



# Special Council Meeting 30 October 2012

## MINUTES



**MINUTES OF A SPECIAL COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 30 OCTOBER 2012 COMMENCING AT 6.30PM.**

**INDEX**

- 284.        **DECLARATION OF OPENING OF MEETING**
- 284.1      *Present*
- 285.        **ACKNOWLEDGEMENT OF COUNTRY**
- 286.        **WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 287.        **RECORD OF APPROVED LEAVE OF ABSENCE**
- 288.        **RECORD OF APOLOGIES**
- 289.        **PUBLIC QUESTION TIME**
- 290.        **BUSINESS**
- 290.1      *Mixed Use Development Canning Highway No 147 (Lot 18)  
Application for Condition Clearance and Design Changes*
- 290.2      *Proposed Change of Use  
No 155 Canning Highway (Unit 19) East Fremantle  
Applicants: A Parker & J Harwood  
Owner: T Gray*
- 291.        **CLOSURE OF MEETING**

**MINUTES OF A SPECIAL COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 30 OCTOBER 2012 COMMENCING AT 6.30PM.**

**284. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**284.1 Present**

Mayor A Ferris	Presiding Member
Cr B de Jong	
Cr R Lilleyman	
Cr D Nardi	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Service

**285. 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.”*

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

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

**287. RECORD OF APPROVED LEAVE OF ABSENCE**

Nil.

**288. RECORD OF APOLOGIES**

Cr Collinson  
Cr Olson.  
Cr Wilson.

**289. PUBLIC QUESTION TIME**

Nil.

**290. BUSINESS**

**290.1 Mixed Use Development Canning Highway No 147 (Lot 18)**

**Application for Condition Clearance and Design Changes**

**Author:** Jamie Douglas Manager Planning Services

**Date:** 23 October 2012

**Purpose of this Report:**

This report considers further revisions to the amended design drawings for the approved mixed use development at 147 Canning Highway. These revisions have been submitted in response to comments made at Council's meeting 16 October 2012. The report recommends that Council accept that the proposed amended design satisfies Condition 5 of the Development Approval and that the changes to the buildings A, B, and C arising from the design development fall within the context of the existing Planning Approval.

**Background:**

Council approved the development application for a Mixed Use Activity Centre at 147 Canning Highway (Royal George Tavern and adjacent lands) on 13 December 2011 (refer Attachment). That approval was subject to a number of conditions, including the following Condition 5.

*'The semi-circular balconies and roof capping incorporated within the northwest elevation of Building D, adjacent to Council Place, are not approved in the present form. These elements shall be subject to design development and incorporated in amended plans to be submitted and approved to the satisfaction of Council prior to the submission of an application for building approval'.*

The applicants submitted amended plans on 26 September 2012 and sought Council's approval of the revised perspectives and elevations in satisfaction of Condition 5 of the DA approval. These plans were considered by Council at its meeting on 16 October 2012. Council's resolution from that meeting was as follows;

*That the application for a number of design changes to the proposed Mixed Used Activity Centre at 147 Canning Highway be deferred to a Special Council Meeting to be held next week.*

The revised plans were received on 22 October 2012 and accordingly the Special Council meeting was scheduled for Tuesday 30 October 2012.

**Summary of Design Concerns relating to Previous Drawings:**

Changes to Building C and the inter-phase of the Piazza with Silas Street were not supported. It was considered that the curved balcony elements of the original design helped to celebrate the entrance to the Piazza and more readily 'blend' this space with the Silas Street reserve. The 'squaring off' of this building presented a more severe hard edge to this street face. The façade articulation in the originally approved design for Building C was more domestic in scale and this in combination with the hipped roof form provided for a better transition to the surrounding development than the revised design. The canopy height of Building C as it bends around the corner to the south had been increased to a second storey height which diminishes the pedestrian scale of the building. The archways and balconies were also heavier and more articulated in the originally approved plans than the present design and this assisted in breaking the mass of the building.

There was concern expressed by some elected members regarding the corner treatment of Building A and its relationship to the Town Hall. It was considered that the sharpened edges of the 'wings' adjacent to the pedestrian entrance were less desirable than the chamfered edge treatment previously proposed.

Elected Members also requested clarification that car space provisions which have been committed to and definition of the revised apartment configurations.

