

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 29 March 2004 at 6.00 pm

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CONFIDENTIAL MATTERS

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|----------|---|----|
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|----------|---|----|

CLOSURE OF MEETING

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

THE MAYOR, MR PETER TAGLIAFERRI DECLARED THE MEETING OPEN AT 6.04 PM AND WELCOMED MEMBERS OF THE PUBLIC TO THE MEETING

ATTENDANCE AND APOLOGIES

Present: The Mayor, Mr Peter Tagliaferri in the Chair and Councillors

East Ward

Cr Kathy Anketell

Beaconsfield Ward

Cr Shirley Mackay; Cr John Alberti

Hilton Ward

Cr Tony Miosich JP; Cr Bob Smith

City Ward

Cr Steve Gorman; Cr Phil Douglas

South Ward

Cr Geoff Graham

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Ray Glickman; Director Corporate Services, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Miragliotta; Manager Strategic Planning and Corporate Development, Ms Jill Hanna; Manager Development Assessments, Mr Andrew Jackson; Acting Manager Finance and Administration, Mr Wayne Smith and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill.

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Rose Pinter

Cr Helen Hewitt

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

1. **Mr Bill Massie**
1 Ward Street
Samson
Seton Finance Review

Summary of Question

- a) What has happened with the bay parking for Seton College?
- b) Why was there a surveyor on Letchford Street on Sunday 28 March 2004?

Summary of Response by Director Urban Management, Mr J Miragliotta

- a) I came from a meeting with Seton College today and we have basically come up with an action plan in agreement with both Seton College and Council and we will be bring an item to Council in the next round. This is an action plan the community wants and the Council wants
- b) Surveyors were on Letchford Street on Sunday and will be there again tomorrow conducting site contour surveyors of the Seton College grassed area on the southern side to see if we can possibly relocate the existing City drainage sump into the Seton College grounds.

Response by Mayor P Tagliaferri

During the consultation process information will be sent out to the public.

2. **Mr Darrel Cake**
28 Suffolk Street
Fremantle
C0403-13

Summary of Question

Mr Cake spoke of the Confidential item C0403-13 in the Notice Paper and quoted from the publication at the back of the Notice Paper titled “Summary Guide to Citizen Participation and Consultation”.

Mr Cake asked what City Officer recommended the item be made confidential and were any City Officers involved and which Officer made the whole item confidential or was it Cr Hewitt’s by herself?

Summary of Response by the Chief Executive Officer, Mr R Glickman

Mr J Miragliotta has advised me that this item was dealt with at Development Assessments committee meeting which I wasn’t present at, as a Confidential item and based on legal advice received and based on the fact that a mediation process has taken place so it is basically a negotiation and discussion process.

In relation to bringing this item to Council it was suggested to the Director of Corporate Services and myself there might have been something faulty with the process that happened at Development Assessments Committee meeting in which case we needed to bring back the item for discussion by full Council. It was probably for a procedural reason more than anything and that procedural issue does relate to the legal advice received as well. It is recommended as confidential but it is of course up to Council when the item comes up to deem that it is confidential or not and then of course it is open after the discussion for that matter then to be made public at the discretion of the Chief Executive Officer if there seems to be no reason for it not to be.

**3. Mr R Bakowski
DAC0403-198**

Summary of Question

Mr Bakowski tabled photographs (see attachments) to Councillors and spoke of urban planning rules. He spoke of a Fothergill Street development and of a developer who couldn't build because of mature trees and a heritage dunny and after selling the property and within two months of the sale, the trees and the dunny were removed. He spoke on parapet walls.

Summary of Response by Mayor P Tagliaferri

They are statements more than questions.

Summary of Response by Manager Development Assessments, Mr A Jackson

As discussed at Development Assessments Committee last meeting each proposal or development application is considered on its merits under the current rules and while there may always be a range of other proposals existing which look different and don't comply with what is being imposed on the current proposal, each of those decisions would have been made in its own right at its time depending on those rules or if was made on appeal for example or possibly a reconsideration request. The general point is that this application needs to be considered on merit, it has been advertised, there are guidelines about what is considered acceptable and the officers have recommended a slight reduction, a slight concession and that is set out in the report that Committee determined.

DISCLOSURE OF INTERESTS BY MEMBERS

| | | |
|---------------------|-------------|--------------------|
| Mayor P Tagliaferri | DAC0403-197 | Proximity Interest |
| Cr J Alberti | DAC0403-197 | Proximity Interest |

APPLICATIONS FOR LEAVE OF ABSENCE

MAYOR P TAGLIAFERRI MOVED THE FOLLOWING RECOMMENDATIONS NUMBERED C0403-12 AND C0403-14 EN BLOC BE ADOPTED

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 11/0

For

Against

The Mayor, Peter Tagliaferri
Cr Bob Smith
Cr Shirley Mackay
Cr John Alberti
Cr Kathy Anketell
Cr Geoff Graham
Cr Tony Miosich
Cr Bob Williams
Cr Phil Douglas
Cr Steve Gorman
Cr Doug Thompson

**C0403-12 Leave of Absence – Cr Bob Williams
Attachment No. 4**

**DataWorks References – Cr Bob Williams
Administration Officer**

Decision Making Authority

Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Bob Williams for the period Sunday 4 April 2004 to Friday 4 June 2004 inclusive.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

| |
|---|
| Legislative and Legal Considerations |
|---|

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Bob Williams for the period Sunday 4 April 2004 to Friday 4 June 2004 inclusive as per Attachment No. 4.

ITEM NUMBERED C0403-14 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-14 Leave of Absence – Cr Phil Douglas

**DataWorks References – Cr Phil Douglas
Administration Officer**

Decision Making Authority

Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Phil Douglas for Tuesday 27 April 2004.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

Legislative and Legal Considerations

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Phil Douglas for Tuesday 27 April 2004.

