



20 July 2010

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 20 JULY, 2010 COMMENCING AT 6.39PM.

152. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

152.1 Present

Mayor A Ferris	Presiding Member
Cr B de Jong	
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr R Olson	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Ms G Basley	Acting Town Planner (To 9.00pm)
Ms J May	Minute Secretary

153. 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."

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

There were 12 members of the public in the gallery at the commencement of the meeting.

155. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

156. RECORD OF APOLOGIES

Cr Nardi.

157. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

158. PUBLIC QUESTION TIME

Nil.

159. APPLICATIONS FOR LEAVE OF ABSENCE

159.1 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

160. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

160.1 Council Meeting – 6 July 2010

Cr de Jong – Cr Olson

That the Minutes of the Council Meeting held on 6 July 2010, be confirmed.CARRIED

161. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

164. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**164.1 T169.9 Fletcher Street No 14 (Lot 6)**

Stephen Dark: Requesting a deferral of the planning application for 14 Fletcher Street to allow the planning committee time to consider an alternative application that is more in accordance with the East Fremantle planning policy.

Cr Lilleyman – Cr Olson

That the correspondence from Mr Dark be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 169.3).

CARRIED

165. ORDER OF BUSINESS

Cr de Jong – Cr Olson

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

CARRIED

166. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**166.1 T169.4 Gill Street No. 4 (Lot 306)**

Applicant: Steven Radalj

Owner: Marty Westvelt

Application No. P96/2010

Mr Radalj (designer) addressed the meeting in support of the Committee's recommendation.

Cr Lilleyman – Cr de Jong

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 the west side (front) boundary setback at ground level for a garage, porch and stairwell pursuant to the Residential Design Codes from 4m to 2.2m, 2.1m and 3.95m respectively;
- (b) variation to the west side (front) boundary setback on the upper floor for a bedroom, balcony and stairwell pursuant to the Residential Design Codes from 4m to 2.75m, 1.5m and 3.95m respectively;
- (c) variation to the east side (rear) setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 4.4m;
- (d) variation to the length of a parapet wall on the north side boundary for a garage pursuant to Local Planning Policy 142 from 9m to 10.5m;
- (e) variation to the north side boundary setback for an unscreened upper floor balcony pursuant to the Residential Design Codes from 7.5m to 1.53m;
- (f) variation to LPP No. 142 to allow the garage to be forward of the main building line.

for the construction of a 2-storey house at No. 4 (Lot 306) Gill Street, East Fremantle in accordance with the plans date stamp received on 3 June 2010 subject to the following conditions:

1. The vegetation adjacent to Canning Highway is to be retained and maintained for a noise attenuation buffer. Should the vegetation be removed or destroyed, the applicant would be required to replace this vegetation to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

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2. The provision of satisfactory noise attenuation measures to the proposed dwelling in relation to noise from Canning Highway to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
3. The limestone fencing along Canning Highway is to be retained
4. Prior to the issue of the Building Licence the landowner is to enter into a deed of agreement with the WAPC that the presence of the development on the reserved land shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by Council or the WAPC, and the landowner agrees to remove the development on the reserved land at their own cost at the time the reserved land is required for the upgrading of Canning Highway. This agreement is to be registered as a Caveat on the Certificate of Title, and the applicants are advised to contact the WAPC Land Asset Management Branch of the Department for Planning and Infrastructure should they wish to discuss the formulation of a deed of agreement for the temporary use of the reserved land.
5. 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.
6. 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.
7. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. All stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. 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.
11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
12. 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.
13. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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- (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.*
- CARRIED

166.2 T169.6 King Street No. 98 (Lot 348)**Owner: Michael & Megan Keep****Applicant: Scott Park Homes****Application No. P84/2010**

Ms Keep (owner) addressed the meeting in support of the Committee's recommendation.

Cr Wilson – Cr de Jong

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

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

- variation to the front setback requirements to allow a 4.913 metre setback in lieu of the 6 metre setback required under the R-Codes;
- variation to the open space requirements to accept 49.987% of the site as open space in lieu of the 50% requirement under the R-Codes; and
- variation to the boundary wall height requirements to allow a maximum height of 3.2 metres in lieu of the 3 metres required under LPP No. 142;

for the construction of alterations and additions at No. 98 (Lot 348) King Street, East Fremantle in accordance with the plans date stamp received on 6 July 2010 subject to the following conditions:

1. The applicant to lodge a schedule of materials and finishes that demonstrates the proposed house is sympathetic to the adjoining dwellings and complements and enhances the streetscape prior to the issue of a Building Licence and to the satisfaction of the Chief Executive Officer;
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

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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.
10. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

166.3

T169.10 George Street No. 129 (Gigi's on George)

Applicant: Victor Turco

Owner: E & D D'Alessandro

Application P141/2009

The information previously circulated by the Acting Town Planner was tabled:

"The Acting Town Planner reports having liaised with the Principal Building Surveyor to further investigate the disability requirements and confirms that the subject application does not result in a change to the classification of the building and as such, there are no powers under the BCA to require disability access until such a time as the 'Class' of the building changes.

