



15 June 2010

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**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 JUNE, 2010 COMMENCING AT 6.38PM.**

**107. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**107.1 Present**

Mayor A Ferris	Presiding Member
Cr B de Jong	
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr R Olson	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Roberts	Executive Manager Finance & Administration
Ms G Basley	Acting Town Planner (To 8.40pm)
Ms J May	Minute Secretary

**108. 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."*

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

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

**110. RECORD OF APPROVED LEAVE OF ABSENCE**

Nil.

**111. RECORD OF APOLOGIES**

Nil.

**112. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**113. PUBLIC QUESTION TIME**

Nil.

**114. APPLICATIONS FOR LEAVE OF ABSENCE**

**114.1 Cr Rico**

The Presiding Member advised that a request for leave of absence for Cr Rico had been received for the meeting as Cr Rico was still incapacitated following a recent accident.

**Cr Martin – Cr de Jong**

**That leave of absence be granted to Cr Rico for tonight's Council Meeting.**

CARRIED

**114.2 Cr Collinson**

Cr Collinson requested leave of absence for the Council Meeting on 6 July 2010.

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Cr Martin – Cr de Jong  
That leave of absence be granted to Cr Collinson for the Council Meeting on 6 July 2010. CARRIED

114.3 **Cr Lilleyman**  
Cr Lilleyman requested leave of absence for the Council Meetings on 3 and 17 August 2010.

Cr Martin – Cr de Jong  
That leave of absence be granted to Cr Lilleyman for the Council Meetings on 3 and 17 August 2010. CARRIED

114.4 **Mayor Ferris**  
The Mayor requested leave of absence for the Council Meeting on 6 July 2010.

Cr Martin – Cr de Jong  
That leave of absence be granted to Mayor Ferris for the Council Meeting on 6 July 2010. CARRIED

**115. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

115.1 **Council Meeting – 25 May 2010**

(i) Cr de Jong – Cr Nardi  
That Council give consideration to the proposal to revoke part of the resolution relating to planning approval for 174 Preston Point Road. CARRIED UNANIMOUSLY

(ii) Cr de Jong – Cr Collinson  
That portion of the resolution (Minute Book Reference 100.11) of the Council Meeting held on 25 May 2010 which referred to “plans date stamped 5 May 2010” be revoked. CARRIED  
ABSOLUTE MAJORITY

(iii) Cr de Jong – Cr Collinson  
That resolution (Minute Book Reference 100.11) of the Council Meeting held on 25 May 2010 refer to “plans date stamped 8 February and 22 March 2010”. CARRIED

(iv) Cr de Jong – Cr Collinson  
That the Minutes of the Council Meeting held on 25 May 2010, as amended above, be confirmed. CARRIED

**116. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**

116.1 **Citizenship Ceremony**  
Mayor Ferris reminded elected members that a citizenship ceremony was to be held on Monday, 21 June 2010 at 5.30pm and requested attendance if possible.

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

Nil.

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

Nil.

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**119. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)****119.1 T159.3 No 88 (Lot 433 & 534) George Street East Fremantle**

**Heritage Council of WA:** Requesting that the report from structural engineer Ian Maitland regarding 88 George Street be forwarded to the Heritage Council to allow further comment on the proposal.

**Cr Olson – Cr Nardi**

**That the correspondence from the Heritage Council of WA be received and held over consideration when the matter comes forward for discussion later in the meeting (MB Ref 121.1).** CARRIED

**120. ORDER OF BUSINESS**

**Cr de Jong – Cr Collinson**

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

**121. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)****121.1 T159.3 No. 88 (Lot 433 & 534) George Street, East Fremantle**

**Applicant: Peter Broad: In House Building Design**

**Owner: Puresea Investments Pty Ltd**

**Application No.: P83/2008**

The following additional report was considered:

**No. 88 (Lot 433 & 534) George Street, East Fremantle**

**Applicant: Peter Broad: In House Building Design**

**Owner: Puresea Investments Pty Ltd**

**Application No.: P83/2008**

By Gemma Basley, Acting Town Planner on 11<sup>th</sup> June 2010

**BACKGROUND****Description of subject site**

The subject site is:

- zoned Mixed Use;
- located in the Plympton Precinct
- 794m<sup>2</sup> in area;
- developed with single-storey commercial building that is included on the Town's Municipal Inventory (management category B<sup>^</sup>); and
- located within the George Street Heritage Precinct. The George Street Precinct is listed in the Town Planning Scheme 3 Heritage List.

**Description of Proposal**

It is proposed to amend a previous approval of Council dated 15<sup>th</sup> December 2009. The previous approval is for a three-storey mixed-use development.

The amendments the subject of this application involves:

- removal of the existing façade and return walls;
- preservation of some original materials, particularly the ornate facade pediment; and
- the reconstruction of the original façade and return walls in a manner to replicate the façade in the way it was originally built.

**Statutory Considerations**

- Town Planning Scheme No. 3 (TPS3)
- TPS3 Local Planning Strategy

**Relevant Council Policies**

None

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**Date Application Received**26<sup>th</sup> March 2010**Date Advertised**8<sup>th</sup> April 2010**Close of Comment Period**23<sup>rd</sup> April 2010**Site Inspection**By Acting Town Planner on 3<sup>rd</sup> June 2010**No. of Days Elapsed between Lodgement & Meeting Date**

76 days

**Any Relevant Previous Decisions of Council and/or History of an Issue or Site**

15 July 2008                      Council approves a planning application for a three-storey mixed-use development at the subject site.

15<sup>th</sup> December 2009            Council approves an amended planning approval for a three storey development, by approving additional floor space.