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr S Gorman spoke of his concern at some of the content in a newsletter from the Fremantle Society.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 15 MARCH 2004 BE CONFIRMED AS A TRUE AND ACCURATE RECORD
SECONDED BY CR B WILLIAMS

CARRIED UNANIMOUSLY 11/0

| For | Against |
|------------------------------|----------------|
| The Mayor, Peter Tagliaferri | |
| Cr Bob Smith | |
| Cr Shirley Mackay | |
| Cr John Alberti | |
| Cr Kathy Anketell | |
| Cr Geoff Graham | |
| Cr Tony Miosich | |
| Cr Bob Williams | |
| Cr Phil Douglas | |
| Cr Steve Gorman | |
| Cr Doug Thompson | |

ANNOUNCEMENTS BY THE MAYOR

Mayor P Tagliaferri spoke of the success of the meeting held with all the owners of the Mall including Officers of Council, Councillors and himself, regarding the reinstatement of the verandas.

QUESTIONS BY ELECTED MEMBERS

Cr K Anketell asked the Chief Executive Officer, Mr R Glickman why the 12 year old plain trees were removed merely at the request of the University? Can we be assured that other trees in the CBD won't be removed without firstly being reported to Council?

Response by the Chief Executive Officer, Mr R Glickman

I will take that question on notice.

Response by Mr J Miragliotta

Mr Miragliotta has spoken to Officers and of the need for the proper procedure of reporting these things to Council and spoke of the City's endeavours to see the greening of the City.

Cr P Douglas spoke of the recent Elected Members' weekend workshop in Mandurah and the amount of better understanding of each others attitude and governance.

Response by Mayor P Tagliaferri

The Mayor spoke of the amount learnt on the governance issue.

Cr G Graham spoke of the Norfolk Hotel item and how he had not been given a copy of 3 legal letters and each Elected Member should be given that legal advice and be able to interpret his own interpretation of that legal advice.

Response by Chief Executive Officer, Mr R Glickman

Mr Glickman spoke of the importance of Elected Members being aware of the advice we have received and in most cases we don't supply the documentation but when asked, we do and if we are asked after tonight's discussion then we will but clearly at the Development Assessments Committee meeting the nature of the advice was made clear to Elected Members so that they could make their decision.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

Photographs tabled by Mr R Bakowski
 Additional item C0403-14
 Confidential Attachment for C0403-13

GLOSSARY OF FREQUENTLY USED ACRONYMS

| <i>Acronym:</i> | <i>Details:</i> |
|------------------------|--|
| A&I | Assets & Infrastructure |
| ACC | Anti-Corruption Commission |
| BLIMP | Bottom Line Improvement Management Project |
| CAT | Central Area Transit |
| COF | City of Fremantle |
| CPS | City Planning Scheme |
| DCD | Director Community Development |
| DCS | Director Corporate Services |
| DUM | Director Urban Management |
| DW | DataWorks |
| EM | Elected Members |
| FAB | Fremantle Artillery Barracks |
| FEB | Fremantle Eastern Bypass |
| FP | Fremantle Ports |
| HR | Human Resources |
| IT | Information Technology |
| LGMA | Local Government Managers Australia |
| LRA | Long Range Agenda |
| MG | Management Group |
| S&I | Service & Information |
| SMG | Senior Management Group |
| SoN | State of the Nation |
| SP&CD | Strategic Planning & Corporate Development |
| TPS | Town Planning Scheme |

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| | |
|-------|---|
| UE&C | Urban Environment & Control |
| UNDA | University of Notre Dame Australia |
| WALGA | Western Australian Local Government Association |
| WOW | Wipe Out Waste |

DEVELOPMENT ASSESSMENTS COMMITTEE

Items referred to Council from the Development Assessments Committee held in the Council Chambers, Fremantle City Council
22 March 2004 at 6.09 pm

CR P DOUGLAS ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD ON 22 MARCH 2004 FORESEE ANY CHANGES TO THE MINUTES AS PRINTED AND PRESENTED

Nil

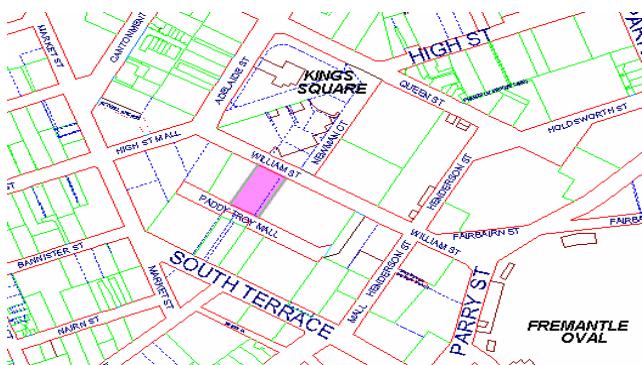
DISCLOSURE OF INTEREST

MAYOR P TAGLIAFERRI AND CR J ALBERTI DISCLOSED A PROXIMITY INTEREST IN ITEM NUMBERED DAC0403-197 LEFT THE CHAMBER AT THIS JUNCTURE BEING 6.30 PM AND DID NOT VOTE ON THE ITEM

DEPUTY MAYOR CR P DOUGLAS TOOK THE CHAIR AT THIS JUNCTURE BEING 6.31 PM

DAC0403-197 **William Street No. 23 (Lot 200 & 201 PT378 & Pt379) Fremantle**
Reconsideration of Condition - Cash in lieu of parking
(W15/23 DA617/03) (DM) (Attachment: att0403-197)
This application has been recommended for Council advice

Owner Name: Amelia Correia Holdings Pty Ltd
Submitted by: Rosie O'Grady's Fremantle
M.R.S.: Central City Area
T.P.S. No. 3: Central Business
Heritage Listing: MHI
Existing Landuse: Hotel



Proposal

Date received: 7 October 2003

Details

The site is located on the southern side of William Street opposite the Town Hall Centre.

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The site accommodates Rosie O'Grady's pub/hotel. The premises incorporates a rear courtyard facing onto Paddy Troy Mall. Approval has been granted to extend the rear courtyard of the premises by approximately 70m² to the south east. This approval was granted on 10 November 2003. The area proposed for the courtyard extension currently accommodates four car parking bays.

A condition of approval requiring a cash in lieu of car parking contribution of \$60 000 was recommended. Further to reconsideration by DAC on 1 December 2003, the recommended cash in lieu of car parking contribution was reduced from \$60 000 to a contribution of \$24000. This represented a reduction from the calculated 10 bays required by the additional trading floor space to a calculation based on the actual four bays to be lost on site.