On the issue of whether, notwithstanding the above, Council could, nevertheless, impose such a requirement on a condition of planning approval in this case, further advice may be provided at the meeting."

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The Acting Town Planner provided the following additional information:

"In the week between the Committee meeting and the Council Meeting, relevant staff has investigated the requirements for disability access. The Principal Building Surveyor was on leave and the matter could not be resolved.

To address the issue, it is recommended that Council consider imposing a condition on the approval to read as follows:

"Prior to the issue of a Building Licence, the applicant is to demonstrate compliance with the Building Code of Australia 2008 with respect to disability access, to the satisfaction of the CEO"

The applicants have been made aware of this recommendation."

Ms Bourne & Ms Brown (owners of units at George Street Mews) addressed the meeting with concerns regarding:

- who is responsible for policing the maximum number of patrons allowed under the existing licence
- the possibility of resident parking permits for residents in the Plympton Ward
- the suitability of finishes for the development
- any possible change to the modified entry to the restaurant
- noise from patrons and furniture being placed against the wall of 121 George Street or being dragged across the courtyard
- patrons and staff congregating to smoke in the vicinity of adjoining properties.

Mr Turco (owner) addressed the meeting advising:

- maximum number of patrons was policed by Racing, Gaming & Liquor.
- the modified entry to the restaurant (ie no longer via the courtyard) was permanent
- all finishes would comply with Council requirements
- staff would be made aware of the issues of dragging and placement of furniture in courtyard
- a sign would be placed at the exit to the restaurant regarding smoking and leaving butts in the vicinity of the restaurant.

Mr Turco also advised that they had purchased temporary aluminium ramps for use on the steps to provide disabled access to and from the restaurant.

Cr Collinson made the following impartiality declaration in the matter of 129 George Street: "As a consequence of Ms Ellie McGann (who had previously made comment on this proposal) being known to me as a neighbour, 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".

Mayor Ferris – Cr Wilson

That Council grant approval to replace the existing temporary marquee with a permanent structure at No. 129-131 George Street (Gigi's on George), East Fremantle as shown on plans dated 9 July 2010 and subject to the following conditions:

- 1. prior to the issue of a Building Licence, the applicant is to demonstrate compliance with the Building Code of Australia 2008 with respect to disability access, to the satisfaction of the CEO**
- 2. no amplified music and the like is to be played within the marquee.**
- 3. the provision of a bin enclosure/storage area as shown on the approved plans.**
- 4. the ice machine to be separated from the bin storage area which is to be screened from view to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. a schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.**

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6. 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.
7. 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.
8. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
9. clarification of whether any statutory requirements with respect to disability access are applicable to this application.
10. 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) *Where patrons are smoking on the footpath in front of the restaurant, the restaurant operators are encouraged to direct these patrons away from the adjoining residential property.*
- (c) *Exit routes around and through the marquee are to be maintained in accordance with the requirements of the Building Code of Australia.*
- (d) *The development is to comply with Health (Public Building) Regulations 1992.*
- (e) *The maximum accommodation of the dining areas is as follows:*

<i>Dining room</i>	<i>: 43 persons</i>
<i>Courtyard</i>	<i>: 37 persons</i>
<i>Western verandah</i>	<i>: 15 persons</i>
<i>Northern verandah</i>	<i>: 9 persons</i>
<i>Reception</i>	<i>: 7 persons</i>

CARRIED

166.4

T169.14 Philip Street No. 8 (Lot 1)**Applicant: Lorimer Homes****Owner: Christopher & Kate Grieve****Application No. P80/2010**

The following information provided by the CEO was considered:

"Following the Town Planning & Building Committee meeting I have given further consideration with regard to the proposal for 8 Philip Street, which involves demolition of the existing residence.