**CONSULTATION****Principal Building Surveyor's Comment**

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

**Town Planning Advisory Panel**

This application was considered by the Town Planning Advisory Panel at its meeting held on 27<sup>th</sup> April 2010 and the following comments were made:

TPAP Comment	Applicant Response
Disagree with Engineer's recommendation.	Noted
Believe that the wall can be stabilised through retention of the wall/building to ensure no further damage.	There are other options available such as pumping a cement like compound diagonally underneath the existing footings to try and create a compact and stable footing. This work is significant and there would still be a risk that in this process the original facade could be further damaged.
Engineer's report does not say wall cannot be fixed.	The Engineers recommendation states that to replace the bracing and implement the redevelopment as per the current approval (retaining the façade) would not prevent further potential settlement of the wall and consequential cracking.
Original development approval would have required the retention of the façade – this requirement should be reinstated.	The original approval required <i>the original façade to be researched to allow it to be authentically restored</i> . The research that has been undertaken has recommended that to enable it to be restored, the issues that are causing its rotation, cracking and lean should be resolved first and the wall then reinstated.



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In response to the above comments the previous applications and Council approvals have been investigated by the Acting Town Planner. The original approval by Council resolution dated 15<sup>th</sup> July 2008 included Condition No. 1, which is quoted below:

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

The amended planning approval (Council resolution 15<sup>th</sup> December 2009) did not make any amendments to the original approval regarding the retention of the façade or the return walls.

**Heritage Council of WA (HCWA)**

The subject site is not included on the State Heritage Register and hence referral to the Heritage Council of WA is at the Town's discretion. Based on the concerns raised by the Town Planning Advisory Panel, the proposal was referred to the HCWA.

The HCWA have responded to the Town and advised that a Conservation Officer has assessed the development referral in the context of the identified heritage significance of the place and further advise that they have no objection to the proposal and provide the following comment:

- "1. The reconstruction works should utilise as much of the existing fabric as possible."

**Public Submissions**

No submissions received.

**REPORT****Background**

The matter was considered at the Town Planning and Building Committee (Private Domain) meeting of 8<sup>th</sup> June 2010. The Committee deferred making a recommendation on the application pending an officer assessment of the engineering advice tabled by the applicant at the meeting, with a request for a revised report which the Committee wished should address the means of retaining as much as possible of the existing fabric.

**Considerations**

88 George Street contains an important building that has been highly rated in the Municipal Inventory. As a Category B building, Council has resolved the building should receive a "high level of protection" and "be retained and appropriately conserved". Council's initial approval of the redevelopment of the site required the retention and the authentic restoration of the façade.

As stated above, the TPAP did not support the subject application and were of the mind that the facade could be repaired as opposed to being replaced. Based on this and the heritage significance of the building, the Chief Executive Officer approached the applicant and obtained the applicant's agreement to obtain further engineering advice, in this case from Ian Maitland, an engineer recognised by the Heritage Council for his expertise in heritage issues. The applicant was also agreeable to the deferral of a final decision on the application to allow for this. The applicant subsequently engaged Maitland Consulting Structural Engineering (MCSE) and an assessment was undertaken on the 8<sup>th</sup> June 2010. The report prepared by MCSE was tabled at the Committee meeting last week.

MCSE concluded the façade should not be demolished and could be rendered structurally adequate in the redevelopment of the building by:

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1. stabilizing footings by microfine cement injection of foundations or physically underpinning the footings.
2. laterally anchoring the façade by steel tie backs extending from the façade at parapet level back to the three north south return walls.

The report further stated that the above techniques were tried and proven ways of overcoming what are common inadequacies in facades, and have been used by MCSE on numerous projects. Further the report stated that the façade should be left in its current leaning state and that attempts to try and revert it to a vertical position was highly problematic and damage would inevitably occur. The advice from MCSE was conclusive and demonstrated that the wall could be restored and retained.

Since the Committee meeting the Chief Executive Officer has spoken with Ian Maitland in regard to his report.

Mr Maitland confirms his position with respect to his report and raised strong concerns regarding the alternative approach favoured by the applicant.

Notwithstanding the MCSE report, further advice from the applicant indicates that the owner remains committed to the removal and reconstruction of the façade and return walls re-using the large elements and replacing the lineal moulding with remoulded product. These measures are not considered to meet the requirements of the original approval, which require, as indicated above, the façade to be "authentically restored".

With the above in mind it is the assessment of the officer that this item should be deferred pending the outcome of further consultation between the Town of East Fremantle and the applicant, and other relevant parties such as the Heritage Council. It may also be considered necessary to require further specialist advice. The only other reasonable alternative would be to refuse the application.

**RECOMMENDATION**

Council defer the determination of the application to replace the façade and return walls of the building at 88 (Lots 433 & 534) George Street pending further consultations with the applicant and other relevant parties and consideration of whether further specialist advice is required.

The email from the Heritage Council of WA, referred from Correspondence (MB Ref 119.1) was tabled.

Mr Riccardi (owner) and Mr Broad (applicant) addressed the meeting, again advising that it was proposed to retain as much of the façade as possible but expressing concern regarding the major cracks and outward lean of the building and the engineer's suggested method of stabilising the footings and retaining the building's lean. Mr Broad advised that it was possible to manufacture mouldings which replicate all features of the existing façade if required.

*Cr Lilleyman – Cr Martin*

*That approval be granted to allow the applicant to remove and reconstruct the façade and return walls of the building at 88 George Street (Lots 433 and 534).* LOST

**Cr Collinson – Cr Wilson**

**Council defer the determination of the application to replace the façade and return walls of the building at 88 (Lots 433 & 534) George Street pending further consultations with the applicant and other relevant parties and consideration of whether further specialist advice is required.** CARRIED

*Mayor Ferris made the following impartiality declaration in the matter of 33 Hubble Street: "As a consequence of my friendship with the applicant (John Chisholm), 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".*



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Cr Collinson made the following impartiality declaration in the matter of 33 Hubble Street: "As a consequence of the neighbour (Janet Machin) being known to me through my association with Glyde-In, 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".

Cr Wilson made the following impartiality declaration in the matter of 33 Hubble Street: "As a consequence of the neighbour (Janet Machin) being known to me through my association with Glyde-In, 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".

