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MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 17 JULY 2007 COMMENCING AT 6.32PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 17 JULY 2007 COMMENCING AT 6.35PM.

216. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

216.1 Present

Mayor J O'Neill	Presiding Member
Cr A Ferris	
Cr J Harrington	(To 6.55pm)
Cr D Martin	
Cr R Olson	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr C Warrener	Acting Town Planner (To 7.20pm)
Ms J May	Minute Secretary

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

The Mayor welcomed six members of the public in the gallery and introduced Council members and staff.

218. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Dobro
Cr Wilson.

219. RECORD OF APOLOGIES

Nil.

Mayor O'Neill thanked Cr Harrington, who had been listed as an apology, for attending part of the meeting sufficient to allow a quorum to be maintained whilst considering two town planning applications which Cr Martin would be declaring an interest in.

220. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

221. PUBLIC QUESTION TIME

Nil.

222. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

223. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

223.1 Council Meeting – 3 July 2007

Cr Ferris – Cr Martin

That the Minutes of the Council Meeting held on 3 July 2007 be confirmed.

CARRIED

224. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

227. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**227.1 J & J Morton, 51 Duke Street**

Seeking amendment of Condition 1 of their planning approval dated 19 June 2007 to delete the reference to obscure glazing to the upper floor master bedroom window to the north.

Cr Martin – Cr Olson

That the letter from Mr & Mrs Morton be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 229.5).

CARRIED**228. ORDER OF BUSINESS**

Cr Ferris – Cr Martin

That the order of business be changed to allow members of the gallery to speak to town planning applications.

CARRIED**229. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**

Cr Martin declared an interest in the matters of:

- 3 Chauncy Street as his property abuts the subject property
- 19 Woodhouse Road as the property is located in close proximity

and left the meeting at 7.39pm.

229.1 T71.4 Chauncy Street No 3 (Lot 5040)

Cr Ferris – Cr Olson

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

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 142 to allow a boundary wall along more than one side boundary for the construction of a 4.5m long X 3.7m wide X 3.2m high skillion roofed garage and store, and a 4.2m long X 4m wide below ground swimming pool, at the rear of No. 3 (Lot 5040) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 13 June 2007 subject to the following conditions:

1. the works 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. the proposed garage, store and swimming pool are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater 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.
6. all parapet walls 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.

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7. 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. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. 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.
10. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
11. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
12. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
13. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
14. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
15. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
16. pool contractor/building contractor is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
17. 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) *the additional crossover shown on the applicant's plans is not part of this Planning Approval and is to be the subject of a separate application to Council;*
- (b) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *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.*
- (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.*

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- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.* CARRIED

229.2 **T71.11 Woodhouse Road No 19 (Lot 294)**

Cr Ferris – Cr Harrington

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

That Council exercise its discretion in granting approval for a variation to the east side boundary setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 1.377m for the construction of renovations and alterations to the 2-storey house at No. 19 (Lot 294) Woodhouse Road, East Fremantle comprising:

- *extend the existing ensuite and add another vanity and shower;*
- *add onto the existing main bedroom a small study;*
- *upgrade and enclose the existing patio area to create an alfresco;*
- *remove existing timber decking and 0.9m high glazed balustrading to upstairs balcony and pour new concrete slab, install new 1m high glazing and new 'vergola' over balcony;*

in accordance with the plans date stamp received on 5 June 2007 subject to the following conditions:

1. the works 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. the proposed renovations and alterations 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.
4. all stormwater 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.
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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).* CARRIED

Cr Martin returned to the meeting at 6.42pm and it was noted that he neither spoke nor voted on the two previous items.

229.3 **T71.5 Oakover Street No 73 (Lot 1)**

Mr Peacey & Ms Cameron (applicants) advised the meeting that they supported the Committee's recommendation.

Cr Martin – Cr Rico

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

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That Council exercise its discretion in granting approval for a variation to the height of a wall along the south side boundary pursuant to Local Planning Policy 142 from 3m to 3.5m for the construction of ground floor alterations to the single storey house at No. 73 (Lot 1) Oakover Street, East Fremantle comprising the removal of a weatherboard verandah and deck at rear, and rebuilding of a bathroom, laundry, kitchen & family room in accordance with the plans date stamp received on 28 May 2007 subject to the following conditions:

1. the works 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. 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.
4. all stormwater 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.
5. all parapet walls 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 of Council 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).*
- (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.*

CARRIED

Cr Olson made the following impartiality declaration in the matter of No. 70 View Terrace Street: "As a consequence of my having worked in the past with Ms Lisa Engelbrecht who submitted comment on the proposal on behalf of Webb & Brown-Neaves 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.

