



19 July 2011

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 19 JULY, 2011 COMMENCING AT 6.30PM.

183. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

183.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services
Ms G Basley	Town Planner (To 7.45pm)
Ms J May	Minute Secretary

184. 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.”

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

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

186. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Nardi.

187. RECORD OF APOLOGIES

Cr de Jong.

188. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

188.1 Petition – Road Markings Alexandra Road

The Mayor advised that a petition had been received regarding the recent installation of road markings in Alexandra Road. The matter would be considered later in the evening following the completion of planning application deliberations (MB Ref 198.1).

189. PUBLIC QUESTION TIME

Nil.

190. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

191. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

191.1 Council Meeting – 5 July 2011

Cr Olson – Cr Martin

That the Minutes of the Council Meeting held on 5 July 2011 be confirmed.

CARRIED

192. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

195. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

196. ORDER OF BUSINESS

Cr Lilleyman – Cr Martin

That the order of business be changed to allow members of the public to address agenda items. CARRIED

197. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

197.1 T77.4 Riverside Road No 35 (Lot 900)

Applicant: Ross Griffin Homes

Owners: M & L Tonkin

Application No. P69/2011

The following additional information provided by the Town Planner was considered:

The application proposes to construct a garage which is forward of the building and as such is subject to the requirements of Clause 6.2.8 of the Residential Design Codes which is inserted below.

Performance Criteria	Acceptable Development
P8 The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.	A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.

The garage is proposed to occupy 65.8% of the lot frontage and as such does require Council to exercise its discretion to allow the width of the garage to exceed 60% of the frontage as is proposed. It is assessed that the width of the garage is acceptable for the following reasons:

- *The garage is not proposed to be aligned parallel to Riverside Road and rather proposes a setback ranging between 5.4 metres and 6.0 metres reducing the dominance of the garage because it will be viewed on an angle.*
- *An upper floor balcony extends a metre wider than the garage and 0.9 metres forward of the garage and reduces the dominance of the garage and articulates the street elevation.*
- *The opening of the garage only occupies 53.3% of the frontage and will reduce the size of the garage as it is viewed from the street.*
- *The applicants are willing to utilise a different colour/finish for the garage door also to assist in reducing its dominance.*

Whilst the width of the garage has been supported by the Town Planner the applicant has advised that the overall width of the garage could be reduced minimally to further reduce its dominance. To address this and the necessary discretion amendments to the

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Recommendation are put forward.

Include an additional discretion as follows:

- *The width of the garage door to occupy 65% of the frontage of the lot in lieu of the 60% permitted under the R-Codes.*

Include a new condition No. 1 and No. 2 to read as follows:

1. *The width of the garage to be reduced to be a maximum of 65% of the sites frontage.*
2. *The garage door to be constructed to have a wood appearance to the satisfaction of the Chief Executive Officer.*

Mr Druce & Mr Franchina (Ross Griffin Homes) and Mrs Tonkin (owner) advised that they supported the amended recommendation proposed by the officer.

Cr Rico – Cr Lilleyman

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

- **site works up to 0.6 metre at the rear of the site that exceed the R-Code requirements by 0.1 metre;**
- **the front of the garage to be in line with the upper floor study wall in lieu of the requirements of Local Planning Policy No. 142;**
- **the maximum wall height to extend to 9.2 metres at the front of the site in lieu of the 6.5 metres permitted under LPP No. 142;**
- **the maximum ridge height to extend to 9.9 metres at the front of the site in lieu of the 8.1 metres permitted under LPP No. 142; and**
- **the width of the garage door to occupy 65% of the frontage of the lot in lieu of the 60% permitted under the R-Codes;**

for the construction of a two storey residence with an undercroft at No. 35 (Lot 900) Riverside Road, East Fremantle in accordance with the plans date stamp received on 9 May 2011 subject to the following conditions:

1. **The width of the garage to be reduced to be a maximum of 65% of the sites frontage.**
2. **The garage door to be constructed to have a wood appearance to the satisfaction of the Chief Executive Officer.**
3. **the north facing upper floor living room windows are to be obscure glazed to satisfy the privacy requirements of the R-Codes to the satisfaction of the CEO.**
4. **the north facing opening of the balcony on the ground and upper floors are to have permanently fixed privacy screening installed to a height of 1.65 metres to satisfy the privacy requirements of the R-Codes 2008 to the satisfaction of the CEO.**
5. **the property is to be connected to reticulated sewerage prior to the residence being occupied.**
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. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
8. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
9. **the proposed residence 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.**
10. **all stormwater is to be disposed of on site and clear of all boundaries.**



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11. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
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) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

The Town Planner left the meeting at 6.45pm.