The applicant has submitted information in support of a further reconsideration of the cash in lieu contribution – seeking a further reduction or deletion of the condition

The information submitted is summarised as follows:

- The requirement is onerous and would prevent the proposed works from being financially viable.
- Only a small area of increased floor space has been applied for
- The owner is willing to reduce the internal licensed floor space of the hotel to compensate for the increase in the courtyard area.
- Queensgate car park has capacity to accommodate the parking at the Hotel's peak operating times.
- Cash in lieu of car parking at 19 Collie Street was recently waived by Council.

Background

- 19 February 1996 –Courtyard - approval
- 24 November 1999 – Additions to cool room, outside bar and screen wall
- Various approvals for internal alterations
- 4 June 2002 – Approval of colour scheme
- 10 November 2003 – DAU approval of courtyard extension – incorporated cash in lieu contribution of \$60 000
- 1 December 2003 – DAC reconsideration of cash in lieu condition – reduced to \$24 000

DAC Agenda Attachments

Location Plan
Site Plan
Previous DAC Minutes
Applicant's Submission

Assessment

| Site Inspection | Comments |
|----------------------|--|
| Existing Structures: | Car parking for four cars (on area of site affected) |
| Adjoining Land Uses | Commercial |
| Trees | None |
| Checked date: | 23 Oct, 6 Nov 2003 |

Referrals – Internal Comments

Comments of City departments, relevant Town Planning Scheme No.3 standards and policy consideration used by DAC in its determination of this matter are found in the original report to DAC which is ATTACHED.

Statutory Requirements

Lot Area: 1470m²
Use Permissibility: AA
Floor Area: 70m²

In response to the applicant's submission, the following points are considered:

- The requirement is onerous and would prevent the proposed works from being financially viable.

The financial viability of a development cannot reasonably be taken into account in a planning assessment.

- Only a small area of increased floor space has been applied for.

The proposal is for an area of 70m². Car parking requirements under Town Planning Scheme No.3 have been calculated, the 50% variation for developments in the Central Business zone has been applied and a further variation has been applied by the DAC.

- The owner is willing to reduce the internal licensed floor space of the hotel to compensate for the increase in the courtyard area.

This proposition is considered not to be valid inasmuch as the car parking is not calculated on licensed area, but overall floor space. The floor space in the premises is proposed to increase and as such car parking requirements are deemed to increase under Town Planning Scheme No.3.

- Queensgate car park has capacity to accommodate the parking at the Hotel's peak operating times.

The information supplied in regard to the Queensgate car park is noted and ATTACHED, this is considered to be a valid consideration in the cash in lieu issue. It is noted that the premises is a heritage listed building with limited scope to accommodate car parking on site and that the Queensgate and other car parks are in close proximity to the site. In consideration of Council's current policy on cash in lieu of parking, however, and given the variation to the cash in lieu contribution already granted by the DAC, further variation to this standard is not considered appropriate.

- Cash in lieu of car parking at 19 Collie Street was recently waived by Council.

An eight bay shortfall was waived by Council in approving a change of use application from vacant commercial premises to a lounge bar/club. The car parking requirements for this site are included within the Collie Street car park – on the same site as the application. It is noted that the Council and DAC have previously varied cash in lieu of parking requirements including in the case of the subject application.

The variation/waiver already approved by the DAC for the current application is for \$36 000 – effectively a waiver of six bays' cash in lieu contribution.

Conclusion

Given the policy reason behind the initial recommendation that a cash in lieu contribution be paid; the above comments and the previous decision of DAC to reduce the car parking, the request for further reconsideration of the cash in lieu condition is not supported.

Officer's Recommendation

A) That the Development Assessments Committee acting under authority delegated by the Council, confirms the decision dated 1 December 2003 as follows:

That the Development Assessments Committee, acting under authority delegated by the Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for extension of the hotel courtyard at No. 23 (Lots 200 (Pt 379) and 201 (Pt 378)) William Street, Fremantle, as detailed on plans dated 7 October, subject to the following conditions:

1. In accordance with Clause 52(f) of Town Planning Scheme No 3, the applicant shall enter into an agreement with Council to make a cash-in-lieu payment to a Trust Account of Council for the provision of the shortfall of parking (10 parking bays). The contribution shall be paid in full prior to the issue of a building licence; or the applicant shall enter into an agreement with the City for staged payments, supported by a bank guarantee.
2. Landscaping shall be installed along the Paddy Troy Lane boundary, including a Plane Tree (minimum root-ball size of 200 litres) to align with the existing planting of boundary trees.
3. The applicant shall provide lighting to the courtyard extension area to the satisfaction of the Director, Urban Management.
4. All storm water shall be contained on site.

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.
- (ii) In relation to condition 1 above, the total amount payable is \$24,000.
- (iii) The site is located across two separate lots - Lots 200 (Pt379) and 201 (Pt378), and these lots should be amalgamated into a single title lot.
- (iv) Further planning consent of Council is required for the courtyard area to be used for concerts or outdoor entertainment events.

B) That an additional advice note be added to the resolution as follows:

- (v) The cash in lieu contribution for the site is to be used for parking and related improvement within Paddy Troy Mall.

Recommendation to Council

A) That the Council, confirms the decision dated 1 December 2003 as follows with an amendment to Condition 1:

That the Development Assessments Committee, acting under authority delegated by the Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for extension of the hotel courtyard at No. 23 (Lots 20 (Pt 379) and 201 (Pt 378)) William Street, Fremantle, as detailed on plans dated 7 October, subject to the following conditions:

1. In accordance with Clause 52(f) of Town Planning Scheme No 3, the applicant shall enter into an agreement with Council to make a cash-in-lieu payment over 4 years to a Trust Account of Council for the provision of the shortfall of parking (10 parking bays). The contribution shall be paid in full prior to the issue of a building licence; or the applicant shall enter into an agreement with the City for staged payments, supported by a bank guarantee.
2. Landscaping shall be installed along the Paddy Troy Lane boundary, including a Plane Tree (minimum root-ball size of 200 litres) to align with the existing planting of boundary trees.
3. The applicant shall provide lighting to the courtyard extension area to the satisfaction of the Director, Urban Management.
4. All storm water shall be contained on site.