**121.2 T159.3 No. 33 (Lot 68) Hubble Street, East Fremantle****Applicant: John Chisholm Architects****Owner: R Payne****Application No. P60/2010**

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

*"The subject application was recommended to Council at the June 8<sup>th</sup> Committee meeting as follows:*

*"That the application be deferred to allow the applicant the opportunity to respond to the neighbour's concerns regarding overshadowing"*

*In the last 2 days, the applicant has submitted additional information in response to the neighbour's concerns. The additional information has been provided to the neighbour and provides greater detail on the overshadowing (at all times of the year) and the impact in relation to the neighbour's dwelling. No additional information has been submitted from the neighbour to dispute the overshadowing calculations (as was indicated by her son at Committee).*

*The following report is an update to the Committee report and includes the consultation that has occurred this week. In addition, the report expands on the R-Codes provisions/guidelines relating to overshadowing, which acknowledge the difficulty in protecting narrow east-west oriented lots from overshadowing (such as 35 Hubble Street).*

*The report finally recommends approval to the application.*

*It is understood that the applicant and the neighbour will be attending the meeting tonight."*

**No. 33 (Lot 68) Hubble Street, East Fremantle****Applicant: John Chisholm Architects****Owner: R Payne****Application No. P60/2010**

By Gemma Claire Basley, Acting Town Planner on 15<sup>th</sup> June 2010

**BACKGROUND****Description of Proposal**

An Application for Planning Approval for proposed renovations and additions to the existing residence and comprising the demolition of the lean to at the rear of the existing building is the subject of this report.

**Description of site**

The subject site is:

- a 509m<sup>2</sup> block
- zoned Residential R20
- developed with a an existing residence listed on Council's Draft Municipal Inventory listed under the C Management Category
- adjoins 35 Hubble Road to the south which is developed with an attached terrace house on a lot with an area of 254m<sup>2</sup>; and

- adjoins 31 Hubble street to the north, which contains an existing dwelling that is well setback from the boundary

**Statutory Considerations**

Town Planning Scheme No. 3  
Local Planning Strategy - Plympton Precinct (LPS)  
Residential Design Codes (RDC)

**Relevant Council Policies**

Local Planning Policy No. 66 : Roofing (LPP 066)  
Local Planning Policy No. 142 : Residential Development (LPP 142)

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : No impact  
Footpath : No impact

**Date Application Received and Documentation**

Plans and relevant forms date stamp received on 24<sup>th</sup> March 2010

Revised Plans received 14<sup>th</sup> June 2010

**No. of Days Elapsed between Lodgement & Meeting Date**

76 Days since original application lodged and 1 day since revised plans lodged

**Any Relevant Previous Decisions of Council and/or History of an Issue or Site**

Nil

**CONSULTATION**

**Advertising**

Adjoining land owners were advised of the proposed development and had an opportunity to lodge submissions between the period of the 8<sup>th</sup> and the 23<sup>rd</sup> April 2010.

During the advertising period only one submission was received the details of which were included in the Committee Report. The objections are summarised below:

- No support for parapet walls
- Overshadowing impact on solar access
- Location of air-conditioners in proximity to boundary
- Loss of amenity as a result of the size and scale of the parapet walls
- Lack of consultation between applicant and neighbour
- Application exceeds the site cover requirements

In response to the neighbour objections, the applicant undertook modifications to the design as summarised below:

- Setback Master Bed 1m to boundary (removing need for a parapet wall)
- Setback kitchen 0.3m to the boundary
- Reduced wall height of kitchen to 2.4m
- Reduced additional overshadowing on 35 Hubble street by 50%
- Reduced the site cover to comply with the R-Codes

The Acting Town Planner referred the revised plans to the representative of the owners of 33 Hubble Street and received similar objections as summarised below:

- Restriction in solar access to the outdoor living area and habitable rooms of 35 Hubble Street.
- Risk of increased noise, above background levels, from the proposed air-conditioning.
- Setback of kitchen wall does not comply with the R-Codes as it contributes to the restriction of the solar access and loss of 35 Hubble Street's amenity.



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In response to the neighbour's representative's objections, the applicant advised as follows:

- The proposed addition will result in an additional 4.93% of overshadowing. None of this will restrict access to the habitable rooms as the sunlight to these is already blocked by the existing dividing fence and the existing residence on 33 Hubble Street.
- The owner has sought the quietest air conditioning units and will install acoustic screens to completely minimise any disturbance.
- The setback of the kitchen results in maybe 1% of additional overshadowing to that already caused by the dividing fence.

**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting held on 27<sup>th</sup> April 2010 and the following comments were made:

TPAP Comment	Town Planner/Applicant Response
Overcome overshadowing if possible by pulling back side boundary slightly	Amended plans have been submitted that pull back the walls and reduce overshadowing
Improvement and conservation works to existing dwelling commended thereby maintaining the character of the Plympton Ward	Noted and agreed

**Principal Building Surveyor's Comment**

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

**Site Inspection**

By Acting Town Planner on 31<sup>st</sup> May 2010

**REPORT**

The subject matter was considered at the Town Planning and Building Committee (Private Domain) meeting of 8<sup>th</sup> June 2010. The Committee deferred making a recommendation on the application to allow the applicant the opportunity to respond to the neighbour's concerns regarding overshadowing.

In the week between the Committee and Council Meetings, the applicant has responded to the neighbours concerns regarding overshadowing by submitting additional documentation which illustrates the following:

- the building footprint of the neighbour's residence and the impact of overshadowing on the residence.
- winter sun diagram
- autumn/spring sun diagram; and
- summer sun diagram

The additional information has been provided to and discussed with the neighbour Dr Jan Machin. In these discussions, Dr Machin requested the applicant consider the following:

- setback the kitchen 1m to the boundary;
- reposition the air-conditioners to the western boundary; and
- replace asbestos fencing in the front setback area

The applicant has responded as follows:

- applicant/owner does not support the increased setback to the kitchen and consider they have addressed the neighbours concern by increasing setback by 0.3m and by reducing the wall height of this room;
- support the repositioning of the air-conditioners west of the dwelling; and
- support and will take on the replacement of the asbestos fence in the front setback area.

