



**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 13 DECEMBER, 2011 COMMENCING AT 6.34PM.**

**327. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**327.1 Present**

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr S Martin	
Cr D Nardi	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 7.35pm)
Ms J May	Minute Secretary

**328. 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.”*

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

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

**330. RECORD OF APPROVED LEAVE OF ABSENCE**

Cr Lilleyman

**331. RECORD OF APOLOGIES**

Cr de Jong.  
Cr Olson.  
Cr Rico.

**332. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

**332.1 K Johnson, 55 Petra Street**

Petition from Karene Johnson regarding Petra Street East Fremantle/Melville road resurfacing.

**Cr Nardi – Cr Collinson**

**That the petition be received and an officer’s report prepared and submitted to Council regarding the issues raised.** CARRIED

**332.2 W Wisniewski, 79B View Terrace**

Petition from Wendy Wisniewski regarding increase of available public space in East Fremantle for the exercising of dogs off their leads.

**Cr Wilson – Cr Martin**

**That the petition be received and an officer’s report prepared and submitted to Council regarding the issues raised.** CARRIED

**333. PUBLIC QUESTION TIME**

Nil.

**334. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.



13 December 2011

## MINUTES

**335. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****335.1 Council Meeting – 15 November 2011****Cr Nardi – Cr Collinson**

That the Minutes of the Council Meeting held on 15 November 2011 be confirmed.

CARRIED**335.2 Special Council Meeting – 29 November 2011****Cr Martin – Cr Wilson**

That the Minutes of the Special Council Meeting held on 29 November 2011 be confirmed.

CARRIED**336. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION****336.1 Pioneers' Christmas Lunch**

Mayor Ferris advised that Council had hosted its annual Pioneers' Christmas Lunch at the East Fremantle Yacht Club on Monday, 5 December 2011. The Mayor thanked the CEO and his team for organising this fantastic event. Once again the Richmond Primary School performed a number of songs and this year, in conjunction with staff from the Fremantle/East Fremantle Library, an oral history was presented on the life of long time resident John O'Byrne. The Mayor read the following email from assistant librarians Kristi McNulty and Lorraine Stevens regarding the day:

*"Just a quick note to say thanks so much for letting us be involved in yesterday's proceedings. It was a lovely occasion in a beautiful setting, the kids were fabulous – it all went really well.*

*We had a couple of people ask about doing an oral history, and the interest in the old photographs made me start to think about how else we can promote these out into the community.*

*I have been in touch with Jenny D'Anger from the Herald this morning. I sent her the summary of John's life so she gets all the facts right hopefully, and the photograph of him looking so handsome in his army uniform. We are allowed to keep the display up here in the Local History Collection until Christmas so I asked Jenny if she could put in a plug for us – that people are welcome to come down and have a look."*

**336.2 East Fremantle Primary School**

Mayor Ferris advised that on the morning of the Pioneer Lunch he had visited a class of students at the East Fremantle Primary School after having received correspondence from the students regarding issues relating to Niergarup Track. New signage was currently being arranged and the students' suggested improvements to the Track would be given consideration.

**336.3 East Fremantle Festival**

Mayor Ferris advised that the East Fremantle Festival had been held on Sunday, 27 November 2011 and once again, had been a resounding success. The Mayor thanked the Festival Committee, the Festival Coordinator, Cynthia Williamson, the CEO and all staff involved for a fantastic event.

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

Nil.

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

Nil.

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

Nil.



13 December 2011

MINUTES

**340. ORDER OF BUSINESS**

Cr Martin – Cr Collinson

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

**341. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****341.1 T146.3 Petra Street No. 13A (Survey Strata Lot 2 on Strata Plan 29279)****Owner/Applicant: Anna and Dickon Hayne****Application No. P169/11**

The following additional information previously circulated by the Town Planner was considered:

*“Committee considered an Application for a single storey living room addition to an existing residence at No. 13A Petra Street, East Fremantle. A neighbouring property owner attended the meeting and expressed concern regarding the proposed boundary wall and the resultant loss of portion of the dividing fence.*

*Email correspondence from the applicant was tabled at Committee which advised that the applicant was prepared to amend the plans to move the parapet wall away from the boundary to enable the dividing fence to be retained. The neighbour was supportive of the above however raised concerns about the maintenance of the parapet wall and whether there would be enough room between the fence and the parapet wall to maintain this space.*

*Since the meeting the applicants have submitted revised plans which identify a 180mm setback between the proposed parapet wall and the dividing fence. The applicants also advise the following:*

*“The North facing wall will be constructed to a very high specification as would be required were it to be on the boundary. All possible measure to avoid water damage and termite infestation will be taken. Guttering will be easily accessible from the east and west sides. Minimal other maintenance is anticipated. In the unlikely event that specific maintenance is requires to an inaccessible site on the wall access would be requested from the residents of 15a Petra Street.”*

*The proposed 180mm setback to the boundary combined with the applicant’s advice above is satisfactory and the Town Planer considers the amended plans to be suitable for approval. Based on the above it is recommended that the ‘Recommendation’ be reworded to acknowledge the revised plans date stamped 7 December 2011.”*

Mr & Mrs Haynes (owners) addressed the meeting in support of their revised proposal, following an objection from the adjoining owner to the proposed boundary wall.

**Cr Martin – Cr Nardi****That Council exercise its discretion in granting approval for the following:**

- vary the boundary setback requirements of the Local Planning Policy No. 142 Residential Development to permit a nil setback and parapet wall on the northern boundary.

for the construction of a living room addition at No. 13A (Strata Lot 2 on Strata Plan 29279) Petra Street, East Fremantle, in accordance with the plans date stamped received on 7 December 2011 subject to the following conditions:

1. The proposed ‘pool by others’ shown on the submitted plans does not form part of this approval. A separate application for Planning Approval is required in respect to any proposed swimming pool on the subject site.
2. 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.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than



13 December 2011

## MINUTES

- where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
  5. 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. The proposed addition 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.
  7. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
  8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
  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. 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.
  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) *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*



13 December 2011

## MINUTES

*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

**341.2**     **T146.5 Osborne Street No. 47 (Lot 1)**  
**Applicant: APG Homes Pty Ltd**  
**Owner: Darryl Poletti & Vicki Poletti**  
**Application No. P167/11**

Mr & Mrs Poletti (owners) addressed the meeting supporting the Committee's recommendation.