229.4 T71.6 View Terrace No 70 (Lot 1)

Mr Hitchens (representing owners) advised the meeting that he supported the Committee's recommendation.

Cr Martin – Cr Ferris

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

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

- (a) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 23.45°;
- (b) variation to wall height for an upper floor bedroom on the north side pursuant to Local Planning Policy 142 from 5.6m to 6.1m;

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- (c) variation to the north side boundary setback for an upper floor balcony from 7.5m to 6.69m;
- (d) variation to the south side boundary setback for a garage and study/bedroom 4 on the ground floor pursuant to Local Planning Policy 142 from 6m to 5.31m and 5.76m respectively;
- (e) variation to the south side boundary setback for an upper floor home theatre and a study pursuant to Local Planning Policy 142 from 6m to 4.5m and 5.76m respectively;

for the construction of a 2-storey house comprising:

- Ground Floor double garage, 3 bedrooms, 2 bathrooms, laundry and alfresco;
- Upper floor home theatre, bedroom, en-suite, powder room, kitchen, dining, and living room, study, and balcony;

at No. 70 (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 29 June 2007 subject to the following conditions:

1. the works 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. 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.
4. all stormwater 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.
5. 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. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
6. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
7. 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.
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 of Council 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*

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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.*

CARRIED

Cr Harrington left the meeting at 6.55pm.

229.5 No 51 Duke Street (Lot 79) – Removal of Condition of Planning Approval

The letter from Mr & Mrs Morton, referred from Correspondence (MB Ref 227.1) was tabled.

The Acting Town Planner provided the following information.

Duke Street No. 51 (Lot 79)

Applicant: Dale Alcock Home Improvement

Owner: Jonnie & Janine Morton

Application No: P89/07

Background

By fax date stamp received on 4 July 2007 the owners sent a letter requesting that Council amend its Planning Approval to remove the requirement for the upper floor master bedroom window on the north side to be obscure glazed to a height of 1.65m.

At its meeting on 19 June 2007 Council resolved to grant approval (copies of Committee & Council Minutes attached) to additions at 51 Duke Street.

One of the conditions of approval states:

- "1. prior to the issue of a Building Licence the applicant is to submit plans which clearly show that the upper floor bathroom window on the south side is an obscure glazed highlight window and the upper floor master bedroom window on the north side is obscure glazed to 1.65m, to the satisfaction of the Chief Executive Officer in consultation with relevant officers."

The request letter sites reasons for seeking an amendment to the Planning Approval including design for climate ("taking advantage of the north facing aspect"), and compliance with the Residential Design Codes (RDC).

Clause 8.3 to Town Planning Scheme No 3 (TPS 3) empowers Council to amend a Planning Approval and states:

"8.3 Amending or revoking a planning approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval."

Discussion

Under the RDC the recommended setback from a boundary for an upper floor bedroom window is 4.5m.

The application proposes a setback of 5.8m therefore the application more than complies with the RDC.

Council's decision to require this window to be obscure glazed was in the author's view based on representations made to it by the owner of the adjoining property at 49 Duke Street, who expressed concern regarding overlooking into the rear of his property.

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The claimed overlooking is questionable given that In addition to the proposed 2-storey additions the application also includes a new gable roofed double carport next to the north side boundary common with 49 Duke Street.

The roof of the proposed carport will provide an effective screen to potential rear yard views from the proposed bedroom.

In any event the bedroom window is set back beyond that recommended by the RDC.

A provision of the RDC states:

“(4) A Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant Acceptable Development provision, Local Planning Policy and relevant provisions of the Scheme.” (RDC page 27)

On the other hand TPS 3 sub-clause 10.2 (z) states:

*“10.2. Matters to be considered by local government
The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application — any relevant submissions received on the application;”*

Despite the fact that the RDC state that if an application complies with the relevant Acceptable Development Criteria a Council shall not refuse to grant approval, TPS 3 empowers Council to consider any relevant submissions, in this case the owner of 53 Duke Street, in making a decision on an application.

