



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 6 SEPTEMBER, 2011 COMMENCING AT 6.32PM.

228. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

228.1 Present

Mayor A Ferris	Presiding Member
Cr B de Jong	
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	(From 6.45pm)
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services
Ms J May	Minute Secretary

229. 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.”

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

There were no members of the public in the gallery at the commencement of the meeting.

231. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

232. RECORD OF APOLOGIES

Mayor Ferris advised that Cr Martin would be arriving late as she was attending a meeting on Council's behalf at Fremantle Ports.

233. PUBLIC QUESTION TIME

Nil.

234. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

234.1 HACC Services

Sue Limbert, with the assistance of Tom Pallipadan-Paul (HACC Support Worker) provided a presentation on the Town' Neighbourhood Link (HACC) Program and answered numerous questions from elected members.

Cr Martin entered the meeting at 6.45pm.

Mayor Ferris congratulated Sue, her staff and volunteers on the excellent service being provided to the community and expressed interest in attending the forthcoming volunteers' luncheon where their service is acknowledged.

235. APPLICATIONS FOR LEAVE OF ABSENCE

235.1 Cr Nardi

Cr Nardi sought leave of absence for the Council Meeting to be held on 4 October 2011.



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Cr Rico – Cr Olson

That leave of absence be granted to Cr Nardi for the Council Meeting held on 4 October 2011. CARRIED

236. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**236.1 Council Meeting – 16 August 2011**

Cr Rico – Cr Collinson

That the minutes of the Council Meeting held on 16 August 2011 be confirmed with the following corrections:

- MB Ref 220.4 Gill Street No 32B (Lot 88) be amended to insert mover and seconder:
“Cr de Jong - Cr Martin”
- MB Ref 220.6 Preston Point Road No 138 (Lot 4953) be amended to insert mover and seconder:
“Cr de Jong – Cr Wilson”
- MB Ref 223.10 Cr Rico
That the words “the Fremantle Library Advisory Committee and” be inserted after the words “she had enquired with” in the first line of the second paragraph of this item. CARRIED

237. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**237.1 Renee Callaghan Irwin Street**

Mayor Ferris read correspondence from Miss Callaghan thanking Ken Dyer and the outside staff for their assistance with a fence issue.

237.2 Ian Ricciardi

Mayor Ferris read an email from Mr Ricciardi thanking Ken Dyer for arranging to have the parking lineage altered in front of 37 Sewell Street.

237.3 COTA Western Australia

Mayor Ferris advised that correspondence had been received from COTA Western Australia advising that Council’s funding application, under the Seniors Week Community Grant Fund, to host the ‘Come and Try Exercise and Pamper Day’ event had been successful and a cheque for \$660 had been enclosed.

237.4 Ethan Williams

Mayor Ferris read an email from Ethan Williams thanking Council for the \$150 donation provided to assist in his participation at the 2011 School Sport Australia Cross Country race on 20 August.

237.5 Fremantle Rowing Club

Mayor Ferris read the following correspondence from the Fremantle Rowing Club:

“Dear Stuart

On behalf of the members of the Fremantle Rowing Club I wish to thank you and Council for your very kind donation towards the club’s latest fundraising event. The event was to raise funds to cover the costs of the recent electrical works that had to be undertaken at the boatshed and clubrooms.

I can advise that the event was a great success and that we raised the target amount to cover the costs of the electrical works.



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Council's continued support of our club (including the premises used by the Fremantle Taoist Tai Chi) is very much appreciated.

*Gavin Giles
President"*

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

Nil.

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

239.1 Cr Martin

"That Council officers draft a planning policy for consideration by Council at its October meeting in relation to placement of swimming pools in the front setback of residential properties, addressing relevant issues such as front boundary fencing in relation to the streetscape."

Cr Martin advised that she wished to withdraw this motion following her discussion with the Manager Planning Services who had advised that this issue could be accommodated in the review of the residential density guidelines which would be finalised by approximately January 2012.

