Account	Amount
4330 – 4343	Municipal (Cheques)	\$13,805.86
EFT 15351 – EFT 15494	Electronic Transfer Funds	\$492,302.70
Payroll	Electronic Transfer Funds	\$150,875.05
Loans	Direct Debit	18,738.43
	Municipal Total Payments	\$675,722.04

April 2012		
Voucher No's	Account	Amount
4344 – 4358	Municipal (Cheques)	\$28,068.89
EFT 15495 – EFT 15615	Electronic Transfer Funds	\$571,571.81
Payroll	Electronic Transfer Funds	\$153,754.53
	Municipal Total Payments	\$753,395.23

Cr Collinson – Cr Nardi

That the List of Accounts for the periods beginning 1 March and ending 31 March 2012 and 1 April ending 30 April 2012 be received. CARRIED

106. REPORTS OF ELECTED MEMBERS

106.1 *Cr Rico – Fremantle Library Advisory Committee*

Cr Rico deferred this report.

106.2 *Cr Rico – WALGA and Metropolitan Local Government Review Panel*

Cr Rico circulated a report.

107. REPORTS OF THE CHIEF EXECUTIVE OFFICER

107.1 *Works Update*

By Stuart Wearne, Chief Executive Officer, on 11 May 2012.

- **Leeuwin Boat Ramp & Car Park**

Design and Construction

Coastal Engineers M P Rogers & Associates advise that completion of the final design of the new boat ramp and jetties will be May 2012. M P Rogers will also provide plans, tender documentation and engineering assistance during the construction phase.

Advanced Design Solutions have completed design works for all car park requirements including landscaping, drainage and car park set out.

Department of Transport

Liaison with Department of Transport Officers and MP Rogers, design engineers has been undertaken to optimise the design of the ramp and jetties.

Swan River Trust Development Application

An application for Swan River Trust Development approval has been lodged with the Trust. The application has been endorsed by the Trust and is currently in public consultation phase.

It is expected that on completion of the public consultation phase in late May the Trust will approve the Town's development application.

Tender

Tender documents will be prepared for the ramp and jetty works. Construction works are expected to take place in August - September 2012. Car park works including drainage, landscaping, electrical and ground works will be undertaken by Town of East Fremantle staff in conjunction with selected sub-contractors during the second half of 2012.

- **Footpaths Plympton Precinct – King Street**
Works 75% complete. Completion expected May 2012.
- **Petra Street Asphalt Resurface**
Preparation works including drainage, kerbing and new crossovers complete. Town of East Fremantle have also undertaken works on behalf of the City of Melville and will manage the project through to completion. Current value of works undertaken for the City of Melville stands at approximately \$131,000. Re-surfacing works to be completed in early May 2012.

Asphalt works commenced on 10th May and are expected to take approximately 8 working days to reach completion. Inclement weather is expected to cause delays and extend the completion date for the works

- **Riverside Road Anti Hoon Speed Cushions**
Installation works complete and under budget.
- **Preston Point Road / Pier Street Round-About**
Previous advice that design for this project had been accepted by all affected parties has now been revised.

Main Roads WA (MRWA) and the Public Transport Authority (PTA) are yet to agree on aspects of kerb heights on the outer roundabout section. PTA have requested the outer ring of the roundabout to be flush with the road level to accommodate bus turning speeds of 15kph while MRWA require the outer ring kerb and pavement to be raised to prevent vehicles travelling straight through the intersection at speed. MRWA and PTA are currently negotiating an outcome.

It is expected the delay caused by these negotiations will require the works to be undertaken in the new financial year.

- **Preston Point Road Parking Embayment**
Works to be undertaken by June 2012.
- **Riverside Road – Part Re-construction**
The budget for these works was reduced to accommodate other more urgent requirements. The remaining budget will be spent to provide re-construction works to one section of pavement opposite the Red Herring Restaurant. This section of pavement is showing increased signs of pavement failure and is the most urgent in need of re-construction. Works are expected to be undertaken before June 30 2012.
- **Road Resurfacing Program**
This year's program included the resurfacing, kerbing and drainage works to Parker

Street, Hamilton Street and Stratford Street. These works are complete.