However, in this particular case it is the author’s view that Council should reconsider its previous decision and amend the planning approval.

Mr Kemp (builder) addressed the meeting in support of his clients’ request.

The Chief Executive Officer advised that for the amendment to be implemented a revocation motion would be required.

- (i) **Cr Martin – Cr Ferris**
That Council give consideration to the proposal to revoke condition 1 of the planning approval relating to 51 Duke Street. CARRIED UNANIMOUSLY
- (ii) **Cr Martin – Cr Ferris**
That part of the resolution of the Council, Minute Book reference 186.3 of the Council Meeting held on 19 June 2007, and which is as follows, be revoked:
“1. prior to the issue of a Building Licence the applicant is to submit plans which clearly show that the upper floor bathroom window on the south side is an obscure glazed highlight window and the upper floor master bedroom window on the north side is obscure glazed to 1.65m, to the satisfaction of the Chief Executive Officer in consultation with relevant officers.”
CARRIED UNANIMOUSLY
ABSOLUTE MAJORITY
- (iii) **Cr Ferris – Cr Martin**
That the following become Condition 1 of the planning approval dated 19 June 2007 granted in relation to proposed development at 51 Duke Street:
“1. prior to the issue of a Building Licence the applicant is to submit plans which clearly show that the upper floor bathroom window on the south side is an

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obscure glazed highlight window to the satisfaction of the Chief Executive Officer in consultation with relevant officers.” CARRIED UNANIMOUSLY

229.6 Town Planning & Building (Private Domain) Committee – 10 July 2007 - Adoption
Cr Ferris – Cr Martin

That the recommendations contained in the Minutes of the Town Planning & Building (Private Domain) Committee meeting held on 10 July 2007 be adopted except for the recommendations pertaining to the following, which will be considered separately or have already been dealt with

T71.3	MB Ref 229.7	Staton Road No 73 (Lot 3)
T71.4	MB Ref 229.1	Chauncy Street No 3 (Lot 5040)
T71.5	MB Ref 229.3	Oakover Street No 73 (Lot 1)
T71.6	MB Ref 229.4	View Terrace No 70 (Lot 1)
T71.10	MB Ref 229.8	Preston Point Road No 19 (Lot 35)
T71.11	MB Ref 229.2	Woodhouse Road No 19 (Lot 294)

CARRIED

Cr Rico made the following impartiality declaration in the matter of No. 73 Staton Road: “As a consequence of the owners of this property being known to me, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

229.7 T71.3 Staton Road No 73 (Lot 3)
Cr Ferris – Cr Olson

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

That Council exercise its discretion in granting approval for a variation to the front boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for the construction of a 3.1m high X 2.2m deep X 1.8m wide gate-house next to the south side boundary, and visually non-permeable north and south sides of the front fence at No. 73 (Lot 3) Staton Road, East Fremantle above 1.2m in accordance with the plans date stamp received on 22 May 2007 and included as a variation to Building Licence No. 234/3700 subject to the following conditions:

1. the works 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 gate-house is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
3. all stormwater 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.
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 of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

229.8 T71.10 Preston Point Road No 19 (Lot 35)
Mayor O’Neill – Cr Ferris

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

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

- (a) variation to wall height on the south side pursuant to the Residential Design Codes from 6m to 11.3m;
- (b) variation to roof height on the south side pursuant to the Residential Design Codes from 9.0m to 11.7m;
- (c) variation to wall height on the north side pursuant to the Residential Design Codes from 6m to 11.3m;
- (d) variation to roof height on the north side pursuant to the Residential Design Codes from 9.0m to 11.7m;
- (e) variation to the east side (front) boundary setback for a garage and workshop pursuant to the Residential Design Codes from 7.5m to 6.7m and 2.765m respectively;
- (f) variation to the east side (front) boundary setback for an upper floor sewing room, kitchenette and balcony pursuant to the Residential Design Codes from 7.5m to 1.5m, 2.2m & 2.765m respectively;
- (g) variation to the west side (rear) boundary setback for an under-croft bedroom 3 and bathroom, a ground level balcony and entry, and an upper floor family/dining room pursuant to the Residential Design Codes from 6.0m to 3m, 0m, 3.1m, 4.1m, and 3.1m respectively;
- (h) variation to the north side boundary setback (next to 5 Reynolds Street) for an upper floor living room pursuant to the Residential Design Codes from 2.4m to 1.8m;
- (i) variation to the south side boundary setback (next to 9 Reynolds Street) for an upper floor study pursuant to the Residential Design Codes from 4.3m to 2m;
- (j) variation to the percentage of overshadow onto 9 Reynolds Street and 17 Preston Point Road pursuant to the Residential Design Codes from 25% to 48% and 27.6% respectively;
- (k) variation to roof pitch pursuant to Council Policy 066 from 28° to 5°;