The R-Codes (Explanatory Guidelines) acknowledge that site conditions can have a significant impact on climate sensitive design. The R-Codes gives an obvious example being “a narrow east-west oriented lot on the south side of a development site...is highly vulnerable to being overshadowed, even by a relatively low building setback from the common boundary.” 35 Hubble Street is exactly this, a narrow east-west lot on the south side of a development site and as such overshadowing is considered to be caused primarily as a result of the lot orientation. The additional overshadowing over and above that which already occurs, is considered to be minor.

The revised plans as lodged are generally compliant with the requirements of the R-Codes in terms of setbacks, open space provision, access and parking, streetscape, site works and privacy requirements. There are only two variations, which are sought by the applicant and are listed and justified below:

R-Code Requirements	Proposed	Acting Town Planner Comment
<p><u>Solar Access for Adjoining Sites</u> On adjoining properties coded R25 and lower – 25% of the site area can be subject to overshadowing from the adjoining development.</p>	<p>The existing residence at 33 Hubble and the existing dividing fence between 33 and 35 Hubble Street already overshadows 52% of 35 Hubble Street, which far exceeds the R-Codes requirements.</p> <p>The application proposes to increase the overshadowing by 4.93% or 12.5m<sup>2</sup>.</p>	<p><b>Supported</b> The current excess overshadowing is largely attributed to the narrowness of 35 Hubble Street (effectively a half lot in the order of 6.2m wide).</p> <p>The existing dividing fence already causes up to 2.6m of overshadowing of 35 Hubble Street and this has the greatest impact on solar access to habitable rooms and outdoor living areas.</p> <p>The increase in overshadowing will result in a further 0.6 to 0.7m of overshadowing (on 21<sup>st</sup> June @ 12pm).</p> <p>The increase in overshadowing will not further impact upon any habitable rooms as they are already overshadowed by the dividing fence. The overshadowing will impact a further strip of the outdoor living area (0.6 to 0.7m wide) however, there is still outdoor living area that will not be impacted upon by this overshadowing.</p> <p>Although not ideal, the minor increase is considered to be acceptable in light of the adjoining block being so narrow and already subject to considerable overshadowing from the dividing fence. In addition, the existing house is being retained, which already results in some overshadowing.</p>



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R-Code Requirements	Proposed	Acting Town Planner Comment
<u>Maximum Building Heights</u> Top of External Wall (roof above) 6m  Top of pitched roof 9m.	Maximum wall/plate height of 6.085m  Maximum roof and building height 7.71m	<p><b>Supported</b></p> <p>The increased wall height meets the performance criteria of the R-Codes and will not further impact on the amenity of the adjoining lot in terms of solar access.</p> <p>The second storey of development has only been pursued in response to the neighbours original concerns and as facilitated the setback to the southern boundary being increased.</p> <p>In addition, the increased wall height is significantly offset by a reduced roof height, which is significantly below the maximum permitted under the R-Codes.</p>

**Conclusion**

The proposed renovations and additions at 33 Hubble Street comply with the boundary setback requirements, height requirements, access requirements, open space requirements, privacy requirements and open space requirements of the R-Codes. The proposal involves the retention of a property included on Council's Draft Municipal Inventory whilst improving its appearance and the general amenity of the streetscape.

The applicant has responded to the neighbour's concerns regarding overshadowing by providing additional information and explanation and Council determination on the matter is now considered appropriate. Further the applicant has responded to the applicant's concerns regarding the location of the air-conditioning units and supports locating these at the rear of the dwelling.

It is the assessment of the Acting Town Planner that the only outstanding matter of concern to the neighbour is overshadowing and that the increase in overshadowing is small and unavoidable on a narrow east west oriented lot as is such. The increase in overshadowing of outdoor living areas by 0.6 to 0.7m is considered minor in comparison to the shadow already caused by the fence and there will still be sections of the outdoor living area that will not be subject to any overshadowing.

Given the proposal meets the majority of quantitative provisions of TPS No. 3, the R-Codes and Council Policies and given the variations being requested are minor, the plans is considered acceptable and recommended for Council approval.

**RECOMMENDATION**

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

- (a) variation to the overshadowing requirements of the R-Codes, by a further 4.93% to that already existing as a result of the proposed additions; and
- (b) variation of 0.085m to the wall height requirements of the R-Codes.

for renovations and additions, including a second storey at 33 Hubble Street in accordance with the plans date stamp received on 14<sup>th</sup> June 2010 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



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- varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the placement of air-conditioning units at the rear of the dwelling and the placement of acoustic dampening screens to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers. In the event of concerns, with respect to compliance with the Environmental Protection Noise Regulations 1997, a specialist's report required by Council to be at the applicant's expense.
  3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
  4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  5. the proposed extension is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
  7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
  8. 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.
  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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
  11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Dr Machin (adjoining neighbour) circulated a diagram illustrating her interpretation of overshadowing to her property from the proposal and outlined her concerns regarding this overshadowing and the location of the airconditioning units near her outdoor living area.

Mr Chisholm (applicant) advised the meeting that the original application had been significantly modified following discussions with Dr Machin and apart from the relocation of the airconditioning units to the rear of the residence there were no further amendments that could be made to the proposal without severely diminishing the owners' family's outdoor amenity.