Having viewed a photo of the existing residence, the extra width crossover was noted (some 4.6m wide), following which I asked to view the site plan provided by the applicant and clarify whether or not, the applicant had provided the details as required under TPS 3 and to check whether the officer's report contained the standard conditions relating to street trees, footpaths and crossovers etc.

The site plan shows the existing street tree which is to remain, but of particular note were the notations 'owner to remove existing gate & crossover and make good' and 'crossover to builder's specification'. The crossover width as shown on the site plan is 5.1m.

In cases of demolition involving a property with an overwidth crossover, in implementing Council's adopted crossover policy, which generally postdates the age of the property being demolished, it is standard to revert to the adopted 3m limit.

An exception would be where the configuration of the proposed residence, necessitated a wider crossover, e.g. a double garage close to the property boundary.



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With respect to the application in question, this is not deemed to be the case.

Accordingly, upon reading the minutes of the Town Planning & Building Committee relating to 8 Philip Street, it is recommended that the Committee's recommendation to Council be modified and the following conditions be inserted as Conditions (7) to (9) and existing conditions (7) & (8) be renumbered accordingly.

- 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.*
- 8. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, unless a variation is otherwise subsequently approved, 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 existing crossover to remain is obtained."*

Mr Grieve (owner) addressed the meeting:

- requesting that consideration be given to deleting Condition 1 of the Committee's recommendation requiring screening to north facing windows given overlooking would only be to a driveway and non habitable area.
- advising that his plan incorrectly stated that the existing crossover would be replaced, when it was simply intended to replace the existing crossover surface materials with other material.

Mr Grieve was advised by the CEO that any change to the material of the crossover would constitute a new crossover which would be limited to a 3 metre width. Mr Grieve then assured Council that the crossover would remain as is.

The Acting Town Planner supported Mr Grieve's assertions regarding the overlooking issue.

Cr de Jong – Cr Wilson

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

- variation to the rear setback requirements to allow a minimum ground floor setback of 1.0 metres in lieu of 6 metres and a reduced upper floor setback of 3.8 metres in lieu of 4.5 metres required under the R-Codes;
- variation to the boundary wall requirements to allow a boundary wall in the R12.5 coding in lieu of abutting an existing boundary wall as required under the R-Codes; and
- variation to allow a maximum wall height of 6.8 metres in lieu of the 6.5 metre height limit required under LPP No. 142;

for a two storey residence at No. 8 (Lot 1) Philip Street, East Fremantle in accordance with the plans date stamp received on 1 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 proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**

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3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. The proposed 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 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.
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.
7. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, unless a variation is otherwise subsequently approved, 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.
8. 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 existing crossover to remain is obtained.
9. 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.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mayor Ferris made the following impartiality declaration in the matter of 17 Windsor Road: "As a consequence of the owner 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".

(See impartiality declaration from Cr Collinson at the end of this item.)

166.5 T169.16 Windsor Road No. 17 (Lot 28)
Applicant: Andrew Sullivan Architect
Owner: Michael Purdie & Mardie West
Application No. P82/2010

The information previously circulated by the Acting Town Planner was tabled:

"The Acting Town Planner reports having investigated the need for Condition (1) upon request from the applicant/owner. A site visit today confirmed a boundary wall along the northern boundary of the site and based on the height of the verandah not exceeding 0.5

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metres, this does not need to be assessed as a major opening. In this regard, the verandah will look onto this boundary wall and there is no need for screening to prevent overlooking.

Condition (1) can therefore be deleted from the recommendation to Council and the conditions thereafter to be renumbered."

Mr Purdie (owner) addressed the meeting requesting deletion of Condition 1 of the Committee's recommendation.

Cr Olson – Cr de Jong

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

- variation to the external wall height on the western elevation being 4.6 metres – 4.7 metres, the southern elevation being 4.3 metres – 4.4 metres high, in lieu of the required 3.0 metre requirement of the R-Codes 2008;
- variation to the height of the pitched roof on the western elevation being 6.2 metres, in lieu of the 6.0 metre requirement of the R-Codes 2008;
- variation to the building setback on the northern elevation being 1.33 metres in lieu of the required 1.5 metres, and the building setback on the southern elevation being 2.245 metres in lieu of the required 2.5 metres;
- variation to the proposed privacy setback on the western elevation being 4.98 metres in lieu of the required 7.5 metres;

for the construction of alterations and additions at No. 17 (Lot 28) Windsor Road, East Fremantle in accordance with the plans date stamp received on 6 May 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. 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.
3. 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.
4. 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.
5. 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.
6. 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.
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. 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.***



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- (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 Collinson made the following impartiality declaration in the matter of 17 Windsor Road: "As a consequence of the applicant (Andrew Sullivan) being a friend of mine, there may have been a perception that my impartiality on the matter may have been affected. I declare that I considered this matter on its merits in terms of the benefit to the Town and voted accordingly".