The Manager Planning Services advised that in the meantime staff will provide advisory notes to applicants proposing to install a swimming pool within the front setback.

240. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

241. TOWN PLANNING & BUILDING (PRIVATE DOMAIN)

241.1 Review of TPS No. 3 and Local Planning Strategy

By Jamie Douglas, Manager - Planning Services on 29 July 2011

PURPOSE OF THIS REPORT

The report seeks Council's approval of a review of the Local Planning Strategy and implementation of an omnibus series of amendments to Town Planning Scheme No. 3. The proposed scheme amendments would change density, plot ratio and height provisions in certain areas.

EXISTING SCHEME DENSITY PROVISIONS FOR RESIDENTIAL DEVELOPMENT

The majority of the residential zone under TPS No. 3 is coded R12.5 which has a minimum lot area requirement of 700m² and an average lot area requirement of 800m². Accordingly only lots of 1600m² have subdivision potential. Although, the Scheme does provide for pockets of higher density in precincts such as 'Raceway' and 'Plympton', these are the exception rather than the rule. In most of 'Woodside', 'Richmond', 'Riverside' and 'Richmond Hill' precincts, the prevailing R12.5 density controls lot size, site coverage and setbacks to an extent which may, arguably, not be regarded as appropriate within a contemporary urban environment. The following table identifies the comparative requirements of R12.5 and R20 and R25 (which are typically applied in suburban areas).



R Code	Min Site area per dwelling (m ²)	Min Frontage	Open Space		Setbacks		
			Min % of Site	Min o/d living	Primary Street	Secondary Street	Other/Rear
R12.5	Min 700 Av 800	17	55	—	7.5	2	* /6
R20	Min 440 Av 500	10	50	30m ²	6	1.5	*
R25	Min 320 Av 350	8	50	30m ²	6	1.5	*

* as otherwise defined in table 2a and 2b

The Scheme does provide for limited exceptions to the generally prevailing density provisions. Under Clause 5.3.1 a density bonus for corner lots allows for development up to a density of R20. In addition Clause 5.3.3 allows for development up to the same density as existing non-conforming development providing streetscape and amenity impacts are satisfactory. Dual coding also provides for development up to R40 adjacent to the Canning Highway. Nevertheless Council has received several requests for spot zonings to allow for subdivision of lots of less than 1600m² within the residential zone.

STATE PLANNING POLICY

The Master Plan for the Perth and Peel regions- 'Directions 2031' has now been adopted as a State Planning Policy. The document identifies the State Government's objective of accommodating 47% of new growth within the inner urban area which includes East Fremantle. Under this Policy in excess of 600 new dwellings would be accommodated within the Town of Fremantle over the life of the Policy. In addition to the State Government's planning objectives, consideration should be given to Council's objectives and responsibilities in respect to climate change and sustainability. Within this context the R-Coding of 12.5 within an inner urban environment arguably conflicts with the principles of:

- efficient use of serviced land
- reducing vehicular transport movements
- reducing urban sprawl
- the provision of adaptive, diverse and more affordable housing options

It is considered a general review of density provisions within the Scheme and the Local Planning Strategy would pre-empt a possible directive from the Minister for Planning to amend the Scheme.

NEIGHBOURING PLANNING SCHEME PROVISIONS

A review of the City of Fremantle and City of Melville Planning Schemes has been undertaken to consider the applicability of relevant provisions from these schemes, within the Town of East Fremantle.

City of Fremantle - Planning Scheme No 4 - 8 March 2007

Density provisions within the residential zone generally range from R25 (minimum lot size 320m²) through to R60 (minimum lot size 160m²). The scheme does not contain any areas of R12.5 density coding.

Provisions exist that enable density bonuses as follows:

Clause 5.3.2 - Dwelling on any Lot

Despite the provisions of the Residential Design Codes, including those provisions with regard to the minimum site area per dwelling, the Council may grant consent to the development of a dwelling on any lot in the Residential zone.