**Cr de Jong – Mayor Ferris**

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

- (a) variation to the overshadowing requirements of the R-Codes, by a further 4.93% to that already existing as a result of the proposed additions; and**
- (b) variation of 0.085m to the wall height requirements of the R-Codes.**

**for renovations and additions, including a second storey at 33 Hubble Street in accordance with the plans date stamp received on 14<sup>th</sup> June 2010 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 placement of air-conditioning units at the rear of the dwelling and the placement of acoustic dampening screens to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers. In the event of concerns, with respect to compliance with the Environmental Protection Noise Regulations 1997, a specialist's report required by Council to be at the applicant's expense.**
- 3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. the proposed extension is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**



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8. 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.
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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Martin requested that the voting of Council members be recorded.

Crs Olson, Collinson, de Jong and Mayor Ferris voted in favour of the resolution with Crs Nardi, Martin, Lilleyman and Wilson having voted against the motion.

121.3

**T160.3 No. 24 (Lot 59) Walter Street, East Fremantle**  
**Applicant: Mario Figliomeni Design Better Buildings**

**Owner: Lisa Ann Stanley**

**Application No. P74/2010**

Mr Stanley (representing owner) addressed the meeting requesting reconsideration of the recommended condition requiring the garage to be relocated behind the building line.

**Cr Martin – Cr Lilleyman**

**That Council exercise its discretion in granting approval for variation to the fill requirements to allow 0.6m in lieu of the 0.5 maximum required by the Codes. for the development of a new single storey residence at 24 Walter Street in accordance with the plans date stamp received on 28<sup>th</sup> May 2010 subject to the following conditions:**

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1. Prior to the issue of a Building Licence revised plans are to be submitted to show the garage being setback behind the building line (wall of house).
2. A schedule of materials and finishes to be submitted to the satisfaction of the CEO prior to the issue of a Building Licence. The materials and finishes are to be of a high standard and to compliment the existing streetscape.
3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a 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.
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.
1. 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.
2. 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.
3. the zincalume roofing is to be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*



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Cr Wilson made the following impartiality declaration in the matter of 24 Osborne Road: "As a consequence of the owners of the property being friends of mine through Richmond Primary School, 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".

**121.4 T159.5 No. 24 (Lot 305) Osborne Road, East Fremantle****Applicant: Marcus Burt Landcraft****Owner: Philip and Elizabeth Grainger****Application No. P76/2010****Cr Wilson – Cr Nardi****The adoption of the Committee's recommendation which is as follows:**

**That Council exercise its discretion in granting approval for a variation to the diving fence on the northern boundary being 2.75 metres high, in lieu of the required 1.8 metre requirement for Dividing Fences for the construction of alterations and additions at 24 Osborne Road in accordance with the plans date stamp received on 25 May 2010 subject to the following conditions:**

- 1. the proposed ancillary accommodation is only to be used by a member of the family, that is of the occupier of the main dwelling.**
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. the proposed alterations and 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, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 8. this planning approval to remain valid for a period of 24 months from date of this approval.**

**Footnote:**

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

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



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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the patio may not be enclosed without the prior written consent of Council.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

## 121.5 T159.7 No. 66 (Lot 502) Duke Street, East Fremantle

*Applicant and Owner: Allison Travis**Application No. P41/2010**Cr Lilleyman – Cr Olson**That Council exercise its discretion for:*

- (a) *the proposed building setback to the south of 1.5 metres, in lieu of the required 1 metre as per the requirements of the Residential Design Codes in relation to building setbacks;*
- (b) *the proposed 2 car bays on site, in lieu of the required 3 bays on site as per the requirements of Home Occupations in the Town Planning Scheme No 3.*

*to enclose the existing decking structure to form a room, to be used for the proposed home occupation (cosmetic tattooing) at the property No. 66 (Lot 502) Duke Street, East Fremantle, in accordance with documentation date stamped received on 19 March 2010, subject to the following conditions:*

- 1. the provision of privacy screening to the south to the satisfaction of the Chief Executive Officer in consultation with relevant officers 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. clients visiting No. 66 Duke Street for the use of home occupation (permanent cosmetic make up) must park on-site with access being obtained only from Duke Street.*
- 6. The hours of operation for the home occupation (cosmetic permanent make up) are to be Monday – Friday 10:30am – 5pm and Saturday 10.30am – 5pm.*
- 7. the Home Occupation approval to remain valid for a period of 12 months from the date this approval and will be subject to review prior to any extension.*
- 8. the cosmetic tattooing to comply with the requirements of the Department of Health Code of Practice for Skin Penetration Procedures. Note: Appendix (2) Special Requirements for Tattooing.*
- 9. this planning approval for the building works will 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.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Nardi requested that the voting of Council members be recorded.



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Crs Martin, Lilleyman, Olson, Collinson, Wilson, de Jong and Mayor Ferris voted in favour of the resolution with Cr Nardi having voted against the motion.

**121.6 En-Bloc Recommendation – Town Planning & Building Committee Meeting of 8 June 2010**

Cr de Jong – Cr Lilleyman

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 8 June 2010 {See MB Ref 121.6(A) to 121.6(D)}.

CARRIED

**(A) T159.4 No. 111 (Lot 430) Petra Street, East Fremantle**

**Applicant: Ms Teresa Marra and Mr David Hayden**

**Owner: Ms Teresa Marra and Mr David Hayden**

**Application No. P80/2010**

That Council exercise its discretion in granting approval for a variation to the open space requirements to provide 51.7% in lieu of the 55% required under the R-Codes for additions and renovations at 111 Petra Street in accordance with the plans date stamp received on 2 June 2010 subject to the following conditions:

1. a schedule of materials and finishes are to be provided to the satisfaction of the CEO prior to issuance of a Building Licence. The materials and finishes are to be of a high standard to complement the existing dwelling and the streetscape.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (d) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.***



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**(B) T160.1 No. 37 (Lot 615) May Street, East Fremantle****Applicant: Treadgold and Perkin****Owner: John and Victoria O'Connor****Application No. P62/2010**