166.6 T169.17 King Street No. 80 (Lot 355)
Owner & Applicant: Irene & Therese Thorn
Application No. P93/2010

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

"In the week between the Committee meeting and the Council Meeting, the applicant does not support proposed Conditions 1 to 3 and will put forward a case at tonight's meeting. To assist, a recommendation is provided by the Acting Town Planner.

Condition 1 – required screening on the northern, southern and eastern openings of the covered patio area. The applicant has pointed out that the eastern opening to this patio is compliant with the privacy requirements of the R-Codes and screening is not therefore required. As such Condition No. 1 is recommended to be modified to delete the requirement for screening of the eastern opening.

Condition 2 - required screening to the northern family room window to prevent overlooking to the north. This condition is still recommended in the approval based on the difference in the height between the two lots. The applicant has put forward that no overlooking will occur from this window because it will look onto a feature wall. This could not be determined by the relevant officer's prior to the meeting. As such Condition No. 2 is recommended to be reworded to read: 'Prior to the issue of a Building Licence, the applicant to demonstrate to the satisfaction of the CEO that no overlooking will occur from the family room window.'

Condition 3 - required screening of the Master Suite windows to prevent overlooking to the south. The applicant has demonstrated that the existing dividing fence with substantial vegetation screens this window adequately and prevents overlooking to the neighbouring lot. As such Condition No. 3, is recommended to be deleted."

Mr Forrest (applicants' architect) addressed the meeting requesting reconsideration of Conditions 1, 2 and 3 of the Committee's recommendation. Mr Forrest then outlined the reasons why the owners of the property had decided to apply for demolition of the existing residence.

Cr de Jong – Mayor Ferris

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

- variation to the external wall height on the northern elevation being 3.1 metres – 4.0 metres, and the southern elevation being 3.1 metres – 3.8 metres high, in lieu of the required 3.0 metre requirement of the R-Codes 2008;
- variation to the building setback on the northern elevation being 1.27 metres – 1.5 metres in lieu of the required 4.5 metres, and the building setback on the southern elevation being Nil – 1.78 metres in lieu of the required 4.5 metres;
- an increase in the retaining and fill up to a height of 0.9m in lieu of the 0.5 metres required under the R-Codes;
- variation to the minor incursion into the street setback area being 2.0 metres in lieu of the required 1.0 metre; and

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- the wall height of the boundary wall being 3.6 metres in height, in lieu of the 3.0 metre maximum and 2.7 metre maximum average as per the buildings on boundary requirements of the Residential Design Codes 2008;

for a single-storey residence at No. 80 (Lot 355) King Street, East Fremantle as shown on plans received 27 May & 1 July 2010 and subject to the following conditions:

1. The patio on the northern and southern elevation be screened with a permanent non-removable obscure material to the height of 1.6 metres from the finished floor level.
2. Prior to the issue of a building licence, the applicant to demonstrate to the satisfaction of the CEO that no overlooking will occur from the family room window.
3. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
4. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
5. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
6. 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.
7. 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.
8. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
9. The proposed 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.
10. All storm water 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.
11. Any 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.
12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant.
13. 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.
14. 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.
15. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

That the applicant be advised of the following:

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

167. ADJOURNMENT**Cr de Jong – Cr Wilson**

That the meeting be adjourned at 8.10pm for a short break to further discuss this matter. CARRIED

168. RESUMPTION**Cr Olson – Cr de Jong**

That the meeting be resumed at 8.30pm, with all those present prior to the resumption in attendance. CARRIED

**169. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)****169.1 T169.17 King Street No. 80 (Lot 355) (Continued)****Owner & Applicant: Irene & Therese Thorn****Application No. P93/2010**Amendment**Cr Collinson – Cr Wilson**

That this matter be deferred to allow:

- elected members to make a site visit
- a heritage consultant to be commissioned to determine the structural integrity and architectural merit of the existing residence. LOST