Clause 5.3.4 - Split Density Codes

Where a site is identified as having a split density coding and is connected to reticulated sewerage, the higher code may only be applied where one or more of the following specific requirements are addressed to the satisfaction of Council:

- (a) a building of cultural significance is retained on the lot;
- (b) provision of "low income housing";
- (c) buildings designed in accordance with Council's energy efficiency and sustainability schedule; and
- (d) removal of non-conforming use.

Low Income Housing: means a dwelling, grouped dwelling or multiple dwelling provided by a public agency, religious organisation, housing cooperative or other benevolent institution to a person or persons whose gross annual income is within the bottom quartile (25%) of income distribution categories as defined by the Australian Bureau of Statistics.

City of Melville - Community Planning Scheme No. 5 - 14 December 1999

Density provisions within sewered suburban areas generally range upwards from R25 (minimum average lot size 350m²). Higher density coding applies in activity centres.

Split coding applies in some areas such as Attadale where R15 / R25 apply. The scheme contains the following criteria for consideration of proposals at the higher density:

1. *The existing house being restored and/or upgraded or any development being designed to be sympathetic with the character of the area.*
2. *The subject site abutting at least three (3) lots already developed to at least the higher R-Code or non-residential use(s).*
3. *A landscape plan being submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation.*
4. *The proposal having regard to the Visual Privacy Policy of the Council.*
5. *Notwithstanding (2) above, the higher coding will be available for corner lots.*

RELEVANT COUNCIL DECISIONS

Infill Subdivision

At its meeting in November 2010 Council endorsed a proposal for the development of a Scheme amendment to allow for infill subdivision subject to criteria to address unreasonable impacts on heritage and streetscape values. It was proposed that the scheme amendment would include 'split coding' provisions to be applied within designated areas to be determined by a review of existing tenements and built form within the various precincts. Council made this determination in response to an application to amend the Scheme to alter the coding of 7 Pier Street from Residential R12.5 to facilitate the subdivision of the subject land into two lots of 500 m² and 501m².

It was proposed that consultants would be appointed to undertake the following:

- Review the Land Use Strategy and Scheme objectives to support the Scheme amendment.
- Provide for the uniform application of provisions for re-subdivision on appropriate sites and where stated criteria are met.
- Address the requirements of 'Directions 2031' (the Spatial Framework Plan for Perth and Peel recently adopted by the WAPC) to promote infill development opportunities within established urban areas.
- Accord with relevant scheme provisions and objectives.
- Delineate the extent of areas where re-subdivision proposals may be considered.

**Amendment 9 – Demolitions and Exemptions**

Draft Scheme Amendment No. 9 will make textural changes to the Scheme to require an application for planning approval for all demolitions and also to increase the extent of minor non-consequential works which are exempt from the need for planning approval. Council approved the submission of the draft amendment to the Minister for Final Approval at its June 2011 meeting. The effect of the amendment will be to increase Council's control over demolition proposals.

Town Centre Redevelopment Guidelines

At its meeting in July 2011 Council approved for the purposes of public advertising a Local Planning Policy – East Fremantle Town Centre Redevelopment Guidelines. The Local Planning Policy proposes the following changes to existing Scheme provisions and zones;

Town Centre Core Precinct

From Town Centre Mixed Use Zone'- maximum plot ratio of 0.5:1, maximum building height of 10.5m.

To Town Centre Core Zone RAC-2 and a maximum plot ratio of 3.5, maximum building height of 8 storeys overall and 5 storeys for the street wall.

Canning Highway Precinct

From Town Centre Mixed Use Zone' maximum plot ratio of 0.5:1 – and 'Residential Zone' R20 / R40, R12.5 / R40.

To Town Centre Canning Highway Zone R160 and a maximum plot ratio of 3.0, maximum building height of 5 storeys.

Frame Precinct

From Town Centre Mixed Use Zone' maximum plot ratio of 0.5:1 – and 'Residential Zone' R20 / R40, R12.5 / R40.

To Town Centre - Frame Zone R100 and a maximum plot ratio of 2.0, maximum building height of 3 storeys for street wall and 5 storeys overall.