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.
- (ii) In relation to condition 1 above, the total amount payable is \$24,000.
- (iii) The site is located across two separate lots - Lots 200 (Pt379) and 201 (Pt378) and these lots should be amalgamated into a single title lot.
- (iv) Further planning consent of Council is required for the courtyard area to be used for concerts or outdoor entertainment events.

B) That an additional advice note be added to the resolution as follows:

- (v) The cash in lieu contribution for the site is to be used for parking, lighting and related improvements within Paddy Troy Mall.

Moved by: Cr. Phil Douglas

| For | Against |
|--|--|
| Cr. Tony Miosich Cr. Phil Douglas Cr. Bob Williams | Cr. Helen Hewitt Cr. Kathy Anketell |

CARRIED: 3/2

Cr. Kathy Anketell at Committee requested that the item be referred to full Council.
Seconded by Cr. Helen Hewitt.

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Recommendation A), Condition 1 – A staged payment over 4 years is considered reasonable.

Recommendation B) – Lighting is considered an important improvement.

DEPUTY MAYOR CR P DOUGLAS MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED DAC0403-197 BE ADOPTED

SECONDED BY CR T MIOSICH

CARRIED 9/1

| For | Against |
|---------------------------|-------------------|
| Deputy Mayor Cr P Douglas | Cr Kathy Anketell |
| Cr Bob Smith | |
| Cr Shirley Mackay | |
| Cr John Alberti | |
| Cr Geoff Graham | |
| Cr Tony Miosich | |
| Cr Bob Williams | |
| Cr Steve Gorman | |
| Cr Doug Thompson | |

AT THIS JUNCTURE IN THE MEETING BEING 6.38 PM THE DEPUTY MAYOR CR P DOUGLAS VACATED THE CHAIR

AT THIS JUNCTURE IN THE MEETING BEING 6.39 PM THE MAYOR P TAGLIAFERRI AND CR J ALBERTI RE-ENTERED THE CHAMBER AND THE MAYOR P TAGLIAFERRI RESUMED THE CHAIR

DAC0403-198 McLaren Street No. 20 (Lot 13) South Fremantle
Reconsideration request - two storey rear addition to residence
 (MC7/20 Vol1 DA584/03) (BP/AJ) (Attachment: att0403-198)
This request is recommended for Council Advice

Introduction

On 17 February 2004 the Director via the Development Assessment Unit approved alterations and additions to an existing single storey dwelling subject to conditions.

On 12 March 2004 the owner / applicant requested reconsideration of Condition 1(a) in particular and has submitted revised plans addressing other aspects. Justification has been submitted by the owner / applicant and is outlined below in this report.

It is noted that although Condition 5 for screening of the balcony has not been addressed, although the applicant has stated in writing (11 March 2004) that the condition is not being disputed and he will comply with the condition. At building licence stage the plans will be required to demonstrate this detail.

Previous Report

[Start Quote]

| | |
|------------------------------|---|
| <i>Owner Name</i> | <i>Richard and Margaret Bakowski</i> |
| <i>Applicant Name</i> | <i>As Above</i> |
| <i>M.R.S.</i> | <i>Urban</i> |
| <i>T.P.S. No. 3</i> | <i>Residence (R30)</i> |
| <i>Permissible Use Class</i> | <i>Residence – Private (Permitted Use)</i> |
| <i>Heritage</i> | <i>Municipal Heritage Listed</i> |
| <i>Existing Land Use</i> | <i>Single storey dwelling (debilitated)</i> |
| <i>Lot area</i> | <i>628m²</i> |
| <i>Floor area</i> | <i>234m²</i> |
| <i>Encumbrance</i> | <i>Nil</i> |
| Proposal | |
| <i>Date Received</i> | <i>19 September 2003</i> |
| <i>Details</i> | <ul style="list-style-type: none"> • <i>Demolition of original kitchen, Room 3 and Storage Room at the rear;</i> • <i>Replacement Kitchen, addition of Meals area, new Bathroom, Laundry and Patio on the ground floor at the rear;</i> • <i>New Upper Floor Addition including 2 Bedrooms (1 with balcony), 1 Bathroom and WIR at the rear.</i> |
| <i>Relevant Background</i> | <ul style="list-style-type: none"> • <i>30 September 2003 – Plans advertised to adjoining property owners and occupiers</i> • <i>22 October 2003 – Plans received with the additional information requested by Planning Officer</i> |

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| | |
|--|---|
| | <ul style="list-style-type: none"> • 28 November 2003 – Application deferred at Development Assessment Unit meeting requesting changes to design including set back of eastern upper boundary wall from dividing boundary • 15 January 2004 – Applicant provided written justification relating to the 2 storey eastern boundary wall |
|--|---|

| Assessment | Comments (if applicable) |
|---------------------------------|--|
| Site Inspection date | <ul style="list-style-type: none"> • October 2003 • It appears that maintenance has not been carried out on dwelling for a considerable period and it is in a debilitated state. |
| Site level | <ul style="list-style-type: none"> • Flat |
| Crossovers | <ul style="list-style-type: none"> • Existing • No changes proposed |
| Obstructions to proposed access | <ul style="list-style-type: none"> • Nil |
| Existing structures | <ul style="list-style-type: none"> • Single storey dwelling • Lean-to at rear |
| Street Trees | <ul style="list-style-type: none"> • Not affected • No changes proposed |
| Other | <ul style="list-style-type: none"> • Nil |

| Relevant internal referrals | Summary of Comments (if applicable) |
|------------------------------------|--|
| Building | Yes No Comment |
| Physical Services | Yes No Comment |
| Parks & Gardens | Yes No Comment |

| Relevant external referrals | Summary of Comments (if applicable) |
|---|--|
| <p>The application was referred to Kelsall Binet Architects for a heritage assessment and a recommendation was provided on the proposed alterations and additions. The main points that the architects raised is as follows: -</p> <ol style="list-style-type: none"> 1. The building has cultural heritage significance (largely for its streetscape contribution; aesthetic value as a small cottage – although substantially altered; historic value through associations with the late 19th and 20th Century development of Fremantle); 2. The cultural heritage significance has been greatly reduced by later alterations and additions; 3. The cultural heritage significance of the building and streetscape would be enhanced if the retained part of the building were conserved in accordance with the Burra Charter; 4. The upper floor addition is out of scale with the existing house and surrounding buildings and more thought could be applied to reducing the impact of the proposed addition (e.g. reducing overall height by 500mm by lowering floor level to ground level and by the articulation of the façade). <p>Heritage Architect's Recommendation: -</p> <p>The proposed development is not acceptable because of its scale and the detrimental effect that this would have on the retained part of the house and the established streetscape.</p> <p>It is recommended that the retained part of the house should be conserved in accordance with the Burra Charter</p> | |

The proposed conservation works should be the result of a methodical process of collecting and analysing information before any decision is made.