That Council grant its discretion for the cut of the proposed undercroft of 900 millimetres in lieu of the required 500 millimetres as per the Residential Design Codes (cut and fill) to construct a swimming pool, pergola, decking and store room at No. 37 (Lot 615) May Street, East Fremantle, in accordance with documentation date stamp received on 30 March 2010, subject to the following conditions:

1. prior to the issue of a building licence, revised plans shall be submitted and received demonstrating further fixed privacy screening being attached to the northern elevation in order to prevent overlooking within the required cone of vision to the neighbouring property at No. 35 May Street, East Fremantle, to the satisfaction of the CEO.
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. 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.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

**(C) T160.2 No. 52 (Lot 1) Clayton Street, East Fremantle****Applicant: Tony & Jemmina Byers****Owner: Tony & Jemmina Byers****Application No. P83/2010**

That Council exercise its discretion and grant retrospective planning approval for a solid fence exceeding 1.2m in height on the Clayton Street and View Terrace frontages of No. 52 Clayton, East Fremantle as shown on plans received 17<sup>th</sup> March 2010 and 15<sup>th</sup> April 2010 and subject to the following conditions:

1. 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.
2. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnotes:**

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

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

*The Acting Town Planner left the meeting at 8.40pm.*

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**122. FINANCE****122.1 2010/2011 Budget – Differential Rates**

*By John Roberts, Executive Manager Finance and Administration 28 May 2010*

**PURPOSE**

To present a report endorsing a differential rate for commercial and residential properties for necessary advertising purposes.

**BACKGROUND**

Work is underway to produce a final draft of the 2010/2011 Budget for the consideration of the Council.

**REPORT****Differential Rates**

Council currently levies differential rates for its residential and commercial properties. The purpose of imposing a differential rate is to obtain a fair rate distribution and reduce the burden on residential areas by moving a minor percentage of the rates from the residential sector to the commercial sector. It is considered this differential should be maintained.

Council levied the following rates in 2009/2010:

	<b>Rate in Dollar</b>	<b>Minimum Rate</b>
• Residential	7.9485	\$682.00
• Commercial	11.0186	\$840.00

**Revaluation**

In 2008 a revaluation of properties occurred. This revaluation is undertaken by the Valuer General's Office (VGO) office every three years. As a consequence of increased property values since 2005 GRV's were increased for the 2008/2009 financial year and subsequent years. The GRV reflects a notional rental valuation of a property.

The next review will take place during 2010/11 effective 1 July 2011. The cost of this revaluation is estimated to be \$32,000.

**Vacant land**

In the case of vacant land difficulties arise as there is generally no market for the rental of vacant land. To overcome this, the VGO calculates the GRV on a percentage of market value. This is currently 5%. The VGO office have acknowledged that the 5% of market value is too high and would look at reducing this to 3%. This will require a change to legislation. This will not occur before 1 July 2010. Any change after this would be effective from 1 July 2011.

Following historic practice the Town of East Fremantle only has 2 different categories of rates – Residential (which includes vacant land) and Commercial.

**Conclusion**

At the budget forums held 4 May 2010 and 1 June 2010, consideration was given to levels of rate increases required to maintain current levels of service delivery to the community. In respect to the rate increases for 2010/2011, it is proposed that there will be a rate increase to keep up with cost increases.

As a consequence of these deliberations Council staff are preparing the 2010/2011 budget with a 6.0% rate increase.

The differential rates proposed for 2010/2011 are as follows:

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	Rate in Dollar	Minimum Rate
• Residential	8.4254	\$723.00
• Commercial	11.6797	\$890.00

In order that a differential rate be applied, it is a requirement under Section 6.36 of the Local Government Act 1995 to advertise the rate for 21 days. It is also necessary to explain the objects and reasons for levying a differential rate. This advertising should take place as soon as possible in order to not impede the budget process. Council is not bound to adopt the advertised rate; in fact the intent is to adopt a rate only after any submissions received are considered.

Even if the advertised rate is not adopted, and a different rate (or even no rate) adopted, no further advertising is required.

**RECOMMENDATION**

That:

1. differential rates be imposed for commercial and residential properties for the 2010/2011 financial year for the Town of East Fremantle and be adopted for advertising purposes as follows :

	Rate in Dollar	Minimum Rate
• Residential	8.4254	\$723.00
• Commercial	11.6797	\$890.00

2. local public notice of intention to levy the above differential rates be advertised for a minimum of 21 days.

**Cr Olson – Cr Collinson**

That:

1. **differential rates be imposed for commercial and residential properties for the 2010/2011 financial year for the Town of East Fremantle and be adopted for advertising purposes as follows :**

	Rate in Dollar	Minimum Rate
• Residential	8.4254	\$723.00
• Commercial	11.6797	\$890.00

2. **local public notice of intention to levy the above differential rates be advertised for a minimum of 21 days.** CARRIED

**123. REPORTS OF CHIEF EXECUTIVE OFFICER****123.1 Meeting Schedule 2010/2011**

*By Stuart Wearne, Chief Executive Officer, on 9 June 2010*

**PURPOSE**

The purpose of this report is to facilitate a decision by Council on the meeting schedule to be employed in 2010/11.

Council is required, under Section 13 of the Local Government (Administration) Regulations 1996, to advertise its meeting schedule at least once a year for the next twelve months. The meeting schedule for 2010/2011 will need to be resolved and advertised prior to July 1 2010.

**BACKGROUND**

At the Council Meeting of 16 June 2009, Council resolved as follows:

*“That:*

1. *a Council meeting be held on the 1<sup>st</sup> Tuesday of the month to consider mainly Health and Public Domain matters and any other items of an urgent nature including Town Planning.*
2. *a Council meeting being held on the 3<sup>rd</sup> Tuesday of the month to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and*

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- any other items of an urgent nature, including Health or Town Planning/Public Domain matters.*
3. *a Town Planning & Building Committee (Private Domain) meeting be held on the 2<sup>nd</sup> Tuesday of the month.*
  4. *meetings of the Finance Committee to be held on the:*
    - *14 October 2009*
    - *10 March 2010*
    - *16 June 2010*
  5. *special meetings of any of the standing committees to be called if such meetings are required.*
  6. *the above arrangements not to apply for January 2010 and the Chief Executive Officer be delegated authority to deal with any items of an urgent nature which cannot be held over to the round of meetings in February 2010.*
  7. *the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising."*

**REPORT**

Council Meetings

It is considered the relatively recent provision of meetings for the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month continues to provide a flexible and efficient means of having matters considered by Council more expeditiously, when required, than the original longstanding practice of one Council meeting per month.