for the construction of a 3 level house on Lot 35 (No. 19) Preston Point Road, East Fremantle with front door to Reynolds Street, and a 2-storey building comprising a garage, and upper floor studio with frontage to Preston Point Road and an 8m long X 3m wide below ground lap pool in accordance with the plans date stamp received on 29 June 2007 subject to the following conditions:

1. all costs relating to any works carried out as part of this development within the public domain to be met by the applicant.
2. the works 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. 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.
5. all parapet walls 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. 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. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. 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

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- satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
8. the proposed works for the lap pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 9. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 10. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 11. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 12. the lap pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 13. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 14. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
 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 of Council 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.*

CARRIED

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

Crs Rico, Olson and Ferris & Mayor O'Neill voted in favour of the recommendation with Cr Martin having voted against the motion.

The Acting Town Planner left the meeting at 7.20pm.

17 July 2007

MINUTES**230. FINANCE ITEM****230.1 Accounts for Payment**

By John Roberts, Executive Manager Finance & Administration on 12 July 2007

PURPOSE

To endorse the list of payments for the period 1 June 2007 to 30 June 2007.

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 June 2007 and ending 30 June 2007 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 June 2007 and ending 30 June 2007 be received, as per the following table:

<i>June 2007</i>		
Voucher Nos	Account	Amount \$
2875 – 2912	Municipal (Cheques)	108,666.88
EFT 8026 – 8131	Electronic Transfer Funds	315,865.88
Payroll	Electronic Transfer Funds	120,135.45
	Municipal Total Payments	544,668.21

Cr Ferris – Cr Olson

That the List of Accounts for the period beginning 1 June 2007 and ending 30 June 2007 be received.

CARRIED**231. REPORTS OF OFFICERS****231.1 Reports of Chief Executive Officer****(A) Residential Design Guidelines**

The Chief Executive Officer advised that Cr Martin had informed him just prior to the meeting that he wished to raise the matter of the next meeting of the Residential Design Guidelines Steering Committee which he felt should be held on 31 July. The Chief Executive Officer advised he had suggested Cr Martin directly address Council on the matter, via this item, as it was a convenient and timely way to clarify elected members' wishes on the matter. The Mayor then invited Cr Martin to address Council.

Cr Martin noted that Council was now in receipt of the latest draft of the Residential Design Guidelines and suggested the 4th Tuesday Informal Briefing could be adjourned to the 5th Tuesday ie 31 July 2007 and that this meeting constitute a meeting of the Residential Design Guidelines Steering Committee. Cr Martin suggested the proposed date would allow elected members, including those who were currently away on holidays,

the necessary time to fully consider the document prior to discussing the matter at the meeting.

The proposal was agreed to. It was also agreed that the draft document would be circulated to elected members tomorrow.

232 CONFIDENTIAL BUSINESS

232.1 Royal George Art & Community Centre

The Mayor raised the issue of comments which he had heard recently regarding an alleged development proposal involving the Old Royal George Hotel site and asked if the Chief Executive Officer or any one else was aware of any such proposal.

Elected members present indicated no such knowledge.

The Chief Executive Officer advised that Tom Perrigo of the National Trust had indicated to him, between three and four weeks ago, after he had contacted Tom Perrigo to query whether there had been any progress on plans for the “adaptive reuse”/restoration of the Royal George, that advice on a proposal received following the Expression of Interest exercise undertaken by the National Trust earlier this year would be forwarded to Council in the “next couple of days”, however to date no advice had been received.

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

Nil.

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

Nil.

235. CLOSURE OF MEETING

There being no further business, the meeting closed at 7.40pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 17 July 2007, Minute Book reference 216. to 235. were confirmed at the meeting of the Council on

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Presiding Member