**Consideration:**

A total of twenty drawings have been submitted which consist of;

- Floor Plans Drawing Nos SKA 012 to SKA020
- Building Foot print Plan Nos. SK A 41

The floor plans confirm that the 268 parking spaces, land uses, floor areas and apartment configurations committed to by the applicants in their letter of 20 August 2012 are incorporated in the current plans.

The building footprints shown in the Podium Outline Plan SK-A-41 indicate the differences between the existing Development Approval and the revised drawings. It can be seen that the overall size of the Public Square has been increased notwithstanding the encroachments of Building C into this area. The Plan also shows how the more irregular footprints of the previously approved buildings have been regularised. While it could be argued that some interest in the buildings may have been lost because of this, it will enable a more efficient use of the public spaces surrounding them, especially in the Piazza.

- Perspectives – unnumbered but allocated nos. 1 to 6 in this report.
- Elevations Nos SKA039C, SKA042B, SKA040B, SKA041C

The first four perspectives are a similar viewpoint but differ in colour and façade treatments (see also Elevation Nos SKA039C and SKA041C). All of these perspectives now incorporate a chamfered edge to the corner 'wings' adjacent to the recessed entranceway which is continued through the extended colonnades supporting the balcony corners above the podium level. The entranceway has now returned to the circular feature similar to that in the building linkage on the north elevation and as previously incorporated in the approved drawings. It is considered these elements contribute to an improved design outcome and are more respectful of the Town Hall form and façade detailing.

There are two options described for the fenestration and façade treatment above the entrance podium on the building corner. Both options introduce more articulation to the fenestration and the option described in the first two perspectives is favoured. This is because this option tends to be more visually recessive at these upper levels but nevertheless helps to 'celebrate' this corner entranceway by breaking the continuum of the horizontal lines of the adjacent balconies.

The lighter tonal treatment used in Perspective 1 is preferred as it is less discordant with the Town Hall (soon to be cleaned and painted and therefore lightened) and also assists in the visual setback of the entranceway.

There have been no changes to the Silas Street elevation (see Perspective 5 and Elevation No. SKA042B)

Perspective 6 (and Elevation SKA041C) show the revisions to the southern elevation. These consist of lowering the canopy to the upper ground level from the previously proposed two storey height and extension of brickwork to the first floor balcony. This now more closely resembles the approved plan and assists in creating a more domestic scale. The applicants submit that functional changes to this building are necessary to achieve a financially viable development. These functional changes in the building have necessarily required changes to its form and footprint. The streetscape impact of this building is now considered to be satisfactory and it is noted that in any event, the buildings impact upon the streetscape will be reduced if Future Building F is developed as indicated. In light of the above, the design changes are supported.

**Conclusion:**

Although questions of aesthetics are by nature subjective it is considered that from an urban design perspective, the performance of Buildings A and B has improved dramatically since the initial proposals put before the Town Planning Advisory Panel, the Town Planning & Building Committee and the last meeting of Council to the point where the design outcomes exceed that which would have otherwise been achieved had the Approved Plans been unchanged.

In regard to Building C it is considered that the proponents have undertaken the design changes which Council indicated were necessary to address its concerns. Although the design incorporated in the Approved Plan is still preferred this cannot practically be achieved given the functional requirements of this building, which it has been argued, are necessary to address for the viability of the development as a whole.

As previously stated (see attached report to Council meeting 16 October 2012) it is open to Council to accept the design revisions to the Approved Plans within the context of the existing Development Approval. It is considered that the design changes the subject of this report reasonably address the concerns raised by Elected Members at the last meeting of Council and should be supported.

**RECOMMENDATION:**

It is recommended that Council:

- advise the proponents of a Mixed Use Activity Centre at 147 Canning Highway which was approved by Council at its meeting on 13 December 2011, that it supports the

30 October 2012

## MINUTES

indicated design changes and confirm that the amended plans date stamp received 22 October 2012 satisfy Condition 5 of the Planning Approval.

- indicate its preference for the lighter coloured render and façade treatment for Building A incorporated in Perspective 1 (as numerated in this report).

Russell Quinn, on behalf of applicants, offered to answer any questions of elected members, and did so.