Where there have been no, or insufficient items to warrant a "1<sup>st</sup> Tuesday" meeting, the meeting has been cancelled, under the adopted delegated authority processes, which includes consultation with the Mayor.

Following recent discussions with the Operations Manager and Principal Environmental Health Officer, the CEO believes it likely more "1<sup>st</sup> Tuesday" meetings will be held in the coming financial year, mainly in relation to "works" and "health" issues.

The current financial year has been a disrupted year due to various reasons including staff changes (in the case of the managers of planning and works) and the significant impact on the Chief Executive Officer's workload arising from the Minister's "reform program" and related Ministerial, Steering Committee and Departmental requirements.

Whilst the management of planning remains unsettled, now that Ken Dyer has settled in, it is envisaged there be more direct contact between Mr Dyer and elected members via reports to periodic "1<sup>st</sup> Tuesday" meetings.

Town Planning & Building Committee (Private Domain)

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

Finance Committee

This Committee has also been working well.

In the 2009/2010 meeting schedule, Council proposed three Finance Committee meetings, the last of which is scheduled to be held on 16 June 2010. Council has also held two budget forums during May/June 2010.

The following timetable is proposed for the 2010/2011 budget deliberations and the adoption of the financial statements for 2009/10

2010/2011 Budget

21 July 2010

Council Meeting to Adopt 2010/2011 Budget.

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2009/2010 Financial Statements

31 July 2009	Completion of 2009/2010 Financial Statements including Pensioner Rebate, ESL, HACC and Roads to Recovery returns.
Early August 2010	Annual Audit of 2009/2010 Financial Statements by council auditor.
20 October 2010	Audit sign-off of 2009/2010 Financial Statements by council auditor.
27 October 2010	Annual Financial Statements Report to Audit Committee. Representation by External Auditor.
2 November 2010	Annual Financial Statements Report to Council for Adoption.

It is proposed to hold the following ordinary Finance Committee Meetings during the 2010/11 year:

- 27 October 2009
- 16 Feb 2010
- 18 May 2010

Town Planning/Public Domain, Works & Reserves Committee

It has not been necessary to call any special meetings of this committee.

Health & General Purpose Committee

It has not been necessary to call any special meetings of this committee.

Consistent with point (2) of Council's decision above, elected members had already resolved to primarily consider any works and health items at the "1st Tuesday" meetings, when all elected members can be present and the meeting has decision making authority.

If it is considered more appropriate for a particular issue to be dealt with at committee level, in the first instance, a special meeting of the relevant committee can be called, consistent with point (5) of Council's decision above.

December and January Meetings

Given the difficulty of completing correspondence from the December "planning" Council meeting, processing licences and finalising other tasks associated with this time of the year prior to the normal Christmas closure, it is proposed to forgo the 1<sup>st</sup> Council Meeting in December (if this system is continued – see below) and bring forward the Town Planning & Building (Private Domain) and 2<sup>nd</sup> Council Meeting by one week. This would mean the Committee meeting would be held on Tuesday, 7 December and the Council Meeting on 14 December 2010.

As per normal practice, no meetings have been scheduled for January 2011, however, should any urgent business arise which needs to be considered during this recess, a special Council meeting can be convened.

**CONCLUSION**

In consideration of the overall circumstances the following arrangements are recommended.

**RECOMMENDATION**

That:

1. a Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2010 when the meeting is held on the 2<sup>nd</sup> Tuesday) to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including urgent Health or Town Planning/Public Domain matters.
2. a Council meeting be scheduled for the 1<sup>st</sup> Tuesday of the month (except December 2010) to consider mainly Works & Health matters and items of an urgent nature including Town Planning

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3. a Special meeting of Council be scheduled for 21 July 2010 for the purpose of adopting the 2010/11 Budget.
4. a Town Planning & Building Committee (Private Domain) meeting be scheduled for the 2<sup>nd</sup> Tuesday of the month (except during the month of December 2010 when it will be scheduled for the first Tuesday of the month).
5. meetings of the Finance Committee be scheduled for the 27 October 2010 and 16 February and 18 May 2011.
6. Special Meetings of any of the standing committees to be called if such meetings are required.
7. the above arrangements not to apply for January 2011 and the Chief Executive Officer be delegated authority to deal with any items of an urgent nature which cannot be held over to the round of meetings in February 2011.
8. the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.

**Absolute Majority Resolution Required**

**Cr Olson – Cr Collinson****That:**

1. a Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2010 when the meeting is held on the 2<sup>nd</sup> Tuesday) to consider mainly Town Planning & Building Committee (Private Domain) and Finance matters and any other items of an urgent nature, including urgent Health or Town Planning/Public Domain matters.
2. a Council meeting be scheduled for the 1<sup>st</sup> Tuesday of the month (except December 2010) to consider mainly Works & Health matters and items of an urgent nature including Town Planning
3. a Special meeting of Council be scheduled for 21 July 2010 for the purpose of adopting the 2010/11 Budget.
4. a Town Planning & Building Committee (Private Domain) meeting be scheduled for the 2<sup>nd</sup> Tuesday of the month (except during the month of December 2010 when it will be scheduled for the first Tuesday of the month).
5. meetings of the Finance Committee be scheduled for the 27 October 2010 and 16 February and 18 May 2011.
6. Special Meetings of any of the standing committees to be called if such meetings are required.
7. the above arrangements not to apply for January 2011 and the Chief Executive Officer be delegated authority in consultation with the Mayor to deal with any items of an urgent nature which cannot be held over to the round of meetings in February 2011.
8. the Chief Executive Officer be delegated the authority to establish the actual dates for the above meetings and to carry out the required advertising.