External Submissions (Summary)

Neighbour Notification: Yes N/A

1. Tony Hill

**29 Scott Street
South Fremantle**

21 November 2003 – Revised Plans Submitted (showing full site plan)

*Withdrawal of previous objection

- The site plan clarifies setback from the north boundary and I have no problem with the proposed addition it shows. Glad they will still have a backyard.

2. Raylene and John Troy

**22 McLaren Street
South Fremantle**

- Proposed boundary wall is too high which will restrict sunlight into our adjoining property.
- Sunlight will particularly be affected in the back living area and verandah, both of which have been developed to take advantage of the northern sun.
- This factor is heightened by the fact that our property is semi-detached and therefore on a narrow block – a setback to the first floor may overcome this problem.

Planning comment on submission(s)

Comment 1: –

- Non-objection noted.

Comment 2: -

- Boundary wall is considered to be inappropriately massive and overbearing to the eastern property
- The eastern adjoining property is narrow (i.e. 6.2m in width), which magnifies the impact of the wall
- The wall does not comply with the Acceptable Development Standards of the Residential Design Codes (3.3.2 Boundary Walls)
- It is considered that the wall does not meet the Performance Criteria of the Residential Design Codes due to the detrimental affect it would have on the amenity of the eastern adjoining property in relation to mass and bulk and therefore the wall should be set back from the boundary

Statutory Requirements

Specifications

Proposed

If non-compliant , insert Comment

Streetscape

Surveillance

- Yes, two bedrooms facing street.

- Opening of verandah allowing improved surveillance.

Building Design

- Upper floor addition not sympathetic to existing dwelling.

- Bulk is excessive.
- No articulation to façade of upper floor offers no benefit to the streetscape.

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| | | |
|--|--|--|
| | | <ul style="list-style-type: none"> Proposed improvement to ground floor façade by opening up of verandah. |
| <i>Front Fences</i> | <i>N/a</i> | <i>N/a</i> |
| <i>Setback of Garages & Carports</i> | <ul style="list-style-type: none"> Proposed roller door in line with the dwelling | <ul style="list-style-type: none"> No covered car parking area proposed Garage roller door not considered sympathetic to the heritage nature of the dwelling Roller door is not considered sympathetic or ideal for residential streetscape as the roller door is free standing, whereby the mechanics of the door may be exposed to the street when viewed from the side Materials for the roller door have not been provided |
| <i>Garage Door Frontage</i> | <ul style="list-style-type: none"> Less than 50% | <ul style="list-style-type: none"> No garage proposed. |
| <i>Dwelling Orientation</i> | <ul style="list-style-type: none"> South facing (on a north – south orientated property) | |
| <i>Bulk Scale and Mass</i> | <ul style="list-style-type: none"> The bulk and mass of the proposed upper floor boundary wall is not sympathetic to the streetscape nor to the eastern adjoining dwelling and property which is only 6.2m wide (with a semi-detached single storey dwelling) The bulk and scale of the upper floor addition is not in proportion to and is overbearing to the existing front part of the subject dwelling – it is considered that the application of an adequate setback to the eastern boundary would alleviate this issue The front of the (heritage listed) dwelling is proposed to be maintained as single storey which is supported | |
| <i>Overshadowing</i> | <ul style="list-style-type: none"> The dwelling is north – south facing Winter overshadow will fall back onto the subject property | |
| <i>Building & roof style</i> | <ul style="list-style-type: none"> The style of the existing roof is proposed to remain The roof design is pitched No approach to streetscape with upper floor roof design | |
| Boundary Setbacks | | |
| <i>Front</i> | <ul style="list-style-type: none"> As existing | <ul style="list-style-type: none"> The proposal incorporates opening up of the front room to expose the verandah and this is supported. |
| <i>Side East</i> | <p><i>Ground</i></p> <ul style="list-style-type: none"> Nil setback proposed 1.2m additional ground floor boundary wall | <p><i>Ground</i></p> <ul style="list-style-type: none"> 1.5m setback required Additional 1.2m is a minor addition and is supported |

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| | | |
|-----------------------------|---|--|
| | <ul style="list-style-type: none"> • (21.05m in total length for single storey section (and 3.05m in height) <p>Upper</p> <ul style="list-style-type: none"> • 10.1m in length (6m – 6.1m in height); <p>Balcony Section</p> <ul style="list-style-type: none"> • wall with major opening • 3.8m setback proposed | <ul style="list-style-type: none"> • Ground floor wall supported <p>Upper</p> <ul style="list-style-type: none"> • 1.5m setback required • Upper floor setback variation is not supported as it has a potential detrimental impact on the eastern adjoining property (which is half the width of the subject property and is occupied by a single storey dwelling) • 1.5m setback required • Privacy screening required |
| Side West | <p>Ground</p> <ul style="list-style-type: none"> • 5.3m setback proposed (Verandah – Patio) <p>Upper</p> <ul style="list-style-type: none"> • 5.3m setback proposed (Bedroom 4 – Balcony) | <ul style="list-style-type: none"> • 1.5m required (complies) • Balcony - 2.8m required (complies) • Refer to Privacy Screening for balcony • Bedroom 4 to Bedroom 3 - 2.8m setback required (complies) |
| Rear | <ul style="list-style-type: none"> • 23m | <ul style="list-style-type: none"> • Complies |
| Private Open Space | <ul style="list-style-type: none"> • 72.5% | <ul style="list-style-type: none"> • Complies |
| Courtyard / Balcony | <ul style="list-style-type: none"> • Extensive rear yard area proposed | <ul style="list-style-type: none"> • Complies |
| Orientation | <ul style="list-style-type: none"> • North facing rear yard area | <ul style="list-style-type: none"> • As existing |
| Opening from Habitable room | <ul style="list-style-type: none"> • Yes from Meals Room | <ul style="list-style-type: none"> • Complies |
| Parking | <ul style="list-style-type: none"> • Tandem to west side of dwelling | <ul style="list-style-type: none"> • Complies |
| Design of spaces | <ul style="list-style-type: none"> • Open air, hard stand | <ul style="list-style-type: none"> • The driveway is 5.2m wide and a minimum length of 10m • Complies |