Following resolution of density provisions within the Draft LPP, Scheme amendments will be required to give effect to these provisions.

Residential Design Guidelines

At its meeting in July 2011 Council also approved a Project Brief and tender documents for the appointment of consultants to develop Residential Design Guidelines. The proposed guidelines will assist in the protection of streetscape, heritage and amenity values. It is considered the development of the proposed guidelines in parallel to the review of Scheme's density provisions will ensure that possible negative impacts from increased development potential will be appropriately addressed.

CONSIDERATION

In consideration of the above issues, it is timely that the Council now consider a review of the Scheme's density, height and plot ratio provisions (as indicated above) and the associated Local Planning Strategy as part of a strategic review of its statutory planning provisions. In determining the scope of this review it is necessary to consider the following elements of the scheme:

- (i) The Plympton Precinct's closely formed urban environment has occurred because of the original residents' need to walk to work and to facilities and is the underlying criteria upon which the Precinct's historic built fabric was formed. Within this context, it is reasonable to assess if an increase in the density provisions could be accommodated while preserving the streetscape and heritage values in this Precinct.

The Precinct currently has a general designation of R20 for the residential zone which has an average min. lot size of 500m². A review of Council's 'Tax Maps' confirms that the prevailing lot size approximates 508m². Thus the existing lot sizes



accord with the average minimum lot size allowable under the R-Codes. For re-subdivision to occur an R-Coding of at least R40 (average minimum lot sizes of 220m²) would be necessary. However the lots generally have narrow frontages (approximating 12 metres) which makes re-subdivision difficult.

The designation of R40 would reduce front setback requirements from 6 to 4 metres and increase the potential for overshadowing from new development. The R-Codes have more stringent overshadowing requirements for lower density zones – e.g. on adjoining properties coded R20 overshadowing is restricted to 25 % of the site area whereas on adjoining properties coded R30 to R40 inclusive – it is restricted to 35% of the site area.

For reasons identified above it is considered that providing for higher density development in the residential zone in this Precinct would impact upon amenity and the current streetscape character.

The Scheme currently does not designate a subdivision density for the Mixed Use Zones within the Precinct. The existing maximum plot ratio specified in Clause 5.8.3 of 0.5:1 is considered too low to facilitate the desired mixed use development outcomes given the existing lot sizes and provides no control for subdivision applications.

It is considered that the density provisions for the Plympton Precinct should be reviewed to determine whether the Scheme Objectives would be better served by the definition of an appropriate density for subdivisions and increased plot ratio for developments in the 'mixed use' zones in the Precinct.

- (ii) The Raceway Precinct contains R-Code density designations of R20, R30 and R40. Contemporary redevelopment has occurred at these densities in accordance with the development guidelines for the precinct. Accordingly this Precinct is not an appropriate area for consideration of infill development potential.
- (iii) Scheme Amendments are required to zoning, building height, plot ratio and density provisions to give effect to the Local Planning Policy – East Fremantle Town Centre Redevelopment Guidelines.
- (iv) As previously endorsed by Council, a review of the residential zone coded R12.5 should be undertaken to determine how best to provide for infill subdivision and redevelopment opportunities while protecting amenity, streetscape and heritage values. As proposed, this review would assess areas within the zone appropriate for infill potential and consider whether to apply split coding provisions within these areas.

The criteria for consideration of 'up-zoning' of specific sites may be included within an elaboration of existing Clause 5.2.4 (see below) and Schedule 2 of the Scheme. Criteria for 'up-zoning' would address issues of heritage significance and streetscape impact etc. This approach would enable Council to consider the individual merit of each application before amending the scheme to incorporate a site within Schedule 2.

5.2.4 Where a site is identified as having a split density coding such as R12.5/30, the higher code may only be employed where the specific requirements identified for development or re-development of the site as set out in Schedule 2 are addressed to the satisfaction of the local government. In all other circumstances, the lower of the two codes prevails.