**Cr Wilson – Cr Collinson**

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

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

- (a) vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 3.33m at the ground storey, 3.33m at the upper storey, and 4.91m at the garage;
- (b) vary the rear setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1m at the ground storey;
- (c) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to Bed 3 to intrude 1.1m over the southern boundary; and
- (d) vary the open space requirements of the Residential Design Codes of Western Australia to permit open space of 49.5%

for the construction of a single dwelling at No. 47 (Lot 1) Osborne Road, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:

1. The proposed “future excavation 1800mm deep” and “4m<sup>2</sup> store by owner” shown on the submitted plans do not form part of this approval. A separate application for Planning Approval may be required in respect to any proposed excavation or store on the subject site.
2. The proposed “low wall” and “front fence” shown on the submitted plans do not form part of this approval. Revised detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced unless there is a valid demolition licence and building licence and the demolition licence and building licence issued 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. 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.
7. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
8. 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.
9. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
  10. 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.
  11. 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.
  12. 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.
  13. The zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
  14. The 'alfresco' area may not be enclosed without the prior written consent of Council.
  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) *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



13 December 2011

## MINUTES

- 341.3 T146.1 Canning Highway No. 147 (Lot 18)**  
**Applicant: The Owners of East Fremantle Shopping (West)**  
**Owner: Russell Quinn**  
**Application No. P96/11**

The following additional information previously circulated by the Manager Planning Services was considered:

**Introduction:**

*Due to a variation in the initial advice provided by the Department of Planning, it is necessary that the recommendation to Council be re-worded slightly from that considered by the Town Planning & Building Committee at its meeting on 6 December 2011, so that the recommendation includes approval under the Town Planning Scheme No. 3. An explanation and amended recommendation follows.*

**Explanation:**

*In its referral response on 23 November 2011 the Department of Planning advised "The power to determine the application in accordance with Part IV of the MRS is delegated to the Town of East Fremantle, Council, subject to comments and recommendation from the DoT. If the DoT's recommendation is not acceptable to the Town, then the application is forwarded to the WAPC for determination, in accordance with the delegation."*

*On 12 December 2011, an officer from the Department of Planning emailed subsequent advice which states in part; "The delegation relates to WAPC's functions - in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme. Accordingly, as the WAPC's determination will only be under the MRS, the Council will still be required to issue an approval for the proposal under Town Planning Scheme No.3."*

*In light of the above it is proposed that Council consider the following amended recommendation which proposes that the application be forwarded to the WAPC for determination under the MRS and conditionally approved under the TPS No.3.*

**Recommendation:**

*It is recommended that;*

- (a) the application be referred to the Western Australian Planning Commission for determination under the Instrument of Delegation gazetted 13 August 2010 because the recommendation provided by the public authority (Main Roads WA & DoT) specified in the delegation notice is not acceptable to the Council of the Town of East Fremantle.*
- (b) pursuant to the Town of East Fremantle Town Planning Scheme No.3, dated 3 December 2004, the application for demolition and a mixed use development containing retail, office, tavern, café and residential apartments at 147 Canning Highway, East Fremantle in accordance with plans and relevant forms date stamp received on 30 June 2011 and additional plans date stamp received on 27 October 2011 be approved subject to the following conditions:*
  - 1. The applicant shall liaise with Main Roads WA regarding the establishment of signage prohibiting right turns at peak time at the intersection of Council Place and Canning Highway. The applicant shall implement the outcomes of traffic management requirements of Main Roads WA in this regard.*
  - 2. The following memorial shall be placed on all strata titles; The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port'.*
  - 3. 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.*
  - 4. The use and operation of the 'Sky Lounge' – licensed premises and cinema, shall at all times ensure that "music" and all other noise emissions are restricted*



13 December 2011

## MINUTES

- to a level of 50dB(A) at any other commercial premises and a level of 29/31 dB(A) within any residence.
5. *The semi-circular balconies and roof capping incorporated within the northwest elevation of Building D, adjacent to Council Place, are not approved in their present form. These elements shall be subject to design development and incorporated in amended plans to be submitted and approved to the satisfaction of Council prior to the submission of an application for building approval.*
  6. *Prior to the application for a demolition licence, the applicant shall submit a photographic inventory of all existing structures on the subject site to the satisfaction of the Chief Executive Officer.*
  7. *Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.*
  8. *All dwellings shall have outdoor living areas of minimum 10m<sup>2</sup> and a minimum dimension of 2.4 metres which are capable of use in conjunction with a habitable room and otherwise conform with R-Codes clause 7.3.1.*
  9. *All dwellings shall have outdoor living areas which have privacy screens where necessary, to restrict direct overlooking into the active habitable spaces and outdoor living areas of other dwellings in compliance with R-Codes clause 7.4.1 A1(ii).*
  10. *Glazing shall be incorporated into at least one of the two blank structural bays in the north east corner of Building B at ground level facing Canning Highway.*
  11. *All awnings, statues or any other overhanging structures shall be set back a minimum of 2.5 metres from the curb face of any road.*
  12. *End of trip facilities such as showers shall be provided within public toilets or communal facilities which serve the commercial tenancies.*
  13. *Public art shall be provided (at least) in accordance with the minimum requirements of the LPP – Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Council.*
  14. *All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.*
  15. *The works are to be constructed in conformity with the amended drawings date stamped 'Received 27 October 2011' 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.*
  16. *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.*
  17. *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.*
  18. *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.*
  19. *All storm water is to be retained on site. Retained storm water shall be recycled to irrigate planting in public and communal areas. A drainage plan and an irrigation plan shall be submitted to the satisfaction of the Chief Executive Officer in consultation with the Principal Building Surveyor prior to the issue of a building licence.*
  20. *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,*





13 December 2011

## MINUTES

*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.*

21. *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.*
22. *Any new crossovers which are constructed under this approval are to be a constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.*
23. *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.*
24. *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'.*
25. *The area described as 'Public Square' on the proposal plan SK06 totalling approximately 1,121 m<sup>2</sup> shall be wholly accessible to the general public during daylight hours seven days a week. Any activities, events or change in land use within this area which are other than for a temporary period not exceeding 48 hours, shall only occur following the prior approval of the Chief Executive Officer.*
26. *A detailed schedule of external materials, finishes and colours shall be submitted and approved to the satisfaction of the Council prior to the issue of a building licence.*
27. *This planning approval to remain valid for a period of 24 months from date of this approval.*

*Advisory Note:*

*The applicant is advised this approval relies upon the further determination of the Western Australian Planning Commission in respect to the Metropolitan Region Scheme, under the Instrument of Delegation gazetted 13 August 2010.*

Ms Lowe (resident) addressed the meeting raising queries regarding:

- opening hours for public access to the centre's open space
- responsibilities for ongoing maintenance
- the Canning Highway road widening issue
- the program for stage 2 and redevelopment of the remainder of the existing shopping centre.

Mr Quinn (owner) addressed the meeting advising:

- he was agreeable to having opening hours stipulated in the approval rather than the term "daylight" hours, in relation to the centre's open space
- under the Strata Titles Act the centre would be required to establish strata councils and strata levies would be used to maintain the centre with respect to cleaning, lighting of public areas, adjacent street lights, insurance etc. This Act would also require a "sinking fund" to be established which would fund ongoing maintenance such as painting etc.
- ongoing communications with the owners of the remainder of the existing shopping centre indicated that they anticipate carrying out improvement works in the future.

Mr Day (Planner) addressed the meeting seeking modification to Condition 4 which was proposed to restrict noise emissions to specific decibels whereas he requested compliance with the Environmental (Noise) Regulations 1997.