197.2 T77.5 Oakover Street No. 22 (Lot 340)
Owner/Applicant: Rod & Bindi Pavlovic
Application No. P227/2010

Cr Collinson – Cr Rico

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

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

- *variation to Local Planning Policy 143 to allow the boundary fencing (which includes retaining walls) along Millenden Street to extend to a maximum height of 2.13m;*
- *variation to LPP 143 to allow the piers associated with boundary fencing (which includes retaining walls) along Oakover Street to extend to a height of 2.2m;*

for the construction of a front fence at No. 22 (Lot 340) Oakover Street, East Fremantle in accordance with the plans date stamp received on 16 December 2011 subject to the following conditions:

1. *the fence to be made visually permeable above 1.2 metres between the western most two piers on Millenden Street or alternatively the height of the masonry infill between the fence piers to be reduced to a height of 1.8 metres along the Millenden Street boundary.*
2. *the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
3. *the proposed works are not to be commenced until Council has received an application for a 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.*
4. *with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.*
5. *this planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*



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- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).* LOST

Mayor Ferris – Cr Rico

That the matter be deferred to allow the Manager – Planning Services to provide options for Council consideration which reduced the height of the wall and pillars.

CARRIED

197.3

T77.6 Gill Street No. 34 (Lot 33)

Owner/Applicant: Patrick Mathews

Application No. P74/2011

The following additional information provided by the Town Planner was considered:

The applicant attended the Committee meeting and requested that Condition No. 1 of the Recommendation (requiring the screening of the eastern opening of the balcony) be deleted because of site specific circumstances.

The Town Planner confirms that the view eastwards from the proposed balcony will be to the side wall of the 2-storey residence at No. 25A Walter which has no areas that would be subject to overlooking as can be seen in the photo below. It is further confirmed that it would not be possible to impact on the privacy of the Bence property at No. 23 Walter Street because of the separation distance between the edge of the veranda and the property boundary (8 metres) and the existing vegetation in the corner of 34 Gill Street which prevents any overlooking in this direction as can be seen in the second photos below.

The applicants request to delete Condition No. 1 is supported and it is recommended that Council approve the following discretion as part of the Recommendation:

- *Variation to the privacy requirements of the R-Codes to approve an unscreened balcony within 7.5 metres of the lot boundary.*

Cr Martin – Cr Olson

That Council exercise its discretion in granting approval for a variation to the privacy requirements of the R-Codes to approve an unscreened balcony within 7.5 metres of the lot boundary for the construction of alterations and additions to the residence at No. 34 (Lot 33) Gill Street, East Fremantle in accordance with the plans date stamp received on 24 May and the 7 July 2011 subject to the following conditions:

1. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
4. **the 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 and clear of all boundaries.**
6. **this planning approval to remain valid for a period of 24 months from date of this approval.**



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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).*

CARRIED**197.4 T78.3 Hubble Street No. 104 (Lot 290)****Applicant: Mario Schmack****Owner: Yvonne Haigh****Application No. P89/2011**

The following information provided by the Town Planner was considered:

The Residential Design Codes requires that 50% of the subject site (R20 coded) be retained as open space. The existing site cover is 28.7% (145.63m²) and the proposed site cover will total 33.2% (168.04m²) which is well within the requirements of the Residential Design Codes.

A question was raised at Committee as to whether the proposed carport would exceed the outbuilding site cover requirements of the Residential Design Codes (taking into account the artist's studio which is also constructed on the site). This query relates to Clause 6.10.1 of the Residential Design Codes which requires that outbuildings collectively do not exceed 60m² in area or 10% in aggregate of the site area (whichever is the lesser). The Codes however define an outbuilding as an enclosed non-habitable structure. The studio which has been constructed in the site has been approved as an artist's studio which is a habitable room and as such is not assessed as an outbuilding.

In summary, the proposed carport will not exceed the site cover requirements for outbuildings.