Drawing upon the criteria applied for 'up-zoning' in the Cities of Fremantle and Melville it is considered that these criteria should also encourage the provision of "low income" housing, the preservation of buildings of heritage significance and



require a landscape plan which provides for the retention of significant vegetation and the planting of substantial mature vegetation. Of the above, the encouragement of "low income" housing is probably the most contentious. However it can reasonably be argued that, on sustainability and social justice grounds, Council has a moral and a planning responsibility to encourage a diversified building stock which may appropriately address the needs of a broad cross section of society. Further, it should be recognised that any such provision will in practice only apply to a limited number of dispersed sites within the established residential areas. It is proposed that such a provision would not be a mandatory requirement for 'up-zoning' but could be considered as an optional criteria to justify consideration of higher density development.

The definition for "low income" housing which is contained in the City of Fremantle's Scheme, restricts such developments to those undertaken by government agencies and 'not for profit' organisations. The provision of "low income" accommodation in high value suburbs is problematic if left to market influences, especially as the development 'matures' and its value increases, accordingly tying the developments to such service providers is an important mechanism to address this.

- (v) The Local Planning Strategy was written in June 2003. It is necessary that it now be reviewed to address subsequent (and the proposed) changes to the Planning Scheme. Additionally the Strategy should be revised in light of the current strategic planning directions of the Council (such as the draft East Fremantle Town Centre Redevelopment Guidelines) and recent State Planning Policies including 'Directions 2031'.

CONCLUSIONS

The Minister for Planning may direct that a local government undertake a review of a Local Planning Scheme at any time after five years from the date of the scheme approval pursuant to Part 5 of the Planning and Development Act 2005. Further, the Western Australian Planning Commission may approve a subdivision which is at variance to such a scheme where it is deemed the subdivision would nevertheless support the objectives of a State Planning Policy (e.g. such as 'Directions 2031') or the Metropolitan Region Scheme. TPS No. 3 was Finally Approved and Gazetted on 3 December 2004, while the associated Local Planning Strategy was written in June 2003. Accordingly, it is prudent for Council to undertake a general review of the Local Planning Strategy and TPS No. 3 and to consolidate within a revised Scheme all of the Scheme amendments which have occurred since the Scheme was approved and which arise from this review.

It is considered that tenders should be called for consultants to undertake the following:

- Review the Local Planning Strategy in light of the current strategic planning directions of the Council (such as the draft East Fremantle Town Centre Redevelopment Guidelines) and recent State Planning Policies including 'Directions 2031'.
- Determine an appropriate density for subdivisions and plot ratio for developments in the 'mixed use' zones in the Plympton Precinct and draft Scheme amendments which would be necessary to effect any recommended changes.
- Assess the capacity of land within the 'residential zone' designated R12.5 to accommodate potential infill development. Recommend a Scheme amendment for 'dual coding' which will allow infill subdivision subject to criteria to control unreasonable impacts on heritage and streetscape values, encourage the retention of mature vegetation and provide opportunities for "low income" housing.

It is considered that concurrent with the above, Scheme amendments to give effect to the East Fremantle Town Centre Redevelopment Guidelines should be prepared by the Manager Planning Services to be included in an omnibus amendment to the Scheme which will also incorporate the above proposed changes.

**RECOMMENDATION:**

It is recommended that Council receive the report and endorse the following actions:

1. The appointment of consultants to;
 - (a) review the Local Planning Strategy in light of the current strategic planning directions of the Council (such as the draft East Fremantle Town Centre Redevelopment Guidelines) and recent State Planning Policies including 'Directions 2031'.
 - (b) determine an appropriate density for subdivisions and plot ratio for developments in the 'mixed use' zones in the Plympton Precinct and draft scheme amendments which would be necessary to effect any recommended changes
 - (c) assess the capacity of land within the 'residential zone' designated R12.5 to accommodate potential infill development. Recommend a Scheme amendment for 'dual coding' which will allow infill subdivision subject to criteria to control unreasonable impacts on heritage and streetscape values, encourage the retention of mature vegetation and provide opportunities for "low income" housing.
2. The preparation of an omnibus series of amendments to Town Planning Scheme No. 3 to give effect to the draft East Fremantle Town Centre Redevelopment Guidelines and to consolidate within a revised scheme, the amendments which have occurred since the Scheme was approved and any others which arise from this review.