| Site works | | |
|---------------------------|--|---|
| <i>Excavation or fill</i> | <ul style="list-style-type: none"> • 400mm – 500mm internal fill proposed | <ul style="list-style-type: none"> • The extension involves maintaining the raised internal floor level for the rear extension • In effect, the internal fill raises the total height of the eastern boundary wall, increasing the impact on the adjoining property |
| Building Height | <ul style="list-style-type: none"> • 4.9m (original front ridge height – to remain) • 7.3m to ridge (rear addition) | <ul style="list-style-type: none"> • The new addition is considerably high which dominates the original section of the dwelling • The significant 13.3m front setback to the upper floor does minimise the impact of the height on the streetscape |
| Visual Privacy | <p>Variations sought from: -</p> <ul style="list-style-type: none"> • Bedroom 3 rear balcony (to east and west); • Bedroom 3 rear opening (to east); • Bedroom 4 opening on western side | <ul style="list-style-type: none"> • Cone of vision protrudes approximately 2m to 3m into the external entertaining area of the eastern adjoining property which is not acceptable. 1.6m high screening is required on the eastern side of the balcony and also a portion of the northern side. • Cone of vision protrudes approximately 1.5m into the eastern adjoining property. The sill height of this opening shall be raised to allow light penetration but exclude overlooking. • Complies with Acceptable Development Standards (4.5m setback required; 5.2m proposed) |
| <i>Privacy screening</i> | <p>Screening/ sill height minimums are to be applied to the following openings: -</p> <ul style="list-style-type: none"> • Bedroom 3 balcony (north and eastern side to have 1.6m screen); • Bedroom 3 opening (1.6m sill) | <ul style="list-style-type: none"> • 1.6m high screening to be applied to east and a section on northern side • Discussions have been held with applicant relating to this point • Condition applied • Requires 1.6m screening or obscure glazing to 1.6m above upper floor FFL |

| | | |
|---------------------------------|---|--|
| <p>Energy Efficiency</p> | <ul style="list-style-type: none"> • Northern orientation for meals & patio at rear • Brick wall material is a good insulator • Corrugated iron roof is good for heat reflection in summer | |
|---------------------------------|---|--|

Policy Considerations (if applicable)

| | |
|--------------------------|--|
| <p>Key Issues</p> | <p><i>DBH1 – Urban Design and Streetscape Guidelines</i></p> <ul style="list-style-type: none"> • <i>Policy Objectives</i> <ul style="list-style-type: none"> - <i>The objectives of the Policy are to conserve and enhance areas of historic character and encourage harmonious development with the existing authentic character of residential areas of Fremantle.</i> - <i>The Policy seeks to protect the Fremantle’s residential streetscapes by ensuring that alterations and additions respect buildings of historic and or cultural significance which contribute to positive streetscapes.</i> • <i>Contribution to Streetscape</i> <p><i>Ground Floor Facade</i></p> <ul style="list-style-type: none"> - <i>The ground floor verandah is proposed to be opened up which will positively impact on the streetscape compared to the existing derelict appearance of the front with its enclosed verandah</i> - <i>Opening of the front verandah is encouraged</i> <p><i>Upper Floor Facade</i></p> <ul style="list-style-type: none"> - <i>Design of the upper floor façade is not well articulated and lacks character no obvious positive contribution to the streetscape.</i> - <i>This issue was raised as part of the Deferral decision on 2 December 2003 whereby the Applicant was requested to ‘articulate the upper floor façade’ to relate in a sympathetic manner to the streetscape – no changes have been submitted by the Applicant to date.</i> • <i>Scale and Mass</i> <ul style="list-style-type: none"> - <i>The scale and mass of a proposed development should contribute positively to the streetscape and surrounds.</i> - <i>The mass of the upper floor does not sympathetically relate to the original front section of the dwelling which is single story and cottage-style in design. The width of the upper floor extends entirely over the ground floor, which dominates the original dwelling. If the width of the upper floor is reduced (i.e. by introducing a 1m eastern setback), mass would be significantly reduced.</i> |
|--------------------------|--|

- The mass of the upper floor stems from the two storey boundary wall on the eastern side. This element of the design does not sympathetically “blend in” with the surrounds, especially in the context of the eastern adjoining single storey dwelling, situated on a narrow lot.
 - To setback the upper floor from the eastern boundary will reduce mass of the upper floor on the streetscape and also on the eastern adjoining property.
 - Orientation and Building Alignment
 - The proposed development meets the Policy in terms of building orientation and building alignment as the front section of the dwelling and the new rear section are proposed to remain parallel to the street.
- DBH2 – Front Fences and Side/Rear Fences*
- The front of the subject property has an asbestos fence along the front boundary line. Plans do not depict any change to the material of the fence and the Policy takes into consideration the materials of the dwelling and the materials of the fence.
 - Asbestos material is not considered appropriate for front fences in relation to streetscape.
 - The front asbestos fence shall be removed and replaced with a suitable material and of suitable design to meet with the intentions of the DBH2 Policy.
 - Discussions have been held with the Applicant whereby it is intended to remove the asbestos fence and later replace it.

Additional Comments

- *Owner/Applicant Comment on Boundary Wall*

“Though I find it hard to understand why you are requesting I have 1m setback, I fail to see how building 1m setback would make any significant difference to the visual relief that a mass solid wall would project.

I will not bore you with visual examples that do spoil visual relief and contribute to loss of light.

I have spent considerable time watching sun over my property and adjoining property and the loss of light will be very minimal.

1m will be lost in the upstairs area therefore I will have to relocate the stairs losing a considerable amount of space in that area as well.