13 December 2011

## MINUTES

The Manager Planning Services explained the recent advice received from the WAPC regarding the approval process for this development and the Main Roads WA's requirement for 5-7m of land along this section of Canning Highway for future road widening. This requirement is contrary to the MRS provisions and the provisions of the Local Planning Scheme which provides for buildings to be developed with a nil setback along their frontage.

*Cr Wilson made the following impartiality declaration in the matter of 147 Canning Highway: "As a consequence of Ms Shine (who has made comment on the proposal) being my beautician, 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".*

Considerable discussion took place regarding the conditions of approval for the proposal which resulted in changes to Conditions 4 and 25.

**Cr Wilson – Cr Nardi**

**That:**

- (a) the application be referred to the Western Australian Planning Commission for determination under the Instrument of Delegation gazetted 13 August 2010 because the recommendation provided by the public authority (Main Roads WA & DoT) specified in the delegation notice is not acceptable to the Council of the Town of East Fremantle.**
- (b) pursuant to the Town of East Fremantle Town Planning Scheme No.3, dated 3 December 2004, the application for demolition and a mixed use development containing retail, office, tavern, café and residential apartments at 147 Canning Highway, East Fremantle in accordance with plans and relevant forms date stamp received on 30 June 2011 and additional plans date stamp received on 27 October 2011 be approved subject to the following conditions:**
  - 1. The applicant shall liaise with Main Roads WA regarding the establishment of signage prohibiting right turns at peak time at the intersection of Council Place and Canning Highway. The applicant shall implement the outcomes of traffic management requirements of Main Roads WA in this regard.**
  - 2. The following memorial shall be placed on all strata titles; The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port'.**
  - 3. 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.**
  - 4. The use and operation of the 'Sky Lounge' – licensed premises and cinema, shall at all times ensure that "music" and all other noise emissions are restricted to a level in accordance with the Environmental (Noise) Regulations 1997 relating to commercial and residential premises.**
  - 5. The semi-circular balconies and roof capping incorporated within the northwest elevation of Building D, adjacent to Council Place, are not approved in their present form. These elements shall be subject to design development and incorporated in amended plans to be submitted and approved to the satisfaction of Council prior to the submission of an application for building approval.**
  - 6. Prior to the application for a demolition licence, the applicant shall submit a photographic inventory of all existing structures on the subject site to the satisfaction of the Chief Executive Officer.**
  - 7. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief**



13 December 2011

## MINUTES

- Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
8. All dwellings shall have outdoor living areas of minimum 10m<sup>2</sup> and a minimum dimension of 2.4 metres which are capable of use in conjunction with a habitable room and otherwise conform with R-Codes clause 7.3.1.
  9. All dwellings shall have outdoor living areas which have privacy screens where necessary, to restrict direct overlooking into the active habitable spaces and outdoor living areas of other dwellings in compliance with R-Codes clause 7.4.1 A1(ii).
  10. Glazing shall be incorporated into at least one of the two blank structural bays in the north east corner of Building B at ground level facing Canning Highway.
  11. All awnings, statues or any other overhanging structures shall be set back a minimum of 2.5 metres from the curb face of any road.
  12. End of trip facilities such as showers shall be provided within public toilets or communal facilities which serve the commercial tenancies.
  13. Public art shall be provided (at least) in accordance with the minimum requirements of the LPP – Town Centre Redevelopment Guidelines and shall be approved to the satisfaction of the Council.
  14. All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.
  15. The works are to be constructed in conformity with the amended drawings date stamped 'Received 27 October 2011' 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.
  16. 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.
  17. 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.
  18. 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.
  19. All storm water is to be retained on site. Retained storm water shall be recycled to irrigate planting in public and communal areas. A drainage plan and an irrigation plan shall be submitted to the satisfaction of the Chief Executive Officer in consultation with the Principal Building Surveyor prior to the issue of a building licence.
  20. 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.
  21. 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.



13 December 2011

## MINUTES

22. Any new crossovers which are constructed under this approval are to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
23. 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.
24. 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'.
25. The area described as 'Public Square' on the proposal plan SK06 totalling approximately 1,121 m<sup>2</sup> shall be wholly accessible to the general public at least between the hours of 6.30am to 7.00pm October to April and at least between the hours of 7.00am to 6.00pm at other times, seven days a week. Any activities, events or change in land use within this area which are other than for a temporary period not exceeding 48 hours, shall only occur following the prior approval of the Chief Executive Officer.
26. A detailed schedule of external materials, finishes and colours shall be submitted and approved to the satisfaction of the Council prior to the issue of a building licence.
27. This planning approval to remain valid for a period of 24 months from date of this approval.

**Advisory Note:**

The applicant is advised this approval relies upon the further determination of the Western Australian Planning Commission in respect to the Metropolitan Region Scheme, under the Instrument of Delegation gazetted 13 August 2010. CARRIED

**341.4 T149.1 Delegation to Chief Executive Officer**

Cr Nardi – Cr Collinson

That for the period 14 December 2011 to 20 February 2012 Council delegates to the CEO, under clause 11.3 of the Town Planning Scheme No 3, the power to approve planning applications not requiring a referral to the Town Planning Advisory Panel (ie those applications that do not impact upon the streetscape, are not associated with a property listed on the Municipal Inventory/Heritage List or are of a minor nature).

CARRIEDABSOLUTE MAJORITY**342. EN BLOC RECOMMENDATION**

Cr Collinson – Cr Nardi

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 6 December 2011 in respect to Items MB Ref 342.1 to 342.14.

CARRIED**342.1 T146.2 Gill Street No. 26 (1)***Applicant: Stuart & Susan Olton**Owner: Stuart & Susan Olton**Application No. P119/2011*

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

- variation to the retaining wall setback requirements of the R-Codes and LPP No. 142 to allow retaining walls up to 1.3 metres in height to utilise a nil setback to all boundaries.

for the construction of a retaining wall and associated fencing to all boundaries at No. 26 Gill Street in accordance with the plans date stamp received on 15<sup>th</sup> August 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



13 December 2011

## MINUTES

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.
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. 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 boundary 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*

342.2

*T146.4 No. 20 (Lot 400) Wolsely Road, East Fremantle*

*Applicant/Owner: Andrew & Lesley Watson*

*Application No. P170/2011*

That Council grant Planning Approval for a front fence/pool fence at 20 Wolsely Road, subject to the following conditions:

1. The submission of amended plans which incorporate a reduction in the height of the proposed front fence and retaining wall to a maximum height of 1.8 metres above natural ground level and are otherwise in compliance with the requirements of the *Local Planning Policy- 143 – Policy on Local Laws Relating to Fencing*. The amended plans are to be approved to the satisfaction of the CEO prior to the application for Building Approval.
2. With regard to the plans submitted with respect to the Building Approval, 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.
3. Works are to be constructed in conformity with the drawings and written information accompanying the application for Planning Approval other than where varied in compliance with the conditions of this Planning Approval or with Council's further approval.
4. 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).*