- **Drainage Stratford Street Catchment**

The works have included the installation of drainage pits and pipe work in the Stratford Street catchment area to intercept a portion of the peak storm water flow before it reaches the low point in Clayton Street. The works have resulted in part of the flow from Clayton St, Fraser St, Pier St and Gordon St being intercepted to take the pressure of the recently installed system adjacent to 27a Clayton Street.

The works are complete.

- **Glasson Park Upgrade**

Initial design was subject to public consultation. Park design has received general acceptance with play equipment design subject to further consultation by Council with East Fremantle Primary School. Consultation to be undertaken during late May with works expected to commence before the end of June.

- **Parks Irrigation Upgrades**

Irrigation upgrades complete on Cricket Lacrosse Club.

- **Ulrich Park Fence**

Fence installation to Ulrich Park complete.

- **Buildings**

Old Police Station:

1. New roof and roof tie downs, gutters, downpipes and veranda posts including new stirrups to be installed during May 2012.
2. Painting and redecoration to timber to be done.
3. Garden equipment shed constructed behind bus garage to take place of old asbestos laundry. Old laundry was used by HACC gardener. Old laundry to be demolished as per structural report recommendations.

Town Hall

1. New fire escape stairs ordered and to be installed before June 30 2012.
2. Rising damp works undertaken during April and to be completed in May.
3. Works package to investigate aircon loads and repair requirements issued to consultant engineers.
4. Quotations received to carry out Town Hall exterior redecoration works and crack repair works. Quotations received from Westplan Design & Construction Pty Ltd and Adco Services Pty Ltd. It is proposed that Adco Services Pty Ltd be recommended for the works on the basis of experience and price.

- **Sporting Clubs Grants**

East Fremantle Tennis Club

Works have commenced on the tennis courts upgrade including drainage, fencing and court re-surfacing. Works are expected to be complete by the end of June 2012.

East Fremantle Junior Football Club

The works to install new floodlighting to Henry Jeffrey Oval complete.

East Fremantle Croquet Club

This project is under construction. Engineering approval of footing installations has been received. Two of the four light poles have been installed with the remaining two poles and commissioning works expected to be complete by the end of May.

15 May 2012

MINUTES

East Fremantle Tricolore Soccer Club

This project is at approvals stage. Council has endorsed the installation plans. State Planning Commission approval is currently being sought. The Club will be advised as soon as final approvals are received. The Club has previously advised that works are ready to proceed as soon as approvals are received.

East Fremantle Cricket Club

A new synthetic wicket which was installed prior to the 2011 – 12 season has now been covered in turf for the football season.

RECOMMENDATION

That the report be received.

Cr Nardi – Cr Rico

That the report be received.

CARRIED

107.2

Meeting Schedule 2012/2013

By Stuart Wearne, Chief Executive Officer, on 11 May 2012

PURPOSE

The purpose of this report is to facilitate a decision by Council on the meeting schedule to be employed in 2012/13.

Council is required, under Section 13 of the Local Government (Administration) Regulations 1996, to advertise its meeting schedule at least once a year for the next twelve months. The meeting schedule for 2012/2013 will need to be resolved and advertised prior to July 1 2012.