Cr Olson – Cr de Jong

That Council receives the report and endorse the following actions:

1. *The appointment of consultants to:*
 - (a) *review the Local Planning Strategy in light of the current strategic planning directions of the Council (such as the draft East Fremantle Town Centre Redevelopment Guidelines) and recent State Planning Policies including 'Directions 2031'.*
 - (b) *recommend an appropriate density for subdivisions and plot ratio for developments in the 'mixed use' zones in the Plympton Precinct and draft scheme amendments which would be necessary to effect any recommended changes*
 - (c) *assess the capacity of land within the 'residential zone' designated R12.5 to accommodate potential infill development. Recommend a Scheme amendment for 'dual coding' which will allow infill subdivision subject to criteria to control unreasonable impacts on heritage and streetscape values, encourage the retention of mature vegetation and provide opportunities for "low income" housing.*
2. *The preparation of an omnibus series of amendments to Town Planning Scheme No. 3 to give effect to the draft East Fremantle Town Centre Redevelopment Guidelines and to consolidate within a revised scheme, the amendments which have occurred since the Scheme was approved and any others which arise from this review.*

Considerable discussion took place on this matter with the Manager Planning Services answering various questions raised by elected members regarding tree protection, ward densities, compliance with objectives of Directions 2031 and public consultation regarding the proposed changes.

Amendment

Cr Martin – Cr Wilson

That the following be added to the motion:

3. ***Council officers prepare a comprehensive community consultation plan regarding any town planning scheme amendments for consideration by Council.***

THE AMENDMENT ON BEING SUBMITTED WAS CARRIED



The motion as amended was submitted.

Cr Olson – Cr de Jong

That Council receives the report and endorse the following actions:

1. The appointment of consultants to:
 - (a) review the Local Planning Strategy in light of the current strategic planning directions of the Council (such as the draft East Fremantle Town Centre Redevelopment Guidelines) and recent State Planning Policies including 'Directions 2031'.
 - (b) recommend an appropriate density for subdivisions and plot ratio for developments in the 'mixed use' zones in the Plympton Precinct and draft scheme amendments which would be necessary to effect any recommended changes
 - (c) assess the capacity of land within the 'residential zone' designated R12.5 to accommodate potential infill development. Recommend a Scheme amendment for 'dual coding' which will allow infill subdivision subject to criteria to control unreasonable impacts on heritage and streetscape values, encourage the retention of mature vegetation and provide opportunities for "low income" housing.
2. The preparation of an omnibus series of amendments to Town Planning Scheme No. 3 to give effect to the draft East Fremantle Town Centre Redevelopment Guidelines and to consolidate within a revised scheme, the amendments which have occurred since the Scheme was approved and any others which arise from this review.
3. Council officers prepare a comprehensive community consultation plan regarding any town planning scheme amendments for consideration by Council. CARRIED

Elected members thanked the Manager Planning Services and CEO for their work in progressing strategic planning issues.

242 REPORTS OF CHIEF EXECUTIVE OFFICER

242.1 *Strategic Projects and Staff Resources*

The CEO referred to a memo from the Mayor, received that afternoon, concerning the status of a number of strategic projects and associated staff resource issues.

The CEO advised that, in discussion with the Mayor, it had been agreed the matters would be more appropriately raised at the next meeting of the Town Planning & Building Committee (Private Domain), firstly as the subject was not an agenda item for this meeting and secondly as this would allow time for any office advice to be compiled.

242.2 *John Roberts*

Although elected members had previously been advised informally of John Roberts' resignation, the CEO wished to place on formal record the resignation of Council's Executive Manager Finance & Administration, Mr John Roberts, who would be leaving Council's employ on Friday, 23 September. The CEO advised that elected members would be invited to a farewell function for Mr Roberts on that day.