13 December 2011

## MINUTES

**342.3 T146.6 9 King Street (Lot 1), East Fremantle.****Applicant: Highbury Homes****Owner: Leith and Carmen Barr****Application No. P97/2011****That Council exercise its discretion in granting approval for the following:**

- Vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 3.43m and 4.8 metres and 1.31 and 1.91 for the garage; and

**for the construction of a two storey residence at No. 9 King Street, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:**

1. Prior to the issue of a Building Licence plans are to be submitted to the satisfaction of the CEO that demonstrate that the fencing satisfies the requirements of Clause 6.2.6 'Sight Lines at Vehicle Access Points and street corners'.
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 building licence and the demolition licence and 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 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.
7. All stormwater is to be disposed of onsite and clear of all boundaries.
8. 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.
9. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 and is to the satisfaction of the CEO.
10. 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.
11. 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.
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:***



13 December 2011

## MINUTES

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

342.4

**T146.7 No. 80 Duke Street, East Fremantle****Applicant/Owner: Mark Armstrong and Jane Clively****Application No. P152/2011****Council exercise its discretion in granting approval for:**

- **A reduced setback of 1.048 metres in lieu of the requirement for a 1.5 metre setback to the southern boundary;**
- **A variation to allow an additional boundary wall (nil setbacks) for the carport on the southern boundary and for the deck on the northern boundary.**

**for additions to the residence at No. 80 Duke Street, East Fremantle as shown on plans date stamped 20 October 2011 and subject to the following conditions:**

- 1. A minimum of 50% of the effective lot area is to be landscaped in accordance with Part 1(iii) of the Residential Development Policy (LPP 142). In this regard a landscaping plan is to be provided to and endorsed by the CEO prior to the issue of a building licence.**
- 2. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the CEO prior to issuance of a Building Licence.**
- 3. 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.**
- 4. All storm water resulting from the development is to be retained on site.**
- 5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 6. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 8. The proposed 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.**
- 9. This planning approval to remain valid for a period of 24 months from date of this approval.**

**Footnotes**

- (a) A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.**



13 December 2011

## MINUTES

- (b) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (c) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

**342.5** *T146.8 No 52 (Lot 1) Clayton Street, East Fremantle*  
*Owner/Applicant: Jemmina and Anthony Byers*  
*Application No. P147/11*

That Council exercise its discretion in approving

- a reduced setback to the northern boundary from 1.2 metres to 1.0 metres; for the construction of an upper floor addition to accommodate a family room to the residence at No. 52 Clayton Street, East Fremantle in accordance with plans date stamp received on the 21 November 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. 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 with the Council and approved by the Chief Executive Officer.
  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).*

**342.6** *T146.9 Philip Street No. 1 (Lot 71)*  
*Applicant: Giorgi Exclusive Homes*  
*Owner: Jonathon Hart*  
*Application No. P1125/11*

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

- vary the rear setback requirements to allow a reduced setback of 1.2 metres in lieu of the requirement for a 1.5 metre setback at the ground floor;
- vary the building height requirements of LPP No. 142 to allow wall heights to exceed 5.6 metres.

for the construction of a two storey residence at No. 1 Philip Street, East Fremantle, in accordance with the plans date stamped received on 2 December 2011 subject to the following conditions:

1. Prior to the issue of a Building Licence the applicant is to submit a detailed schedule of materials and finishes to the satisfaction of the CEO.





13 December 2011

## MINUTES

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 building licence and the demolition licence and 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 dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of onsite and clear of all 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 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 with the Council and approved by the Chief Executive Officer.
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.*



13 December 2011

## MINUTES

- (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) *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".*

**342.7 T147.1 Hubble Street No. 18 (Lot 208) – Alterations-Additions**  
**Applicant/Owner: David Carr, Tenax Holdings**  
**Application No. P150/2011**

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

- (a) variation to the requirements of LPP No. 142 to allow an additional boundary wall that is the second on the property to the southern boundary.
- for the construction of additions to the residence at No. 18 (Lot 208) Hubble Street in accordance with the plans date stamp received on 28 September 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
  4. All stormwater is to be disposed of on-site and clear of all boundaries.
  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. 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*



13 December 2011

## MINUTES

**342.8 T147.2 No 26 (Lot 601) Silas Street, East Fremantle****Owner/Applicant: Andrew Brice****Application No. P161/11****That Council exercise its discretion in approving**

- a boundary wall along the northern boundary of the site;
- wall heights that exceed the Category A provisions of the R-Codes by 0.3 metres

and grant approval for the construction of a carport with a nil setback and the construction of alterations and additions to the residence at No. 26 Silas Street, East Fremantle in accordance with plans date stamp received on the 19 October 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. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
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) *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).*

**342.9 T147.3 Coolgardie Avenue No. 11 (Lot 24)****Applicant: New Home Building Brokers****Owner: Kathryn Baker****Application No. P168/11****That Council exercise its discretion in granting approval for the following:**

- (a) Vary the front setback requirements of the Local Planning Policy No. 142 Residential Development to permit setbacks of 5.8m at the ground storey, 5.8m at the upper storey, and 7.1m at the garage;
- (b) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a setback of 1.2m at the ground storey; and
- (c) Vary the roof requirements of Local Planning Policy No. 066 Roofing to permit a roof pitch of 25 degrees.

for the construction of a single dwelling at No. 11 (Lot 24) Coolgardie Avenue, East Fremantle, in accordance with the plans date stamped received on 24 October 2011 subject to the following conditions:



13 December 2011

## MINUTES

1. The proposed "Street Front Fence" shown on the submitted plans does not form part of this approval. Revised detailed plans incorporating the demolition of the existing fencing within the front setback area and its replacement with fencing which is in compliance with the Local Planning Policy – Policy on Local Laws Relating to Fencing and the satisfaction of the Chief Executive Officer are to be submitted and approved by the Chief Executive Officer prior to the issue of a Building Licence.
2. The windows to Bed 3 on the eastern boundary shall be permanently obscure glazed and non-openable to a height of 1.6m from the finished floor level to the satisfaction of the Chief Executive Officer.
3. The existing mature Jacaranda tree in the front setback is to be retained and maintained.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced until Council has received an application for a demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed 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.
8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
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 is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
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) *the 'alfresco' area may not be enclosed without the prior written consent of Council.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (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".*

**342.10 T147.4 2 Woodhouse (Lot 5067), East Fremantle**  
**Applicant/Owner: Anne-Marie Hickey**  
**Application No. 133/2011**

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

- variation to the setback requirements of the R-Codes and LPP No. 142 to allow a nil setback to the western boundary

for the construction of an alfresco area in the rear yard of No. 2 Woodhouse Road, East Fremantle, in accordance with plans date stamp received on the 31 August 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 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.*



13 December 2011

## MINUTES

- (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).