BACKGROUND

At the Council Meeting of 21 June 2011, Council resolved as follows:

That:

1. *a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2011 when the meeting is held on the 2nd Tuesday) to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including urgent Health or Town Planning/Public Domain matters.*
2. *a Council meeting be scheduled for the 1st Tuesday of the month (except December 2011) to consider mainly Works & Health matters and items of an urgent nature including Town Planning*
3. *a Town Planning & Building Committee (Private Domain) meeting be scheduled for the 2nd Tuesday of the month (except during the month of December 2011 when it will be scheduled for the first Tuesday of the month).*
4. *meetings of the Finance Committee be scheduled for the 26 July and 25 October 2011 and the 28 February and 29 May 2012.*
5. *Special Meetings of any of the standing committees to be called if such meetings are required.*
6. *the above arrangements not to apply for January 2012 and the Chief Executive Officer be delegated authority to deal with, in consultation with the Mayor, any items of an urgent nature which cannot be held over to the round of meetings in February 2012.*
7. *the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.*

Council Meetings

It had been considered the provision of meetings for the 1st and 3rd Tuesday of each month, the first dealing with mainly “works”, and “health” issues (where there were such issues to discuss) and the second, mainly “planning” and “finance” matters, had provided a flexible and efficient means of having matters considered by Council.

Where there have been no, or insufficient items, to warrant a "1st Tuesday" meeting, the meeting has been cancelled, under the adopted delegated authority processes, which involved consultation between the Mayor and the CEO.

It appears that any cancellation of the 1st Tuesday meeting may be perceived by some elected members in a negative light, notwithstanding the issue of why a meeting would be held when there are insufficient items to justify the meeting (noting also the administrative costs involved) and notwithstanding there was never an intent to hold this meeting regardless of the prevailing agenda item situation. It should also be noted that the "two meeting" approach is a relatively new approach, which was effectively being trialled, and prior to this, for approximately 110 years since the founding of the Town, there was only one ordinary Council meeting a month.

"1st Tuesday" meetings are not always cancelled due to agenda item issues. For example the November meeting was primarily cancelled because of concerns with regard to elected member availability.

In December and January, 1st Tuesday meetings were not scheduled, pursuant to Council's June 2011 decision on the following year's meeting schedule.

A 1st Tuesday meeting was held in February and in March the meeting took the form of a presentation by Cynthia.

In April there was a lack of agenda items and some other relevant issues, including disruption of the Town Hall during agenda week due to internal works.

In May a meeting had been planned however the meeting was not held in part because the Chief Executive Officer had been away for the previous week (when the agenda would need to be prepared) on urgent family business and noting also the Executive Manager Finance & Administration had only commenced at the Council in the same week.

It is planned there will be a meeting in June.

If the periodic cancellation of 1st Tuesday meetings is a concern for any elected member, an alternative model would be to call the 1st Tuesday meetings as Special Council Meetings which means they would only be advertised and held when required and thus there would be no issue of a cancellation. Because 1st Tuesday meetings are currently designated as ordinary Council Meetings they must be advertised for the following financial year and then, by definition, if any of those meetings are not held they are deemed cancelled.

Whilst the Special Council Meeting option is open to elected members to adopt, the Chief Executive Officer is not recommending this approach at this stage, however does flag that, in consultation with the Mayor, some 1st Tuesday meetings may continue to be cancelled when there are insufficient agenda items or "replaced" with topical presentations, workshops etc.

Town Planning & Building Committee (Private Domain)

The current monthly meeting system (including the role of the TPAP) is working well and I am pleased with the operation of this Committee.

Finance Committee

This Committee which meets quarterly, has also been working well.

The following timetable is proposed for the 2012/2013 budget deliberations and the adoption of the financial statements for 2011/12

2012/2013 Budget
7 August 2012

Council Meeting to Adopt 2012/2013 Budget.

15 May 2012

MINUTES

2011/2012 Financial Statements

31 August 2012	Completion of 2011/2012 Financial Statements including Pensioner Rebate, ESL, HACC and Roads to Recovery returns.
4-7 September 2012	Annual Audit of 2011/2012 Financial Statements by council auditor.
15 October 2012	Audit sign-off of 2011/2012 Financial Statements by council auditor.
30 October 2012	Annual Financial Statements Report to Audit Committee. Representation by External Auditor.
6 November 2012	Annual Financial Statements Report to Council for Adoption.