Cr Lilleyman – Cr Martin

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

That Council exercise its discretion in granting approval for a discretion to allow an additional boundary wall on the eastern boundary for the construction of a skillion roofed carport in the rear yard of No. 104 (Lot 290) Hubble Street, East Fremantle in accordance with the plans date stamp received on the 15 & 22 June 2011 subject to the following conditions:

- 1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.**
- 5. This planning approval to remain valid for a period of 24 months from the date of this approval.**
- 6. There are to be no changes to the existing crossover arrangements without Council approval.**



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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).*

CARRIED

197.5

EN BLOC RECOMMENDATIONS

Cr Lilleyman – Cr Collinson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 12 July 2011.

CARRIED**(A) T77.3 Woodhouse Road No 5 (Lot 2)****Applicant: Dave Delahunty****Owner: N Miller & S Gevers****Application No. P47/2011**

That Council exercise its discretion in granting approval for a variation to:

- allow a maximum wall height of 7.2 metres in lieu of the requirements of LPP No. 142;
- allow a 1.5 metre setback to the eastern boundary in lieu of the requirements of the R-Codes; and
- allow a nil setback to the western boundary to accommodate a boundary wall for the garage;

for the construction of alterations and additions to the residence at No. 5 (Lot 2) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 29 March 2011 subject to the following conditions:

1. the entire eastern opening of the proposed deck extension to be screened to comply with the requirements of the R-Codes with regard to privacy and overlooking.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the 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.
6. all stormwater is to be disposed of on-site and clear of all boundaries.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*



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(c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

- (B) **T78.1 Fraser Street No. 36A (Lot 2)**
Owner/Applicant: N & C James
Application No. P75/2011

That Council exercise its discretion in granting approval for a discretion to allow two boundary walls on the northern and eastern boundary respectively for the construction of an extension to the garage at No. 36A (Lot 2) Fraser Street, East Fremantle in accordance with the plans date stamp received on the 25 May 2011 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
5. This planning approval to remain valid for a period of 24 months from the 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).*

- (C) **T78.2 Canning Highway No. 257 (Lot 2)**
Applicant: Signcraft P/L
Owner: Hanny Properties
Application No. P86/2011

Council exercise its discretion pursuant to the provisions of the Local Planning Policy 'Design Guideline Signage' and grant approval for the application for 'signage and minor works' at No. 257 (Lot 2) Canning Highway, East Fremantle in accordance with plans date stamp received on 7 June 2011 subject to the following conditions:

1. Where signs are to be illuminated, this must be of a low-level not exceeding 300cd/m² and not flash, pulsate or chase.
2. All signage shall be constructed and installed in accordance with the Local Planning Policy 'Design Guideline Signage' – Part 4 'General Requirements for Signage'.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval date stamped 'Received 7 June 2011' other than where varied in compliance with the conditions of this planning approval or with Council's further approval.



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4. The proposed works are not to be commenced until Council has issued a building licence in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

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 to the approved plans unless otherwise approved by Council.*

- (D) **T78.4 East Street No. 24 (Lot 38)**
Applicant: Minchin & Sims Builders
Owner: Jeremy Bird & Jennifer Cockle
Application No. P80/2011

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

- variation to the maximum wall height pursuant to the R- Codes from 3m to 3.5m;
- variation to the south side boundary setback pursuant to the R- Codes from 1.m to nil;
- variation to the R-Codes 'acceptable development' standard of 25% overshadowing by 1% maximum;

for works involving demolition, renovation and extensions at No. 24 (Lot 38) East Street, East Fremantle in accordance with the plans date stamp received on 31 May 2011 subject to the following conditions:

1. That prior to application for a building licence, revised plans be submitted and approved to the satisfaction of the CEO, to include:
 - (a) the retention of the chimney and fireplace in the proposed kitchen/dining area;
 - (b) a 2m high rendered side boundary wall between the dwelling and the proposed new southern parapet wall;
 - (c) a front wall in compliance with Local Planning Policy 143; and
 - (d) the restoration of the verandah in accordance with the written advice of a recognised heritage architect.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a 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.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The 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.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief



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Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

7. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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) *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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

- (E) **T78.5 Preston Point Road No. 170 (Lot 8)**
Owner:/Applicant: Jocelyn Bolland – D & J Investment Trust
Application No. P66/2011

That Council exercise its discretion in granting approval for a discretion to allow the construction of a boundary wall on the eastern boundary in a R12.5 coded area for the construction of additions to the rear of the residence at No.170 (Lot 8) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 3 May 2011 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The proposed works are not to be commenced until Council has received an application for a 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.