**342.11** T147.5 Glyde Street No. 9 (Lot 10) – Pergola, patio and deck addition  
 Applicant: Thomas McLaughlan, Patio Living  
 Owner: Paul & Julie Billing  
 Application No. P175/2011

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

- (a) variation to the setback requirements of the R-Codes and LPP No.142 regarding the nil setback from the pergola to the northern boundary.  
 for the construction of a pergola and raised decked area within the rear yard of the residence at No. 9 Glyde Street, East Fremantle in accordance with the plans date stamp received on 8 November 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.
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 alterations/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. 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).

**342.12** T147.6 No 118 (Lot 4963) Preston Point Road, East Fremantle  
 Applicant: Interface Architecture & Building  
 Owner: Christine Boase  
 Application No. P160/2011

That Council exercise its discretion in granting approval for:

- demolition of the existing residence;
- and the construction of a new two storey residence at No. 118 Preston Point Road, East Fremantle in accordance with the plans date stamp received on 20 October 2011 subject to the following conditions:
1. A detailed schedule of materials and finishes to be submitted to the satisfaction of the CEO prior to the issue of a Building Licence.
  2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than



13 December 2011

## MINUTES

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.*
- (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).*

342.13 T147.7 Hubble Street No. 10 (211)  
Applicant/Owner: Deborah House  
Application No. P162/2011

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

- (a) variation to the front fence requirements of LPP No. 143 to allow a fence which provides visual permeability above 1.36 metres in lieu of the 1.2 required under LPP No.143.
- (b) variation to LPP No. 143 to allow the solid portion of the front fence to be 1.23 to 1.36 metres high in lieu of the 1.2 metres required.
- (c) variation to LPP No. 143 to allow the maximum overall fence height to be 2.3 metres in lieu of the 1.8 metres required.

for the construction of a front fence at No. 10 Hubble Street in accordance with the plans date stamp received on 19 October 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. 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.*



13 December 2011

## MINUTES

- (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).*

**342.14**     ***T147.8 Dalgety Street No. 17A (Lot 111)***  
***Applicant/Owner: Mark & Joanne Fleming***  
***Application No. P158/11***

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

- vary the roof pitch requirements of the Local Planning Policy No. 066 Roofing to permit a dominant roof pitch of 3 degrees.

for the construction of a single dwelling at No. 17A (Lot 111) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 24 November 2011 subject to the following conditions:

1. Revised detailed plans which demonstrate compliance with the Residential Design Codes of Western Australia Part 6.5 Access and Car Parking Requirements are to be submitted and approved prior to the issue of a Building Licence.
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 dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. Prior to the installation of any externally mounted air conditioning plant, a development application which is to be lodged and approved by the Chief Executive Officer which demonstrates that noise from the air conditioner will comply with the Environmental (Noise) Regulations 1997.
8. 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.
9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar and including, without limitation any works associated with the proposal which are required by another statutory or public authority) 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.
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. The zincalume roofing be treated to Council's satisfaction to reduce reflectivity in the first two years following installation, at the owner's expense.
13. 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) *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".*

*The Manager Planning Services left the meeting at 7.35pm.*

### **343. FINANCE**

#### **343.1 Monthly Financial Activity Statement for Period Ending 30 November 2011** *By Bill Bond Acting Executive Manager Finance & Administration on 8 December 2011*

##### **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 November 2011 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 November 2011 year to date Financial Activity Statement report shows an overall actual surplus of \$4,136,701 compared to the year to date budget of \$3,558,196 a favourable variance of \$578,505.

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 \$578,505 can be analysed as follows:

- The YTD actual Operating Revenue is \$6,775,675 compared to the YTD budget of \$6,716,814, a favourable variance of \$58,851. The variance is due primarily to higher than budgeted rate revenue, earlier than anticipated receipt of HACC and Capital grants and a favourable variance in Commercial Waste Service charges.
- The YTD actual Operating Expenditure is \$3,054,864 compared to the YTD budget of \$2,797,227, an unfavourable variance of \$257,637. The variance is due primarily to higher than anticipated expenditure in the HACC program, the second quarterly instalment to Glyde In Community Group of \$21,000, the replacement lighting at East Fremantle Oval and extra maintenance work with turf replacement, sand and water retention at East Fremantle Oval, Henry Jeffery, Preston Pt Reserve and Wauhopp Park. Additional road maintenance work on verges, street cleaning and drainage, and as we are behind on capital works the recovery of Public Works Overheads from this area has not been recouped in the November period.
- The YTD actual Capital Expenditure is \$657,805 when compared to the YTD budget of \$1,286,440 a favourable variance of \$628,635. 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 November 2011 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 November 2011 is presented to the Council for information.



13 December 2011

## MINUTES

**RECOMMENDATION**

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

**Cr Collinson – Cr Nardi**

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

343.2

**Accounts for Payment – November 2011**

*By Bill Bond, Acting Executive Manager Finance & Administration on 5 December 2011*

**PURPOSE**

To endorse the list of payments for the period 1 November to 30 November 2011.

**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 period beginning 1 November and ending 30 November 2011 require endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the period beginning 1 November and ending 30 November 2011 be received, as per the following table:

<i>November 2011</i>		
<b>Voucher Nos</b>	<b>Account</b>	<b>Amount</b>
4249 – 4262 (-4246)	Municipal (Cheques)	\$27,996.31
EFT 14682 – EFT 14821	Electronic Transfer Funds	\$548,212.09
Loans	Electronic Transfer Funds	-
Payroll	Electronic Transfer Funds	\$185,420.28
	<b>Municipal Total Payments</b>	<b>\$761,628.68</b>

**Cr Martin – Cr Collinson**

**That the List of Accounts for the period beginning 1 November and ending 30 November 2011 be received.** CARRIED

344.

**REPORTS OF ELECTED MEMBER DELEGATES**

344.1

**Cr Collinson – WALGA South Metropolitan Zone**

Cr Collinson reported that at the WALGA South Metropolitan Zone meeting held on 29 November 2011, the minutes of the 25 July Zone meeting were confirmed with the addition of the following paragraph in relation to the item relating to Metropolitan Local Government Reform issue:

*“The majority of members of the Zone (present at the meeting) expressed opposition with the Associations’ apparently enthusiastic response to the recent announcement of the Metropolitan Local Government Review. WALGA Chief*



13 December 2011

## MINUTES

*Executive Officer Ricky Burges responded that it is not the intention of State Council to endorse any likely outcome of this process, rather that reform is needed in the Sector to create better opportunities and improved service delivery arrangements to the community. State Council would have preferred a reform direction that encompasses all elements of their February 2011 resolution, most notably a state-wide governance review based on recognition of local governments as metropolitan, regional or rural."*

This outcome followed the refusal of the Zone members to accept the previous Minutes at their meeting of 26 September 2011, due to the inaccurate recording of Town of East Fremantle being the only local government to express opposition to WALGA's response to the Review.

The CEO noted he had raised with Cr Collinson the inaccuracy of the minutes at the time, which sought to isolate criticism of WALGA's stance to the Town of East Fremantle, notwithstanding a number of similar critical comments made by a number of other local governments at the meeting. In fact not a single local government representative at the meeting had supported WALGA's response to the Review.