**Cr de Jong – Cr Nardi****That Council:**

- advise the proponents of a Mixed Use Activity Centre at 147 Canning Highway which was approved by Council at its meeting on 13 December 2011, that it supports the indicated design changes and confirm that the amended plans date stamp received 22 October 2012 satisfy Condition 5 of the Planning Approval.
- indicate its preference for the lighter coloured render and façade treatment for Building A incorporated in Perspective 1 (as numerated in this report).

CARRIED UNANIMOUSLY

290.2

***Proposed Change of Use******No 155 Canning Highway (Unit 19) East Fremantle******Applicants: A Parker & J Harwood******Owner: T Gray***

By Stuart Wearne, Chief Executive Officer, on 26 October 2012

**BACKGROUND**

A planning application for a change of use from Tattoo Parlour to Personal Fitness Studio was received on 18 October 2012.

Technically this would be a change of use from “shop” (a ‘P’ use) to “Recreation – Private” (an ‘A’ use) meaning a Council discretion (and advertising) required.

A copy of the application is attached.

**ATTACHMENT**

On the same date, a real estate agent, Sam Fazio, wrote to the Mayor expressing concerns on behalf of the applicants (his clients), with respect to the time which had been indicated would be needed for a Council decision.

**ATTACHMENT**

Given cut off dates for the November round and a large planning agenda, and given the need for advertising which this application necessitated, the applicants had advised the matter would need to be considered in the December round, the closing date for which was 23 October 2012.

However, as can be seen from Mr Fazio’s email, Mr Fazio claims that could leave his clients in jeopardy, as their contract of purchase expires on 5 November.

Following receipt of Mr Fazio’s email, the Mayor asked the CEO if there was anything Council could do to assist.

**DISCUSSION**

From the email sent to the Mayor, I believe it could be reasonably concluded the contract of purchase was signed in early October, expiring 30 days later in early November. However when I spoke with Mr Fazio it was determined the offer to purchase was signed on 4 September.

In fact, had the application been submitted on 4 September it:

- (i) Could, with a little flexibility regarding cut off dates, been dealt with at the 2 October 2012 Town Planning Committee meeting or, *at worst*

- (ii) Would have gone to the 6 November meeting and almost certainly been dealt with under delegated authority.

I pointed out to Mr Fazio the reference to the City of Melville was, without further details, irrelevant. Without knowing their Scheme provisions with respect to the relevant zoning, permitted uses etc or their instruments of delegation, comparisons are meaningless.

**REPORT**

Notwithstanding the contract of sale issue has neither been caused by Council or is the responsibility of Council, expediting this matter does offer an opportunity to help replace the tattoo parlour (technically a “shop”, which, at the time it was established, did not require a change of use, as a shop existed previously and therefore no Council approval was required) with a business arguably more suitable to a Town Centre.

(It should be noted however that the change of use would not occur until 31 July 2013.)

The only practical means of expediting the planning assessment/approval process is, as suggested by the Manager Planning Services, for elected members to delegate the decision to the CEO (who would obviously consult with the Manager Planning Services).

Advertising has already commenced and closes on Tuesday, 6 November 2012. A decision could be made shortly thereafter.

Whilst, technically, this would be outside of the 4 November date Mr Fazio says is required for Council approval, he believes the above proposed approach will be sufficient to keep the contract “alive”.

The applicants are already running gyms in Scarborough and Melville which could be viewed if necessary. The hours proposed seem reasonable.

There may be some issues in relation to parking provisions, however given the reported relatively small number of employees and clients, the issue would seem manageable.

**RECOMMENDATION**

That Council grant the Chief Executive Officer delegated authority, pursuant to clause 11.3 of Town Planning Scheme No 3, to consider a proposed change of use from tattoo parlour to fitness centre for Shop 19, 155 Canning Highway.

**Absolute Majority Resolution Required**

The CEO offered to answer any questions of elected members, and did so.

**Cr Lilleyman – Cr Rico**

**That Council grant the Chief Executive Officer delegated authority, pursuant to clause 11.3 of Town Planning Scheme No 3, to consider a proposed change of use from tattoo parlour to fitness centre for Shop 19, 155 Canning Highway. CARRIED**

**ABSOLUTE MAJORITY**

291.

**CLOSURE OF MEETING**

There being no further business, the meeting closed at 6.41pm

*I hereby certify that the Minutes of the special meeting of the **Council** of the Town of East Fremantle, held on **30 October 2012**, Minute Book reference **284. to 291.** were confirmed at the meeting of the Council on*

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**Presiding Member**