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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 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.
5. All stormwater is to be disposed of on site, and clear of all boundaries.
6. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. 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.*

- (F) **T79.1 Pier Street No. 32 (Lot 226)**
Applicant: ADM Group
Owner: Mr F Loutsky & Ms Alison Lyons
Application No. P79/2011

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

- variation to wall height on the west side pursuant to Local Planning Policy 142 from 5.6m to 7.2m;
- variation to wall height on the east side pursuant to Local Planning Policy 142 from 5.6m to 9.6m;
- variation to wall height on the north side pursuant to Local Planning Policy 142 from 5.6m to 7.2m;
- variation to wall height on the south side pursuant to Local Planning Policy 142 from 5.6m to 10.7m;

for the construction of an upper deck, staircase, balcony and minor works at No. 32 (Lot 226) Pier Street, East Fremantle in accordance with the plans date stamp received on 30 May 2011 subject to the following conditions:

1. prior to the issue of a Building Licence amended plans are to be submitted specifying the dimensions, detailed finishes and materials for privacy screenings to be erected on the balustrades of the proposed roof deck and first floor balcony for 'Elevation 3' as shown on the proposal plans.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than



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- where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 5. the proposed upper level roof top deck is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(G) T80.1 Planning for the Revitalisation of the Town Centre

It is recommended that:

1. Council endorse the proposed Local Planning Policy – Town Centre Redevelopment Guidelines for the purpose of public advertising, pursuant with Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, 3 December 2004.
2. A Public Forum to explain the Draft Planning Policy be held during the above advertising period.

(H) T81.1 Residential Design Guidelines – Review

Refer to MB Ref 201.1

198. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS (CONTINUED)

198.1 *Petition – Road Markings Alexandra Road*

The CEO advised that the following petition, containing 34 signatures, had been received from Margaret Scott of 42B Alexandra Road, on 18 July.

"We, the undersigned residents of Alexandra Road East Fremantle strongly object to the recently painted yellow lines along a section of our street that we presume denotes no parking. We also strongly object to the large, yellow NO STOPPING signs written on the roadway.

Alexandra Road is a wide street that allows for parking on both sides, and safe traffic flow in both directions between parked cars. The road is not a main thoroughfare, and the traffic is local. The hill does not constitute a hazard, and never has done over the last forty years.

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There have been many building projects in the street, and several on the hill area, with no traffic problems at all.

From Canning Highway to Wolsely Road there are 108 dwellings – 26 single residences and 14 multiple density developments. Council's actions have reduced vehicle parking spaces by approximately 24 in the section of greatest density.

By eliminating parking at the hill top section of the street:

- *Residents, visitors, deliveries, taxis and trades people are seriously inconvenienced.*
- *Street parking problems will develop and compound elsewhere, as those mentioned in pint one search up and down Alexandra Road and into side streets looking for a space for their vehicle.*
- *The widened road could actually encourage speeding and make drivers less careful, whereas parked cars narrow the road and promote caution.*

We therefore request that the markings be removed and full use of the roadway, including parking, be restored.”

The CEO advised that the parking restrictions had been implemented after the situation was reviewed following a concern raised by Cr Olson, with respect to obstructed views caused by parked vehicles, of drivers entering or leaving driveways on the south side of the hill of Alexandra Road.

With respect to the review, the CEO referred to relevant provisions in the Road Traffic Code and the Town's Parking & Parking Facilities Local Law.

The CEO noted identical treatments had been implemented at around the same time in Fortescue and Dalgety Streets following concerns raised by a number of residents of those streets, with regard to the hazard caused by vehicles parking on the crest of the hill.

An independent traffic engineer had subsequently viewed those treatments, at the request of the CEO, and endorsed the action taken.

Whilst the Alexandra Road treatments had been implemented whilst the CEO was on leave, the CEO reported that he had subsequently visited the site with the Works Manager, who had demonstrated the hazard to motorists caused by vehicles parked near the crest of the hill. It is clear the new restrictions will reduce the risk of vehicle collisions, as the restrictions, if observed, allow vehicles to travel on the correct side of the road over the crest and not be forced towards and across the centre of the road, as has previously been the case, when parked vehicles on both sides of the road were involved.

Nevertheless, the CEO had already commenced reviewing the matter, prior to the petition being received, due to issues subsequently raised by some residents.

For example, traffic counts had been taken. These had indicated a significant drop in vehicle speeds from when the counts were last taken. In fact the drop was so significant they would be repeated, in the event an error had occurred.

Consideration would also be given to other modifications, such as a white line being painted in the centre of the road, as suggested by Cr Olson and the removal of the “No Stopping” lettering, which the line markers had also applied in addition to the yellow lines.