Cr Collinson further advised of WALGA President Troy Pickard's indication to the meeting that WALGA would not support local governments opposed to any recommended amalgamation.

The CEO also reported on a highly unsatisfactory telephone link up with Troy Pickard and Ricky Burges which he had sought after the review was originally announced, in response to worryingly supportive and enthusiastic public comments Troy Pickard had made in relation to the review, immediately following the Minister's announcement. In that brief link up Troy Pickard had made it clear he personally shared the Minister's "bigger is better" philosophy and thus supported the need for widespread amalgamations.

The CEO noted that WALGA had announced it was proposed to hold a Forum of Local Government Mayors, Presidents and CEOs on 16 January 2012 from 9.30am to 4pm. The CEO noted he would be away at that time and therefore unable to attend however hoped the Forum might be more useful than the first Forum, set up by Troy Pickard, which he had attended on 17 August and found a complete waste of time.

Following the Forum WALGA would finalise its draft submission to the Review Panel. The draft would be sent to Zones prior to State Council consideration at a special meeting to be held on 30 January 2012. A Special Meeting of the South Metropolitan Zone would be held on 23 January 2012 at the Town of Kwinana commencing at 5.30pm.

Cr Collinson also reported that the "road to rail" issue was also discussed at the Zone meeting with a high level of support amongst members. He believed other councils would follow suit in voicing support for this worthwhile cause.

**Cr Collinson – Cr Nardi**

**That the CEO write to WALGA seeking clarification with regard to the comments made by Troy Pickard.** CARRIED UNANIMOUSLY

### 345. REPORTS OF THE CHIEF EXECUTIVE OFFICER

#### 345.1 *Annual Report 201011 – Annual Electors' Meeting* *By Stuart Wearne, Chief Executive Officer, on 5 December 2011*

Under s5.54 of the Local Government Act, the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.

**ATTACHMENT**



13 December 2011

## MINUTES

The Electors' Meeting must be held no more than 56 days after Council accepts the annual report for the previous financial year. It is proposed that this meeting be held on Monday, 6 February 2012.

**RECOMMENDATION**

That Council:

1. accept the 2010/2011 Annual Report
2. hold the Annual Electors' Meeting on Monday, 6 February 2012 at 6.30pm.

**Absolute Majority Resolution Required**

Cr Martin raised a number of typographical errors and queried the non inclusion of several items which, pursuant to relevant provisions of the Act, she understood needed to be included.

The CEO undertook to follow up on this noting that under current Departmental arrangements, not all amendments to the Act (which, if Cr Martin was correct, must have occurred) were automatically being received by Council as had originally been the case and was currently the matter of a dispute between State Law Publishers and the Department.

Cr Wilson raised the Town Planning report which she felt needed to include a summary of achievements for the year.

The CEO agreed with this view however did note the pressure the Manager Planning Services had been under with respect to the Town centre policy and Town Centre planning application. Nevertheless, now that this work was complete, he would request the Manager Planning Services to amend his report.

**Cr Martin – Cr Wilson**

**That Council:**

1. **accept the 2010/2011 Annual Report subject to the inclusion of more detailed information in relation to the town planning section of the report and subject to the inclusion of any amendments necessary to achieve conformity with the requirements of the Local Government Act, prior to the 31 December 2011.**
2. **hold the Annual Electors' Meeting on Monday, 6 February 2012 at 6.30pm.**

CARRIED  
ABSOLUTE MAJORITY

**345.2*****Shade Sails Lee Park & Lights Wauhop Park***

*By Stuart Wearne, Chief Executive Officer, on 9 December 2011*

Two items have arisen which, whilst they could be dealt with in the context of a mid year budget review, whenever that is to be held, are such that it would be beneficial if they could be dealt with at this meeting.

Shade Sails Lee Park

Council staff recently received a request from a local resident for shade sails to be erected over the playground of this recently upgraded park (attached is part of the correspondence). **ATTACHMENT**

Funding at the time of the upgrade was not sufficient to allow for shade sails although their value was recognised. Nor were there sufficient funds to include the item in this year's budget.

Were the matter held over to the mid year review, that delay, combined with the delay in obtaining the shade sails once they are ordered, would mean they would not be installed until winter. The member of public was hoping they could be installed at least during part of summer.

Since the upgrade, the park has become very popular and the request is supported.



13 December 2011

## MINUTES

A review of Council's budget situation indicates the request, which involves estimated expenditure of \$15,989, can be accommodated through a minor budget variation, which takes into account increased investment earnings.

In that regard the year to date budget estimate was \$99,995 and to date the actual earnings have been \$119,373, a positive difference of \$19,378.

**RECOMMENDATION**

That Council approve expenditure of up to \$16,000 for shade sails for Lee Park subject to an appropriate budget allocation. **Absolute Majority Resolution Required.**

**(i) Cr Nardi – Cr Collinson**

**That Council approve expenditure of up to \$16,000 for shade sails for Lee Park subject to an appropriate budget allocation.**

**CARRIED**  
**ABSOLUTE MAJORITY**

*Mayor Ferris made the following impartiality declaration in the matter of lights at Wauhop Park: "As a consequence of being a coach of a junior soccer team at the East Fremantle Tricolore Soccer Club, 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".*

Lights Wauhop Park

Attached is a copy of a previous report regarding this issue.

**ATTACHMENT**

Elected members will note in that report by the CEO, the CEO stated

*"As there has been no provision for this item in the current budget and as the project would need to be acquitted by 15 June 2012, the expenditure could only be approved in the mid year budget review."*

Recently the Club was advised that their second application had been successful (the first was refused).

As indicated in the CEO's report the project must be acquitted by 15 June 2012.

Council has already signified support for this project subject to available funding being identified in the mid year budget review.

The CEO proposes there would be various benefits, both for Council and the Club, in that decision being brought forward.

A review of Council's budget situation indicates the request, which involves expenditure of \$38,000, can be accommodated by a minor budget variation, which takes into account increased investment earnings (see above) and higher than anticipated commercial service charges. In that regard Council has already received \$80,468 against a budgeted yearly income of \$50,143.

**RECOMMENDATION**

That Council approve expenditure of up to \$38,000 for lights at Wauhop Park subject to an appropriate budget allocation. **Absolute Majority Resolution Required.**

**(ii) Cr Martin – Cr Nardi**

**That Council approve expenditure of up to \$38,000 for lights at Wauhop Park subject to an appropriate budget allocation and any expenditure being consistent with the terms of Council's original approval.**

**CARRIED**  
**ABSOLUTE MAJORITY**



13 December 2011

## MINUTES

**345.3 King Street Footpath: Consultation**  
**345.4 Glasson Park Upgrade: Consultation**

The CEO sought feedback from elected members on how they wished to proceed with resident consultation for the above projects. He advised that although a letter drop would be carried out to King Street residents and a notice would appear in the local paper, he enquired whether elected members considered the letter drop should extend further to surrounding streets.