To move the whole building over would restrict drive [way access] down the west side should I decided to build at the rear of the property at a later date.

I would like to make known that I do not wish to build anything that would not harmonise with the area”.

- *Planning Response*

- *The building setback requirement under the Residential Design Codes is based on length and height of wall. The Residential Design Codes approach is clearly logical - the longer and higher a wall is, the greater the setback required in order to relieve impacts on adjoining residential amenity.*

- *The building setback requirement under the Residential Design Codes for the upper floor wall is 1.5m. Therefore the Council would be exercising discretion by applying only a 1m setback condition to the upper floor on the eastern side.*

- *The adjoining property is a narrow block (only 6.2m in width) and therefore the wall has a potential overwhelming impact on that property.*
- *This neighbouring dwelling is currently undergoing renovations, including improving the back area for living purposes. This area would be dominated by a 6m boundary wall that would have a negative effect on amenity.*
- *Overshadowing will be minimal to the eastern adjoining property because of the north-south orientation of the property. A lesser amount of natural light will penetrate the windows of the adjoining dwelling, but light will not seriously be affected.*
- *The rooms on the upper floor are of considerable size (i.e. 4.8m x 5.1m or 24.5m² and 3.9m x 4m or 15.6m². Bedroom 3 is the largest room of the dwelling (including Lounge Room) and therefore a re-design would not detrimentally affect internal space.*
- *Alignment of Eastern Boundary*
- *Council has received information that an error has been depicted on the site plans in relation to the alignment of the eastern boundary line. The site plan states that the subject building is currently on the dividing boundary with No. 22 (Lot 98) McLaren Street. A condition to have the eastern boundary line surveyed is applied.*

Recommendation

That the Director, Urban Management, acting under authority delegated by the Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for Ground and Upper Floor Rear Additions at No. 20 (Lot 13) McLaren Street, South Fremantle, as detailed on plans dated 19 September 2003 and 22 October 2003, subject to the following conditions:

1. *In order to satisfactorily reduce the impact of scale and mass from the upper floor on streetscape and on the eastern adjoining property, No. 22 (Lot 98) McLaren Street, the applicant shall: -*
 - (a) *Provide revised plans depicting a 1.0m upper-level setback to the eastern side; and*
 - (b) *Articulate the façade of the upper floor addition to create a more aesthetic approach to McLaren Street to the satisfaction of the Director Urban Management,*

prior to the issue of a Building Licence.
2. *All fencing shall comply with Council's Policy D.B.H2 'Front Fences and Side/Rear Fences' in that the front fence shall not exceed a height of 1.2m or in some cases 1.4m.*
3. *The roller door shown on the floor plans (only) is excluded from this approval.*
4. *The upper level window of Bedroom 3 on the northern elevation shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level or alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.*

5. *The upper level balcony on the eastern elevation shall be fixed with an obscure screen to a height of 1.6m above the finished floor level of the balcony to obscure direct overlooking into the eastern adjoining property in accordance with the Residential Design Codes.*
6. *All stormwater shall be contained and disposed of on-site to the satisfaction of the Director Urban Management.*
7. *The existing tree(s) marked in red on the approved plan shall be retained before, during and after construction. Details of protection measures (during construction) shall be submitted to the satisfaction of the Director Urban Development prior to the issue of a building licence.*

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.*
- (ii) In relation to condition 1(b), the articulation of the upper floor façade may include (a) an additional window; (b) a juliet balcony; (c) a partial feature wall with alternate material to remainder of facade, such as weatherboard (d); upper floor gabled roof similar to ground floor.*
- (iii) The applicant is advised to employ a licenced land surveyor regarding the position of the dwelling and the eastern boundary line.*
- (iv) In relation to Condition 3, it is noted that the proposed roller door is not to a garage or carport structure and that no elevations or details of materials or finishes have been submitted. The applicant is advised to liaise with the City regarding suitable alternatives to a roller door, and a further application will be required once this design aspect has been resolved.*

[End Quote]

Request for Reconsideration

The applicant has had a site meeting, discussions and correspondence with officers about the proposal and the conditions of approval. The specific rationale submitted for the request for reconsideration of Condition 1(a) is as follows:

"Regarding my defence of retaining my stance of a 1m setback to upper building. You state eastern building is 6.2m wide. The eastern building consists of property numbers 22, 24 making building width 12.4m. They share the same roof giving it the appearance of one dwelling of 12.4m wide not the 6.2m you specified. The height of the parapet wall on my proposal is considerably lower than the ridge on the eastern property numbers 22, 24. They share the same ridge.

I believe the change to the plans of the upper floor façade now complements the building which is also setback 13.5m from the street, also alleviating your consideration of mass. The street façade is also shielded by trees on the front verge".

Further Assessment

1. The following is further assessment of Condition 1(a) in relation to the proposed two storey boundary wall on the western adjoining boundary:

- *Two Storey Boundary Wall Assessment – Impact on Adjoining Property – Rear Yard and Western Windows of No. 22 (Lot 98) McLaren Street*

- Rear Yard

The original report stated that the eastern adjoining *property* is 6.2m wide. This fact is maintained. It is noted that the *dwelling* is a duplex style dwelling. The neighbouring dwelling occupies two separate lots (No. 22 (Lot 98) McLaren St and No. 24 (Lot 99) McLaren St) with rear yards separated by a dividing fence. It is maintained therefore that the impact on the amenity of the immediate adjoining property's rear yard will be significant, magnified by the narrow character (of 6.2m) of that lot.

While the applicant's point about the combined effect of the duplex dwellings can be appreciated as an argument in terms of bulk and scale, the planning assessment is more focussed on the direct impact that the two-storey boundary wall would have on the immediately neighbouring dwelling.

It is also considerate of the juxtaposition of a two-storey extension adjacent to a single-storey dwelling and the means to ameliorate the impact by an upper-storey setback as guided by the RD Codes and generally adopted in designs or applied by conditions.