CARRIED  
ABSOLUTE MAJORITY

**123.2 Finance Committee Meeting Date**

It was noted that following discussions between the Mayor, Cr Olson and John Roberts it had been decided to postpone the Finance Committee Meeting scheduled for Wednesday, 16 June 2010 until Tuesday, 22 June 2010 at 6.30pm, in order to allow more time to finalise the amended budget and complete associated reports.

**123.3 East Fremantle Lawn Tennis Club – Hardcourt, Lighting, Fencing & Parking Proposal**

The CEO sought feedback from elected members regarding public consultation requirements for the East Fremantle Lawn Tennis Club redevelopment proposal which had largely been considered by Council over 12 month ago when approval for funding through the Department of Sport and Recreation had been sought.

It was agreed that given the nature of the works that public consultation was not required, however it was agreed residents in the vicinity of the proposed new light poles should be advised of the work prior to commencement.



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As the Swan River Trust was the approving body in this location and the application had been with Council for some time, the CEO sought authority to formulate recommended conditions of approval for submission to the Swan River Trust.

**Cr Collinson – Cr de Jong**

**That the CEO be given delegated authority to progress the application including the recommendation of any conditions which Council believes should be applied in the event of an approval by the Swan River Trust, which Council notes as the decision making body in this matter.**

CARRIED  
ABSOLUTE MAJORITY

**123.4 Town Hall**

The CEO advised that he had commissioned an engineering assessment of issues related to the planned restoration of the Town Hall, which had resulted in the removal of some ceiling tiles etc.

**123.5 Richmond Primary School**

The Chief Executive Officer reported that it had been recently drawn to his attention that building works which were due to commence shortly at Richmond Primary School will, if they proceed, result in buildings which will in some respects, in terms of materials and appearance, arguably be incompatible with existing heritage qualities of the school.

The works were being carried out under the Federal Government “stimulus” based Building the Education Revolution Program.

Research had indicated that the plans had been referred to elected members by the former Town Planner in July 2009 although, pursuant to the relevant delegation provisions of the Metropolitan Region Scheme, elected members understood the Town had no decision making powers in the matter but rather merely had 7 days in which to comment. Elected members had, in their response, essentially simply noted the proposal.

Having reviewed the documentation, the CEO stated that, in his view, the former Town Planner should have assessed the plans in accordance with Council’s Town Planning Scheme, and recommended to elected members that any concerns regarding the proposed design should have been included in comments to the state government agency responsible.

The former Town Planner should have also advised that the Town had appeal rights to SAT.

Although almost certainly too late, the CEO had approached senior management of the Department of Education and asked if a redesign could be considered. As yet a response is still awaited.

**123.6 Heritage Awards**

Mayor Ferris thanked Crs Nardi and Collinson for representing Council at the Heritage Awards on 3 June 2010 and Cr Nardi for presenting a speech on Council’s behalf.

The CEO also thanked Crs Nardi and Collinson and advised that the property 78 George Street East Fremantle (owner: Bruce Beattie/architect Gordon Beattie) had won an award for two compatible new infill development of a heritage place at this year’s awards. In addition the following East Fremantle properties had been nominated.

Duncanson Residence: 11 Clayton Street East Fremantle  
Owner: Tym & Kate Duncanson  
Architects: Gerard McCann Architects

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Whettters Residence: 16 Silas Street East Fremantle  
Project: new infill residence  
Owner: Hugh and Kim Whettters  
Designer: Kensington Design

Harbour View: 29-33 Canning Hwy East Fremantle  
Owner: Ray Fuller  
Architects: SIA Architects

**123.7** *Visit for Federal Minister for Ageing and Federal Member for Fremantle to Neighbourhood Link*

The CEO advised that the Federal Minister for Ageing, Justine Elliott, accompanied by the Federal Member for Fremantle, Melissa Parke had visited the East Fremantle Respite Centre last week and in addition to meeting the clients and staff, announced funding of \$13,990 to provide modifications to the HACCC bus.

**123.8** *21 Duke Street*

Following a query from Cr Collinson regarding this property, the CEO outlined lengthy negotiations that had taken place with Main Roads prior to the ultimate issue of a demolition licence for this residence, which had been issued under threat of legal action against the Council. In the CEO's view the situation was another example of "planning blight" whereby a property is allowed by its owner (in this case Main Roads) to deteriorate to the point where the owner can argue it is no longer economically viable to restore the property. Main Roads had attempted to sell the property at auction however had not been successful.

**124. CONFIDENTIAL BUSINESS**

**124.1** *Royal George Hotel*

**Cr Collinson - Cr Olson**

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

The CEO advised that an appeal had recently been lodged with the State Administrative Tribunal by the applicant on the grounds of a deemed refusal.

The CEO noted that an assessment of the application, which had been received in May 2009, could not be finalised due to inadequate information.

Whilst some of the requested information had been received, a significant remaining issue was the adequacy of the drawings and other documentation received on the scope and nature of the conservation works proposed.

A heritage architect commissioned by the CEO to comment on this aspect had supported these concerns.

A Directions Hearing has been scheduled for 10.30am on 25 June 2010.

**125. OPENING OF MEETING TO PUBLIC**

**Cr Collinson – Cr Wilson**

**That the meeting be reopened to members of the public at 10.14pm. CARRIED**

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

Nil.

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

Nil.



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128. **CLOSURE OF MEETING**

There being no further business, the meeting closed at 10.15pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 June 2010**, Minute Book reference **107. to 128.** were confirmed at the meeting of the Council on*

.....

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*Presiding Member*