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

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

Cr de Jong – Mayor Ferris

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

- variation to the external wall height on the northern elevation being 3.1 metres – 4.0 metres, and the southern elevation being 3.1 metres – 3.8 metres high, in lieu of the required 3.0 metre requirement of the R-Codes 2008;
- variation to the building setback on the northern elevation being 1.27 metres – 1.5 metres in lieu of the required 4.5 metres, and the building setback on the southern elevation being Nil – 1.78 metres in lieu of the required 4.5 metres;
- an increase in the retaining and fill up to a height of 0.9m in lieu of the 0.5 metres required under the R-Codes;
- variation to the minor incursion into the street setback area being 2.0 metres in lieu of the required 1.0 metre; and
- the wall height of the boundary wall being 3.6 metres in height, in lieu of the 3.0 metre maximum and 2.7 metre maximum average as per the buildings on boundary requirements of the Residential Design Codes 2008;

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for a single-storey residence at No. 80 (Lot 355) King Street, East Fremantle as shown on plans received 27 May & 1 July 2010 and subject to the following conditions:

1. The patio on the northern and southern elevation be screened with a permanent non-removable obscure material to the height of 1.6 metres from the finished floor level.
2. Prior to the issue of a building licence, the applicant to demonstrate to the satisfaction of the CEO that no overlooking will occur from the family room window.
3. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
4. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
5. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
6. 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.
7. 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.
8. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
9. The proposed 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.
10. All storm water 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.
11. Any 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.
12. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant.
13. 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.
14. 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.
15. This planning approval to remain valid for a period of 24 months from date of this approval.

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Footnote:

That the applicant be advised of the following:

- (a) A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
 - (b) 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.
 - (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 Martin requested that the voting of Council members be recorded.

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

169.2**T169.5 Staton Road No. 57 (Lot 2)****Applicant: Willcox & Associates Architects****Owner: W & C Zalewski****Application No. P91/09**

The information previously circulated by the Acting Town Planner was tabled:

"The Acting Town Planner reports having liaised with the applicant, Willcox Architects, regarding the westerly neighbour's overlooking concerns. In this regard, the applicants were agreeable to providing some landscaping along the western boundary that will partially screen the development and reduce potential overlooking into the neighbours lot. It is therefore recommended that a condition be added to the recommendation to address this.

The following Condition (1) to be inserted and conditions thereafter to be renumbered.

- 1. Prior to the issue of a Building Licence, revised plans are to be submitted identifying the proposed vegetation to be used for screening along portion of the western boundary which is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers."*

Cr Wilson – Cr de Jong

Council grants approval for the demolition of the existing residence and the development of a two storey residence, garage, swimming pool and boundary fencing at No. 57 (Lot 2) Staton Road, East Fremantle as shown on plans received 27 May 2010 and subject to the following conditions, which are in addition to the requirements of the Planning Approval dated 26 November 2009:

- 1. Prior to the issue of a Building Licence, revised plans are to be submitted identifying the proposed vegetation to be used for screening along portion of the western boundary to address the impact of overlooking which is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 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.**

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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 works 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 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.
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.
8. 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.
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. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (a) *The proposed crossover is not included as part of this approval (it lies outside the subject land). It is intended that correspondence will be forwarded in due course stating that the proposed 5.5m wide crossover upgrade is supported.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

169.3

T169.9 Fletcher Street No. 14 (Lot 6)

Applicant & Owner: Stephen & Julie Dark

Application No. P90/2010

The information previously circulated by the Acting Town Planner was tabled:

"The Acting Town Planner reports having liaised with the landowners to discuss alternative fencing options which may be acceptable to Council. At the time of finalising this Agenda no alternative proposal for consideration by Council had been submitted by the applicants."

The letter from Mr S Dark, referred from Correspondence (MB Ref 164.1) was tabled.



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Cr Martin queried page 37 of the Town Planning & Building Committee (Private Domain) minutes where under the heading "Impact on Public Domain" it was stated there would be no impact to the streetscape. The Acting Town Planner acknowledged that this was incorrect and should read "*Streetscape: The streetscape would be altered as a result of the fence being made solid*"

Cr de Jong – Cr Olson

That this matter be deferred to allow the applicants to submit amended plans.

CARRIED

Cr de Jong declared an interest in the following item as his property abuts the subject property and left the meeting at 8.48pm.