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With respect to other points made in the petition:

- (i) Whilst Alexandra Road is a relatively wide road, its width is still such that there is not room for two vehicles travelling in opposite directions to pass each other on the correct side of the road, when there are parked vehicles on either side of the road.
- (ii) The fact the road is a local road is irrelevant – neither the Road Traffic Code nor the Town's Parking Local Laws make a distinction between different classes of roads in matters such as this and indeed, given the safety issues involved, it would be inappropriate to do so.
- (iii) Whilst it is accepted the new restrictions will cause some inconvenience for members of the public, such inconvenience has never been a reason for compromising on road safety issues. In addition to the ethical issues involved, there is also an issue of Council's public liability.

Mayor Ferris – Cr Collinson

That:

1. the petition be received.
2. pursuant to s.5.41(d) of the Local Government Act, the petition be referred to the CEO and the matters therein dealt with by the CEO and relevant officers.
3. the CEO be requested to give consideration to the issues raised in the petition.
4. the CEO respond to the signatories of the petition. CARRIED

199. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION (CONTINUED)

199.1 *Oxfam Australia*

The Mayor read correspondence from Oxfam Australia thanking Council for its donation of \$300 towards its local Walk Against Want and outlining a number of the projects Oxfam is currently involved in, including projects in East Timor, India and South Africa.

200. REPORTS OF CHIEF EXECUTIVE OFFICER

200.1 *East Fremantle Oval Redevelopment Project*

By Stuart Wearne, Chief Executive Officer, on 19 July 2011

1. Council's resolution of 7 June 2011 was as follows:

"That:

1. *the \$50,000 allocated in the 2010/11 budget as a part contribution to the development of a business case for the redevelopment of the EF Oval site be carried forward to the 2011/2012 budget.*
2. *the Department of Sport and Recreation and the WA Football Commission be formally requested to endorse the proposed study and contribute a minimum of \$25,000 each to this project.*
3. *a Steering Committee be established with a membership including members from the Town of East Fremantle and up to 2 nominees from both the Department of Sport and Recreation and the WA Football Commission to deliver the business case.*
4. *the Mayor and Crs de Jong and Rico be appointed as Council representatives of the Steering Committee*
5. *the Chief Executive Officer draft Terms of Reference, using the 2007 Master Plan as a guide, for consideration by Council at its 16 August meeting, prior to this inaugural Steering Committee meeting."*

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2. In terms of implementation:
 - (i) \$50,000 was allocated in budget.
 - (ii) requests were sent to Department of Sport & Recreation and the WA Football Commission.
 - (iii) Response received from Department of Sport & Recreation, as attached. No response has been received from the WAFC however the CEO is confident, based on a discussion with the WAFC representative Geoff Glass, that the WAFC will also contribute \$25,000
 - (iv) CEO met with Rob Didcoe from Department of Sport & Recreation (see below)
 - (v) meeting between Mayor, Chief Executive Officer, Rob Didcoe and Geoff Glass (WAFC) arranged for Friday, 29 July 2011.
3. Re 2(iv) above, intent was for CEO to get useful background. Geoff Glass had also been invited however was happy for meeting to simply be with Department of Sport & Recreation representative at this stage.

Of most interest from this meeting was advice that, with respect to proposals involving the sale of Crown Land for the purposes of funding WAFL ground/facilities redevelopments, the Government would consider individual submissions with respect to each Club at issue, on the basis they were to be accompanied by a business plan. This decision was in contrast to having a broader and more strategic plan involving all of the Clubs concerned, perhaps involving priority rankings.

The Mayor, who is to be commended for keeping in periodic touch with the Department of Sport and Recreation and WA Football Commission representatives, had received early advice of this, although the Department states Council would have been officially informed in due course.

It is hoped that the protracted impasse since the Masterplan was completed (largely due to:

- (i) funding issues – in particular involving the sale of part of the land, which some elected members remain opposed to and advice from Department of Sport & Recreation and the WA Football Commission that they had no funds to contribute as an alternative to a land sale
 - (ii) difficulties in engaging with WAPC regarding the rezoning of the section of A Class Reserve in question)
- may be broken by virtue of this new development.

Regarding 2(iii) above – the Department of Sport & Recreation's contribution is conditional, in part on The Department having input into the project's terms of reference.

It is not known whether the WAFC contribution, assuming it is received, will be conditional in any similar way.