Elected members expressed the view that:

- a letter drop to King Street residents only regarding the proposed footpath upgrade would be sufficient.
- a morning tea in Glasson Park be arranged where plans for both projects could be displayed and residents could discuss the proposals with ward councillors.

**345.5 Exercise Equipment Location**

The CEO sought feedback from elected members on suggested locations for further proposed exercise equipment. He advised that the Operations Manager considered the area adjacent to the soon to be erected gazebos (opposite Kitson Park) a suitable location.

Discussion took place regarding suitable locations, and it was agreed that the matter be considered again, once the gazebos were in place.

**345.6 Library Visit**

The CEO reminded elected members that the visit to the Fremantle/East Fremantle Library had been arranged for 31 January 2012.

**345.7 East Fremantle Oval Precinct Workshop**

The purpose of the Workshop was to obtain agreement from elected members, or at least a consensus or majority basis position, regarding the agreed elements of the project, which would then be the subject of a Business Plan, which would be separately arranged.

The CEO advised that this Workshop had been tentatively arranged for the 31 January 2012 but given the clash with the Library visit and the inability to change the date of that visit with City of Fremantle elected members also being invited, it had been decided to convene this Workshop on Monday, 30 January 2012. He had arranged for Mr David Hayter of SRD Consulting to facilitate the session and it was hoped all elected members would be in attendance.

**345.8 Swan Yacht Club Lease**

The CEO provided a verbal update on progress. It had been hoped to have a report prepared for this meeting however delays at both Council's solicitors and at the Club's end had prevented this. In response to a query about the possibility of a Special Meeting in either late December or early January to expedite matters, should a draft lease be ready for decision making at that time, elected members indicated they preferred the matter be dealt with at a normal meeting, which they assumed would likely be in February.

**345.9 Appointment of Shelley Cocks to Municipal Waste Advisory Council**  
*By Stuart Wearne, Chief Executive Officer, on 9 December 2011*

This is to advise Shelley Cocks has been appointed to the Municipal Waste Advisory Committee following a successful competitive application, after having been encouraged to apply.

The appointment reflects well on Shelley and the Town.

The Municipal Waste Advisory Council (MWAC) is a standing committee of the Western Australian Local Government Association with delegated authority on municipal waste issues.



13 December 2011

## MINUTES

The Council's membership includes other local government officers (both metropolitan and non metropolitan), and the major waste management based Regional Councils, including the SMRC, Eastern Metropolitan Regional Council, Western Metropolitan Regional Council, Mindarie Regional Council, Rivers Regional Council, and Bunbury Harvey Regional Council. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

The group focuses its work in three main areas:

- The proactive development of policy on priority issues
- Comprehensive representation of local government views on legislation, regulations, administrative policy and related matters; and
- The delivery of grant funded programs consistent with local government priorities.

**RECOMMENDATION**

That the information be received and Shelley Cocks be congratulated on her appointment.

**Cr Collinson – Cr Wilson**

**That the information be received and Shelley Cocks be congratulated on her appointment.** **CARRIED**

**345.10 Integrated Planning & Reporting Training**

The CEO reminded elected members of the Integrated Planning & Reporting training which was being run by WALGA at a number of locations in metropolitan area. He advised of an additional session being held at the Town of Vincent on Monday, 19 December 2011.

Crs Wilson, Martin and Nardi indicated their intention to attend the training on Monday 19 December 2011 and the CEO undertook to arrange registration. It was understood Cr Rico had already registered for this session.

**435.11 Local Government Reform**

The CEO provided an update on this issue, as follows:

As previously reported, in June 2011, John Castrilli and the Premier announced the appointment of a three-member, independent Metropolitan Governance Review Panel to examine "boundaries and governance models for local governments in the Perth metropolitan area".

Members of the Panel are:

- Professor Alan Robson (Chair), Vice-Chancellor of the University of Western Australia;
- Dr Peter Tannock, former Vice-Chancellor of the University of Notre Dame Australia; and,
- Dr Sue van Leeuwen, Chief Executive Officer of Leadership WA.

The Terms of Reference of the Panel are:

- (i) Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years;
- (ii) Identify current and anticipated national and international factors likely to impact in the next 50 years;
- (ii) Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation,





13 December 2011

MINUTES

engagement, accountability and State imperatives among other things the Panel identify during the course of the review;

- (iv) Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community;
- (v) Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and
- (vi) Present a limited list of achievable options together with a recommendation on the preferred option.

The CEO had commented previously on the loaded nature of Term of Reference No 4.

The Panel had publicly announced and released an Issues Paper in early November 2011 to the general public (including local governments) which the CEO had previously distributed.

The Panel had held 3 Public Forums in November, which, like the Issues Paper, were well publicised, together with the Panel's website [www.metroreview.dlg.wa.gov.au](http://www.metroreview.dlg.wa.gov.au)

Submissions and responses to the Issues Paper were required by 23 December 2011.

The Panel intended to release its draft conclusions in March 2012 and invite further comments at that time.

The Panel would report back to the Minister by 30 June 2012.

24 "Key Questions" are contained in the Issues Paper. In addition the Panel have released six Supplementary Questions "Specifically targeted at Local Governments".

The CEO then read the 30 questions:

- Do you think there is a need for better local government arrangements in metropolitan Perth? Why? Or why not?
- If you think there is a need for a better local government system, what should the priorities of the new system be? What should its objectives be?
- What are the best aspects of local government in its current form?
- What is your vision for the future of the Perth metropolitan area?
- What do you think are the biggest issues facing metropolitan Perth?
- Do you think local government in metropolitan Perth is ready to face the demands and challenges of the next 50 years? If not, what do you think needs to be changed?
- Do you think that local government in Perth will be able to deal with national and international issues such as climate change and growing populations?
- Do you think local government should be responsible for managing these issues, or should they be the responsibility of the State or federal governments?
- Who should pay for the social and physical infrastructure and services required to cope with these issues?
- Is metropolitan Perth in a position to be an effective international competitor? If not, what would you change?



13 December 2011

## MINUTES

- What do you think about the other governance models discussed here, such as those adopted in Auckland or Vancouver? Which aspects of these models would work in Perth? Which aspects would not work?
- Do you know of any governance systems that work well elsewhere, either in Australia or overseas, that might work well in Perth?
- Should more be done by local governments to engage with the community?
- Should voting be compulsory for local government elections?
- Does metropolitan Perth have too many local governments? What would be the advantages and disadvantages in reducing the number of local governments?
- If the boundaries and/or roles of Perth's local governments are changed, what should be the criteria for doing so? Are the LGAB's factors (cited above) the right criteria?
- Should local government boundaries be set by an independent body and reviewed at regular intervals?
- If Perth's local government boundaries do not change, how do you think services to communities could be improved?
- What do you consider are the main roles and responsibilities of local governments?
- In an urban area like Perth, which functions should belong to the State or Commonwealth governments?
- Are there any State-provided services that local government might be better placed to provide?
- What do you consider to be the principles of good governance at a local level?
- Do you think there should be greater State government oversight of issues, such as key performance indicators and senior local government employee appointments and salaries?
- If you could make a recommendation to the Minister for Local Government about the best way to organise local government in metropolitan Perth, what would you say?
- What do you think are the biggest issues facing Local Government in Metropolitan Perth?
- What changes or improvements in arrangements are needed between the State and Local Government sector for governing Perth?
- What services should Local Government provide in the metropolitan area?
- How should Local Government be financed to provide those services?
- Are there any State-provided services that Local Government might be better placed to provide? Conversely, are there any Local Government provided services which the State might be better placed to provide?
- What are the limitations or restrictions on Local Government doing more or in delivering current services more effectively or efficiently?