169.4 T169.18 Habgood Street No. 7 (Lot 5022)
Applicant/Owner: Bruce & Fiona Moriarty
Application No. P91/2010

Cr Martin – Cr Lilleyman

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

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

- variation to the northwest side boundary setback for a balcony pursuant to the Residential Design Codes from 7.5m to 2.2m;
- variation to roof height pursuant to Local Planning Policy 142 from 8.1m to 8.3m;
- variation to wall height on the northeast and northwest sides pursuant to Local Planning Policy 142 from 5.6m to 6.2m and 6.7m respectively;
- variation to roof pitch pursuant to Local Planning Policy 066 from 28° to a curved roof pitched at approximately 10°;

for the construction of additions to the 3-level (2-storey) house at No. 7 (Lot 5022) Habgood Street, East Fremantle comprising:

Ground floor: a deck and a 7m long x 3.8m wide swimming pool to the front, enlarge the living room and add an alfresco at the rear;

Upper floor: master bedroom, built-in-robos & en-suite, study, living room & balconies to the front, and rear.

in accordance with the plans date stamp received on 25 May 2010 subject to the following conditions:

1. a schedule of materials and finishes to be submitted prior to the issue of a building licence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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 additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater 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 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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7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
14. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

Cr de Jong returned to the meeting at 8.49pm and it was noted that he neither spoke nor voted on the foregoing item.

169.5

T169.19 Council Place No. 4 (Lot 3)**Applicant: Brian Klopper****Owner: Alan Field****Application No. P72/2010****Cr Wilson – Cr de Jong****The adoption of the Committee's recommendation which is as follows:**

That Council exercise its discretion in granting approval for a variation to the length of the boundary wall to allow an 18.2m boundary wall with a height ranging from 2.4m to 4.0m for the construction of two x 2-storey grouped dwellings, each with a home office at No. 4 (proposed Lot 1) Council Place, East Fremantle in accordance with the plans date stamp received on 19 April & 6 July 2010 subject to the following conditions:

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1. Prior to the issue of a building licence amended plans be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers to demonstrate the following:
 - (a) car parking and vehicular access meets the requirements of Clause 5.8.5 and Schedule 11 of TPS No. 3;
 - (b) the proposed awning over the footpath of Council Place to be a minimum vertical distance of 2.75 metres between the footpath and the base of the awning;
 - (c) the provision of satisfactory privacy screening along the northern boundary of the site and in relation to the visual privacy cone that extends northwards from the proposed Juliette balconies and outdoor living areas of both units.
 - (d) the home office not occupy any area greater than 20m².
2. Prior to the issue of a Building Licence a 'schedule of materials & finishes' be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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 dwellings 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.
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 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. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. The zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.

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13. The home office to not:
- employ any person not a member of the occupier's household;
 - entail clients or customers travelling to or from the dwelling;
 - occupy an area greater than 20m²;
 - involve any advertising signs on the premises;
 - involve the retail sale, display or hire of goods of any nature.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

169.6 En-Bloc Recommendation – Town Planning & Building Committee Meeting of 13 July 2010

Cr Lilleyman – Cr Wilson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 13 July 2010 {See MB Ref 169.6(A) to 169.4(I)}.

CARRIED

(A) T169.3 Fortescue Street No. 14 (Lot 177)

Applicant: Harry Monaghan - Architect

Owner: Kathryn Johnson

Application No. P79/2010

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

- variation to setback requirements to allow a nil setback to the northern and eastern boundaries in lieu of the 2.5 metres and 1.0 metres required under Residential Design Codes 2008; and
 - variation to building on boundary requirements to allow two boundary walls;
- for the construction of a pool and studio/cellar at No. 14 (Lot 177) Fortescue Street, East Fremantle in accordance with the plans date stamp received on 27 April 2010 and 18 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 proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.



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4. 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.
5. 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.
6. 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.
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. Mature trees located in the central and rear portion of the subject lot as shown on submitted plans to be retained.
9. 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) *variations in relation to boundary setbacks were granted on the basis of the retention of the mature trees as referred to in Condition (8) above.*

(B) T169.7 Pier Street No. 13A (Lot 1911)

Owner & Applicant: John Monger & Cristina Martinon

Application No. P89/2010

That Council exercise its discretion in granting approval for a variation to the building setback on the eastern elevation being 0.5 metres in lieu of the required 1.0 metres required under the R-Codes 2008 for the construction of alterations and additions at No. 13A (Lot 1911) Pier Street, East Fremantle in accordance with the plans date stamp received on 24 May 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 proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council;
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have

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received planning approval, without those changes being specifically marked for Council's attention;

4. the patio structure is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers; and
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site;*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council;*
- (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); and*
- (d) the patio may not be enclosed without the prior written consent of Council.*

(C) T169.8 Preston Point Road No. 58 (Lot 800)