It appears most likely the terms of reference, will in turn, need to have some reference to the Government's Strategic Asset Management Framework and associated guidelines, all of which have yet to be received.

Pursuant to the above, because it is not known when that process will be concluded (noting for example the first meeting will not occur until 29 July and the issue may not be resolved at that meeting) it cannot be guaranteed draft Terms of Reference will be completed in time for the 16 August meeting.

RECOMMENDATION

That the CEO's report be received.

Both the Mayor & CEO responded to questions and issues raised by elected members with respect to the report.

Cr Olson – Cr Collinson

That the CEO's report be received.

CARRIED

200.2 *Local Government Reform*

The CEO advised that he was yet to write to the Minister regarding a number of concerns and queries with respect to the proposed review of Perth metropolitan local government boundaries and governance models which he raised at the last Council meeting. The CEO noted the very strong and unqualified support for the review which had again been expressed (most lately in this morning's "West Australian") by WALGA President Troy Pickard, presumably reflecting WALGA's official position. The CEO considered the response surprising given the proposed review is not consistent with the statewide review which WALGA had called for, one of the Terms of Reference clearly suggests a significant element of a pre-determined outcome, and the matter has not yet been considered by the WALGA zones.

It was hoped there would be some discussion on the issue at the WALGA South Metropolitan Zone meeting, which was to be held at the Town of East Fremantle on 25 July.

200.3 *Development Assessment Panels*

The CEO reported that the Mayor, Cr de Jong and Cr Wilson had all received DAP training. The CEO and Janine May had also had training. It was unknown whether Cr Nardi had attended training. The CEO also relayed advice received from the WAPC regarding protocols DAP members were expected to observe in relation to meeting with developers in respect of applications which were to be determined by the DAP. DAP's advice was, essentially, that such meetings would normally be at officer level only, however, where elected members were to be involved, this should involve either an appropriate official Council forum (such as a TP & BC meeting) or, if outside of such a forum, involve *all* elected members being invited.

200.4 *Home & Community Care Program*

Following clarification of the wishes of elected members, the CEO advised that he would arrange for Sue Limbert to address Council on the services provided by the Home and Community Care Program, hopefully at the next Council meeting.

200.5 *Royal George Hotel*

The CEO advised that he was currently seeking to clarify the situation with respect to whether new architects had been appointed to deal with the Royal George Hotel project following the withdrawal of the previous applicant, Michael Dryka.

200.6 *Newsletter*

Following a query from Cr Collinson, the CEO undertook to clarify with the PEHO progress with respect to Council's newsletter.

200.7 *SAT Decision 38 Wolsely Road*

The CEO advised that Council had been successful in the SAT Appeal regarding 38 Wolsely Road, which had been initiated by the former owners, Stephen Johnston & Sally McKercher and undertook to circulate the decision to elected members.

Cr Martin – Cr Olson

That following the expiry of the appeal period, that the CEO arrange the preparation of a press release on the SAT decision relating to 38 Wolsely Road.

CARRIED

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200.8 Road Safety Round Up

The CEO tabled the WALGA publication "Road Safety Round Up" which referred to:

- the roadworks in Preston Point Road as "providing a safer environment for all road users"
- the recent East Fremantle Neighbourhood Watch child car restraint installation initiative.

201. CONFIDENTIAL BUSINESS

201.1 Residential Design Guidelines - Review

Cr Olson – Cr Lilleyman

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(b), (c) & (e)(iii) of the Local Government Act. CARRIED

Cr Rico raised the issue of the general lack of "green space" in relation to landscaping provisions and requested that this be addressed within the Guidelines.

The Manager – Planning Services undertook to amend the Project Brief to include Performance Criteria for landscaping which encourage green space.

Cr Collinson – Cr Olson

That Council:

1. receives the report, Residential Design Guidelines – Review and endorses the letting of a tender for the preparation of Residential Development Guidelines on the basis of the Project Brief, as amended to include green landscaping.
2. determines to progress planning provisions requiring the installation of rain water tanks and a 'rainbank' system for new residential development (comprising substantial works in excess of a nominated amount). CARRIED

202. OPENING OF MEETING TO PUBLIC

Cr Wilson – Cr Rico

That the meeting be reopened to the public at 8.44pm. CARRIED

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

Nil.

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

Nil.

205. 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 19 July 2011, Minute Book reference 183. to 205. were confirmed at the meeting of the Council on

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Presiding Member