The CEO reiterated previously expressed concerns about the true basis of the review (as opposed to the "official" position) and noted these concerns had been expressed, in the form of a number of questions in a letter sent to John Castrilli in August.

The CEO further noted that the Minister had failed to respond to any of the questions although had said the letter had been forwarded to Dr Chris Berry, the Review Panel's Project Officer "for a direct reply on behalf of the Panel". However no reply had been received.

The CEO expressed the view that the Minister simply remained determined to achieve, by any means, less local governments in WA regardless of any demonstrated rationale



13 December 2011

## MINUTES

for doing so, both in general and at an individual local government level and, having found the country too hard to crack without the Nationals' support, has now turned to metropolitan Perth under the guise of alleged concerns about Perth needing to be internationally competitive etc.

The CEO noted that this supposed significant concern had never been mentioned between February 2009, when the Minister commenced his "reform" program, and June 2011 when he simply stated when announcing the Review, without explanation "the priority is now the Perth metropolitan area".

Tactically this was a clever "divide and conquer" move (which the CEO had previously foreshadowed was an option, amongst others, which the Minister might resort to in the face of the failure of his Statewide "reform" program), given the majority of local governments in WA are in the country and the Government will be hoping to be able to govern in their own right after the next election. In that event, the Government could then set about reducing the number of local governments in the country without having to worry about opposition from the Nationals.

Despite the Review Panel claiming they would not be fettered by Term of Reference Number 4, it was quite clear the Panel was headed in a pro amalgamation direction. This is based:

- (i) on a reading of the Issues Paper, which in significant respects reflects views expressed earlier by the Minister
- (ii) a reading of a speech Professor Robson gave to the recent LGMA Conference.
- (iii) newspaper reports of Professor Robson's comments made at public forums.

In none of the above material does the issue of local democracy appear to rate much consideration.

It was also noted the Minister has already publicly stated, in the absence of any report from the Panel, *"it is expected that the panel will submit recommendations to me by June 2012, which will result in the drawing of new local government boundaries"*.

This suggests a pre-determined position on the Minister's position, with only the detail to be fitted in.

The CEO noted WALGA's role, or at least that of Troy Pickard, which had already been commented on.

WALGA have been given until 31 January 2012 to make a submission. They state "This will allow Local Government input into WALGA's submission and will provide an opportunity for the submission to be endorsed by the Local Government sector through a special Zone and State Council process in late January 2012". This was being done "under the guidance" of the "President's Advisory Group", namely Troy Pickard's handpicked group of State Councillors, CEOs and staff.

There were real concerns WALGA (or at least Troy Pickard), had abandoned the SSS model which almost every local government in WA had endorsed, or at least the "no forced amalgamation" aspect of it, and was happy to dump local governments such as the Town of East Fremantle in their embracing of the Minister's new position.

The CEO noted the huge amount of time which would be required to comprehensively and satisfactorily respond to all of the 30 questions posed by the Panel.

The CEO noted only about 7 weeks had been provided for this exercise, notwithstanding the significance of the issue, which the Panel's Issues Paper describes, rather grandly, as a "once-in-a lifetime opportunity to transform our local government scene".



13 December 2011

## MINUTES

Some local governments had employed consultants to prepare a response and others were yet to provide a response, if all.

The CEO indicated he would wish to provide some response if possible although this could not be guaranteed. In the event it were possible he recommended a delegated authority be granted to do so.

Meanwhile the Mayor, Deputy Mayor and CEO would meet the Panel at a meeting to be held at the City of Cockburn in two days time at which they would be granted a 30 minute audience with one (only) member of the Panel.

This arrangement had only come about due to an initiative by the City of Cockburn to have such a session with members of the South West Group.

Otherwise no meeting would have occurred, notwithstanding a letter from the Minister dated 24 June 2011, shortly after his announcement, in which he stated "Each local government will be contacted by the panel as part of this review..."

**Cr Collinson – Cr Nardi**

**That the CEO be granted authority to provide a response, time permitting, to the Issues Paper distributed by the Metropolitan Local Government Review Panel.**

CARRIED  
ABSOLUTE MAJORITY

**435.12 Newsletter**

The CEO advised that a copy of the newsletter had been circulated to all elected members with the agenda and would be delivered to residents at the end of the week.

Elected members expressed great satisfaction with the newsletter and the Mayor thanked the CEO and staff for the effort they had put in to produce it.

**435.13 East Fremantle Festival Report**

The CEO advised that Cynthia Williamson had provided a final report on the East Fremantle Festival which would be circulated to all elected members.

**436. CONFIDENTIAL BUSINESS****436.1 Royal George Hotel  
Cr Martin – Cr Nardi**

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

CARRIED

The CEO provided an update on the current situation relating to the Royal George Hotel with respect to:

- (i) communications with the National Trust
- (ii) the previously granted development approval
- (iii) the receipt of any new development application.

The CEO also drew attention to the following article which would be distributed, by way of information, to all households in East Fremantle.

*"On 14 September 2011, the Town was advised that the National Trust had designated Matthews Architecture as the preferred developer for the Royal George Hotel.*

*In January 2005 the National Trust was gifted the Royal George Hotel by the state government for 'heritage purposes'. Council only received the first development application over four years later, in May 2009. However due to insufficient*



information, council could not approve the application. The National Trust then appealed to the State Administrative Tribunal (SAT) in 2010, on the basis of a deemed refusal by Council.

After a protracted appeal process, council approved an amended application, however the National Trust appealed some of the conditions. A negotiated outcome between the parties, which completely vindicated council's original concerns, was ultimately approved by SAT in June 2011. Unfortunately, the National Trust appointed developers subsequently chose to not proceed.

At this stage council has received neither concept plans nor a new development application from Matthews Architecture. If the development application approved by SAT in June 2011 is not to proceed, council looks forward to receiving a new development application as soon as possible. We hope that this East Fremantle heritage jewel can, without further delay, be finally restored and returned to an appropriate use for community benefit."

Cr Nardi – Cr Collinson

That the Chief Executive Officer's report be received.

CARRIED

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

Nil.

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

Nil.

439. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.50pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 13 December 2011, Minute Book reference 327. to 439. were confirmed at the meeting of the Council on

.....

Presiding Member