It is proposed to hold the following ordinary Finance Committee Meetings during the 2012/13 year:

- 31 July 2012
- 30 October 2012
- 26 February 2013
- 28 May 2013

Town Planning/Public Domain, Works & Reserves Committee and Health & General Purposes Committee

It has not been necessary to call any meetings of these committees as the relevant items have been dealt with at the full Council Meetings, consistent with point (2) of Council's decision above.

If it is considered more appropriate for a particular issue to be dealt with at committee level, in the first instance, a special meeting of the relevant committee can be called, consistent with point (6) of Council's decision above.

December and January Meetings

Given the difficulty of completing correspondence from the December "planning" Council meeting, processing licences and finalising other tasks associated with this time of the year prior to the normal Christmas closure, it is again proposed to forgo the 1st Council Meeting in December (if this system is continued – see below) and bring forward the Town Planning & Building (Private Domain) and 2nd Council Meeting by one week. This would mean the Committee meeting would be held on Tuesday, 4 December and the Council Meeting on 11 December 2012.

As per normal practice, no meetings have been scheduled for January 2013, however, should any urgent business arise which needs to be considered during this recess, a special Council meeting can be convened.

Names of Committees

The issue of the names being used for Standing Committees has recently been raised. The Chief Executive Officer advises that the names being used are as adopted by Council decision around 1999/2000 in the light of some organisational changes being mooted at the time.

The CEO is supportive of the names given in the Standing Orders being used from now.

Thus the recommended Standing Committee names are:

- Finance Committee
- Works & Reserves Committee
- Health & General Purposes Committee
- Town Planning & Building Committee.

CONCLUSION

In consideration of the overall circumstances the following arrangements are

recommended.

RECOMMENDATION

That:

1. the Standing Committees henceforth be referred to as:
 - Finance Committee
 - Town Planning & Building Committee
 - Works & Reserves Committee
 - Health & General Purposes Committee
2. a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2012 when the meeting is held on the 2nd Tuesday) to consider mainly Town Planning & Building and Finance matters and any other items of an urgent nature, including urgent Health or Works & Reserves matters.
3. in the event there are sufficient works and/or health and/or finance matters, or other matters of an urgent nature involving town planning, a Special Council Meeting be called, preferably on the 1st Tuesday of the month.
4. a Town Planning & Building Committee meeting be scheduled for the 2nd Tuesday of the month (except during the month of December 2012 when it will be scheduled for the first Tuesday of the month).
5. meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.
6. Special Meetings of any of the standing committees to be called if such meetings are required.
7. the above arrangements not to apply for January 2013 and the Chief Executive Officer be delegated authority to deal with, in consultation with the Mayor, any items of an urgent nature which cannot be held over to the round of meetings in February 2013.
8. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

Absolute Majority Resolution Required

Discussion took place, in particular regarding the pros and cons of the "1st Tuesday" meeting being called, when required, as a Special Meeting.

Cr Collinson – Cr Nardi

That the matter of the Meeting Schedule 2012/2013 be deferred pending a revised report from the Chief Executive Officer. CARRIED

107.3

Laurie Humphreys

The CEO drew to elected members' attention the passing of Laurie Humphreys, a former City of Cockburn councillor and more recently former member of the Safer WA Committee, which met occasionally at the Town.

The CEO reported on various community and Council roles Mr Humphreys, whom he had known from his years as a Councillor, had carried out and in particular noted his recent advocacy work on behalf of WA's child migrants, which included giving evidence to a UK House of Commons Inquiry. Laurie himself having been sent to WA from Britain in 1947 as an orphan.

108.

CONFIDENTIAL BUSINESS

Nil.

109.

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

Nil.



15 May 2012

MINUTES

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

Nil.

111. 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 May 2012**, Minute Book reference **89.** to **111.** were confirmed at the meeting of the Council on*

.....

Presiding Member