Owner & Applicant: Bart & Jennie Raffaele

Application No. P68/2010

Council exercise its discretion in granting approval for:

- an increase in the building height to a maximum of 7.4 metres in lieu of the 6.5 metres required under LPP No. 142;
- a roof pitch in the order of 2° in lieu of the 28° required under LPP No. 66;
- an increase in the retaining and fill up to a height of 1.4m in lieu of the 0.5 metres required under the R-Codes;
- 'primary entry' to be obtained from the secondary street in lieu of the primary street;

for a two storey residence at No. 58 (Lot 800) Preston Point Road, East Fremantle as shown on plans received 17 June 2010 and subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
3. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief

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

9. Any introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(D) T169.11 Preston Point Road No. 188 (Lot 17)

Applicant: Carrie Hood

Owner: Dominic Ward

Application No. P94/2010

Council exercise its discretion in granting approval for:

- the ridge height of the eastern elevation being 10.5 metres in height, the rear elevation being 7.9 metres in height and the front and western elevation being 11.0 metres in height, the in lieu of 8.1 metres as per the maximum building height requirement of the Local Planning Policy 142;
- the minor incursion into the front setback area of 1.4 metres, in lieu of the 1.0 metre requirement as per the Residential Design Codes 2008;
- the privacy setback on the western elevation to bedroom 4 of 2.8 metres, in lieu of the 4.5 metre requirement as per the Residential Design Codes 2008;

for a three-storey single house at No. 188 (Lot 17) Preston point Road, East Fremantle as shown on plans received 1 June 2010 and the amended floor plans, and pergola roofing specification received 2 July 2010 and subject to the following conditions:

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1. Privacy screening to be provided on the western opening of the pergola to meet the privacy requirements of the R-Codes.
2. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
3. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed works are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. Any introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

That the applicant be advised of the following:

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(E) T169.12 Marmion Street No. 150 (Lot 223)

Applicant: *The Patio Guys*

Owner: *Tanya Smith*

Application No. *P88/2010*

That Council exercise its discretion in granting approval for a variation to the building setback on the northern elevation and eastern elevation being 0.5 metres in lieu of the required 1.0 metres required under the R-Codes 2008 for the construction of alterations and additions at No. 150 (Lot 223) Marmion Street, East

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Fremantle in accordance with the plans date stamp received on 24 May 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 proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council;
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention;
4. The patio structure is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers; and
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

(F) T169.13 Walter Street No. 13 (Lot 52)

Owner: Geoff Cuthbertson

Applicant: Shayne Le Roy

Application No. P87/2010

Council exercise its discretion in granting approval for:

- a portion of the ground floor setback to the northern boundary of nil – 1.1 metres in lieu of the 1.6 metres required setback as per the building setback requirements of the Residential Design Codes;
- the wall and ridge height of the boundary wall being 3.5 and 3.4 metres in height, in lieu of 3 and 2.7 metres as per the buildings on boundary requirements of the Residential Design Codes;
- the retaining wall height of 0.63 metres, in lieu of the 0.5 metre requirement as per the Residential Design Codes;
- a portion of the proposed front fence to the height of 1.8 metres – 1.9 metres solid, in lieu of the required 1.2 metres as per the Local Planning Policy 143 relating to Fencing;

for a single-storey single house and swimming pool at No. 13 (Lot 52) Walter Street, East Fremantle as shown on plans received 21 May 2010 and the amended front elevation received 6 July 2010 and subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
3. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a building licence.
4. All storm water resulting from the development is to be retained on site.

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5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed works are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. Any introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
16. This planning approval to remain valid for a period of 24 months from date of this approval.

That the applicant be advised of the following:

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

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(G) T169.15 Clayton Street No. 4 (Lot 431)**Applicant & Owner: Stephen Price****Application No. P81/2010****That Council exercise its discretion in granting approval for the following:**

- variation to the external wall height on the southern elevation being 3.1 metres – 3.35 metres, the northern elevation being 3.4 metres – 3.7 metres and the western elevation being 3.1 – 3.3 metres high, in lieu of the required 3.0 metre requirement of the R-Codes 2008;
- variation to the building setback on the northern elevation being 3.61 metres to 3.72 metres in lieu of the required 4.5 metres; and
- variation to the proposed boundary wall height being 3m in lieu of the 2.7m average required under the R-Codes;

for the construction of alterations and additions at No. 4 (Lot 431) Clayton Street, East Fremantle in accordance with the plans date stamp received on 30 April 2010 subject to the following conditions:

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

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Footnote:

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

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

(H) T169.20 Fraser Street No. 48 (Lot 7)
Applicant & Owner: George Gonthier
Application No. P85/2010

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

- variation to the building setback on the eastern, southern and western elevation being nil metres in lieu of the required 1.0 metres as per the building setback requirements of the Residential Design Codes;
- a portion of the ground floor setback to the northern boundary of nil – 1.1 metres in lieu of the 1.6 metres required setback as per the building setback requirements of the Residential Design Codes;
- the wall height of the boundary wall being 3.0 metres in height, in lieu of 3.0 and 2.7 metres as per the buildings on boundary requirements of the Residential Design Codes;
- the retaining wall height of 0.765 metres – 1.59 metres, in lieu of the 0.5 metre requirement as per the Residential Design Codes;

for the construction of alterations and additions at No. 48 (Lot 7) Fraser Street, East Fremantle in accordance with the plans date stamp received on 11 May 2010, and revised plans received 2 July 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. 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.
3. 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.
4. 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.
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.

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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).*

(I) T169.21 Pier Street No. 56 (Lot 108)

Owner: Christine & David Rowlands

Applicant: Croudace Architects

Application No. P92/2010

That Council exercise its discretion in granting approval for:

- a variation of 0.4m to the maximum wall heights specified in LPP No. 143; and
- a variation to LPP No. 66 to allow a flat roof;

for a two-storey house at No. 56 (Lot 108) Pier Street, East Fremantle, as shown on plans date stamped 27 May and 2 July 2010 and subject to the following conditions:

1. Unless the plans are modified to set back the building in accordance with the R-Codes, the west facing kitchen window to be obscured or screened to meet the privacy requirements of the R-Codes, to the satisfaction of the Chief Executive Officer.
2. Unless the plans are modified to set back the building in accordance with the R-Codes, screening to be provided on the western edge of front and rear decking areas, to the satisfaction of the Chief Executive Officer.
3. The front setback area to be landscaped in accordance and a landscaping plan is to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
4. Any air-conditioning plant is to be positioned so that it that will not result in an unreasonable loss of amenity to adjoining residents, details of which are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a Building Licence.
5. Details of materials and finishes are to be provided to and endorsed by the Chief Executive Officer prior to issuance of a Building Licence.
6. All storm water resulting from the development is to be retained on site.
7. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
8. 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.
9. 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.
10. The proposed works 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.
11. 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

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angle of repose and/or another method as approved by the Town of East Fremantle.

12. This planning approval to remain valid for a period of 24 months from date of this approval.
13. Additional information demonstrating how vehicle access to the undercroft can be provided without raising the ground floor level of the dwelling and without requiring a driveway to be cut in at the subject lot's front boundary is to be provided to and endorsed by the Chief Executive Officer prior to issuance of a Building Licence

That the applicant be advised of the following:

- (a) *This approval does not cover the construction of a front fence or portions of side fence located forward of the subject house. Fencing in these locations may require further planning approval and/or a building licence.*
- (b) *This approval does not cover the construction of any rainwater tanks which must be the subject of a separate planning application and building licence.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

The Acting Town Planner left the meeting at 9.00pm.

170. FINANCE

170.1 Accounts for Payment

By John Roberts, Executive Manager Finance & Administration on 14 July 2010

PURPOSE

To endorse the list of payments for the period 1 June 2010 to 30 June 2010.

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 periods beginning 1 June 2010 and ending 30 June 2010 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the periods beginning 1 June 2010 and ending 30 June 2010 be received, as per the following tables:

June 2010		
Voucher Nos	Account	Amount
3502, 3881-3909	Municipal (Cheques)	\$197,152.70
EFT12278 – EFT12420	Electronic Transfer Funds	\$341,889.23
Payroll	Electronic Transfer Funds	\$173,961.75
Loans	Direct Debits	64,519.93
	Municipal Total Payments	\$777,523.61



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Following queries from elected members, the CEO undertook to obtain information on the seabed rent payable for Council's mooring jetties.

Cr Olson – Cr de Jong

That the List of Accounts for the periods beginning 1 June 2010 and ending 30 June 2010 be received. CARRIED

171. REPORTS OF CHIEF EXECUTIVE OFFICER

Nil.

172. CONFIDENTIAL BUSINESS

Nil.

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

Nil.

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

Nil.

175. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.13pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 July 2010**, Minute Book reference **152.** to **175.** were confirmed at the meeting of the Council on*

.....

Presiding Member