242.3 *SAT Decision 38 Wolsely Road*

The CEO reported that advice had been received that Mr Johnston's appeal for review of the earlier SAT determination regarding 38 Wolsely Road had been dismissed.

Elected members were advised that a press release regarding this matter, discussed earlier by elected members however placed on hold pending the appeal, could now proceed.

242.4 *Neighbourhood Watch Newsletter*

The CEO circulated the new format Neighbourhood Watch newsletters that now indicated recent crime statistics in each Neighbourhood Watch precinct.



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242.5 Removal of Lights – Raceway Park

Following a query from Cr Lilleyman, the CEO advised he had investigated the situation and been advised by Ken Dyer that two lights had been removed from Raceway Park following advice from Western Power. The lights appear to have been installed by the original developers of Richmond Raceway as they were not metered. Due to safety issues and consequent public liability issues for Council associated with there being no knowledge of the cabling involved etc, Western Power strongly suggested they needed to be removed. Ken Dyer was currently looking at replacement lights.

242.6 Light(s) – Locke Park

The CEO advised that, following an earlier query from Cr Collinson, he had asked Ken Dyer to review options for better lighting in Locke Park.

242.7 128/128A George Street

Following a query at the last Council meeting, the CEO circulated a site plan of 128/128A George Street which showed the property and rear car park straddled two separate lots.

242.8 Recycled Bollards

The CEO advised that following the use of recycled plastic bollards on the foreshore near the Zephyr Café, they had also been used in the recent Preston Point Road roadworks. Council's actions had saved 4,038kg of plastic from going to landfill.

242.9 Old Playgroup Building

The CEO circulated photographs of the recent demolition of the former Playgroup building in Moss Street which revealed roof beams which had been severely burnt in a fire during the 1970's had been retained in the subsequent rebuilding of the premise.

242.10 Election Nominations

The CEO advised elected members that nominations for the forthcoming elections had opened on Thursday, 1 September and would close at 4pm on Thursday, 8 September 2011. The CEO noted that at that point, no nominations had been received.

242.11 Tree Protection

Following on from queries raised regarding the issue of tree protection, earlier in the meeting, the CEO noted that no local government in WA provided, by way of a local law, for the type of tree protection commonly found in States such as NSW where no trees on private property, over a certain size, can be removed without Council approval. The CEO further noted that the first WA local government to attempt to introduce such a local law, being the City of Nedlands about 10 years ago, later revoked that decision, just prior to Council elections that year, following highly organised community opposition by a group which then successfully nominated for a number of Council positions in that election. The CEO saw little prospect of such a local law being successfully introduced in East Fremantle, even if it succeeded in gaining State Government approval to do so. However the CEO drew attention to provisions in Council's TPS 3 which could be implemented in the course of planning approval to ensure the retention of specified existing trees where this was considered appropriate. Firstly, under clauses 9.2(a)(iii) and 9.2(a)(viii) respectively, unless the requirement was waived by the local government, every application for planning approval was required to be accompanied by advice showing:

- (i) *“the location and type of existing vegetation, and identification of any trees or other significant vegetation proposed to be removed”* and
- (ii) *“the nature and extent of any open space and landscaping proposed for the site”*.

Secondly, under clause 10.2(w), pursuant to which, elected members were *obliged* to consider *“whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.”*



In short, planning approvals could be conditioned such as to allow Council to stipulate landscaping which needed to be implemented, *and maintained*, as part of a planning approval. The CEO also noted it was possible to include significant trees on the Municipal Inventory.

The CEO also advised that he had, this week, requested Mr Dyer to provide an inventory of sites in the public domain which appeared to have the potential to accommodate more trees.

243. CONFIDENTIAL BUSINESS

Nil.

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

Nil.

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

Nil.

246. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.35pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **6 September 2011**, Minute Book reference **228. to 246.** were confirmed at the meeting of the Council on*

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Presiding Member