- Western Windows

In addition to the impact that a 2 storey boundary wall would have on the amenity of the neighbouring rear yard, the impact the wall will have on the dividing boundary will reduce natural light penetration into the two windows on the western side of the adjoining dwelling. In consequence of the eastern adjoining dwelling being an attached duplex development, there are no windows on the eastern side of No. 22 (Lot 98) McLaren Street, and therefore additional emphasis has been placed on the protection of the western side windows in order for them to provide a source of light and outlook. The visual outlook and amenity from those windows would be impacted were there a 6m high wall rather than the upper level being setback a distance from the boundary as per the requirements of the Residential Design Codes or such other distance as required by the City.

It is noted that the impact of the proposed two-storey boundary wall drew objection from the adjoining owners at 22 McLaren Street.

It is also emphasised that the RD Codes require a 1.5m upper level setback as the ideal minimum and that the assessment has accepted 1.0m as a reasonable compromise to make a meaningful decrease in the impact of the upper level while not unduly detracting from the design and space of the proposed extension.

2. The following is further assessment of Condition 1(b) in relation to the appearance of the facade:

The improved façade to the street of the upper level elevation as indicated in the revised plans is assessed as satisfying this condition and the related advice note. The combination of two windows and the gable treatment serves to break up the mass of the extension (which is set back), to create balance and to reflect the style and patterning of the façade of the existing cottage to the street as proposed to be upgraded. This will result in a more unified appearance and also help to offset the proposed garage element.

(The obvious other way to soften this façade would be a hipped roof design with a Dutch gable, to replicate the form of the skillion verandah roof and gable to the existing cottage).

3. The following is a further assessment of Condition 3 in relation to the roller door:

- *The roller door on the western side was excluded from the approval due to:*

- Lack of Information on Plans

The original floor plans depict a roller door on the western side of the dwelling, however, complementary information was not provided on the elevations and site plan. Due to the lack of information on the plans, the roller door was excluded from the approval.

- *The roller door and carport shown on the amended plans cannot be processed as part of the reconsideration due to the following:*

- New Boundary Wall Proposed on Western Boundary (as Part of Carport)

On submission of amended plans, a carport with boundary wall was shown on the floor plans and western elevation. A new element of the proposed development has therefore been added to the original plans and cannot be processed as part of this reconsideration process due to the obligation to advertise the boundary wall to the western adjoining owner for comment as the development does not comply with the Acceptable Development Standards of the Residential Design Codes (as it will mean that each side boundary would accommodate a boundary wall each).

In addition to this requirement of the RD Codes the City is generally obliged under its policy to further advertise revised plans where new elements are introduced or changes are proposed that impact on neighbours. Such significant additional proposals cannot simply be added to a reconsideration request or building licence plans without due neighbour consultation, assessment and determination.

Conclusion

Two conditions have been reconsidered (1A and 3) from the planning consent dated 17 February 2004 for the abovementioned development.

In relation to the 2 storey eastern boundary wall, it is considered that the amenity of the eastern adjoining property will be detrimentally affected in two primary ways: – (1) when viewing the subject wall from the rear aspect of No. 22 (Lot 98) McLaren Street) it will be over-bearing and domineering due to its mass compared to the rear single storey wall and roof height of the neighbouring dwelling and (2), a 2 storey boundary wall will significantly reduce natural sunlight and visual outlook from two windows facing west on the neighbouring dwelling which will have a serious internal amenity effect considering that these are the only two side windows of that dwelling (due to its attached duplex form).

A new boundary wall is proposed on the western boundary for a carport development (in conjunction to address Condition 3). The wall does not comply with Acceptable Development Standards of the Residential Design Codes and therefore the development would be required to be advertised to the western adjoining owner and tenant and therefore this part of the development will continue to be subject to a separate application.

In summary, it is apparent that the applicant has prepared his own design and plans without input from a professional in the field or sufficient prior consultation with the City about the detailed planning instruments guiding residential development. The applicant has also referred to other existing residential developments as setting precedents for the proposal. This is generally acknowledged, however, the application is still required to be considered on merit against the current codes and policies plus the particular circumstances of the site and neighbouring properties. Sensitive assessment of the potential impacts of development over one storey is important to residential amenity as well as to streetscape and urban design. Where new elements are added to a proposal that require advertising they cannot be determined without following due process. Overall, the proposal will substantially improve the appearance of the old dwelling and provide a modern standard of accommodation.

At the same time the renovations and extensions need to respect the adjoining properties and streetscape, hence the conditional approval to address these aspects.

Recommendation to Council

That the Council, having reconsidered the planning decision dated 17 February 2004 for No. 20 (Lot 13) McLaren Street, South Fremantle, confirms the decision together with additional advice notes as follows:

- (v) **The proposed carport including the roller door and the new western boundary wall as indicated on the revised plans is excluded from this reconsideration, as a separate development application is required to assess this in accordance with the Residential Design Codes, whereby it is contrary to the Acceptable Development standards and is required to be advertised to the adjoining property owner.**
- (vi) **The applicant is reminded that Condition 5 of the approval requires that the upper level balcony on the eastern elevation shall be fixed with an obscure screen to a height of 1.6m above the finished floor level of the balcony to obscure direct overlooking into the eastern adjoining property in accordance with the Residential Design Codes. This must be addressed in the detailed drawings submitted for a building licence.**

Moved by: Cr. Helen Hewitt

| For | Against |
|--|---|
| Cr. Helen Hewitt Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas | Peter Tagliaferri Cr. Bob Williams Cr. John Alberti |

CARRIED: 4/3

Mayor Peter Tagliaferri at the Committee meeting requested the item be referred to full Council. Seconded by Cr. John Alberti.

CR P DOUGLAS MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED
DAC0403-198 BE ADOPTED

SECONDED BY CR G GRAHAM

CARRIED 6/5

For

Cr Bob Smith
Cr Geoff Graham
Cr Steve Gorman
Cr Doug Thompson
Cr Kathy Anketell
Cr Phil Douglas

Against

Mayor Peter Tagliaferri
Cr Tony Miosich
Cr John Alberti
Cr Bob Williams
Cr Shirley Mackay

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED C0403-5, C0403-6, C0403-7, C0403-8, C0403-9 INCLUSIVE BE ADOPTED

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 11/0

| For | Against |
|-------------------------|----------------|
| Mayor Peter Tagliaferri | |
| Cr P Douglas | |
| Cr Bob Smith | |
| Cr Shirley Mackay | |
| Cr John Alberti | |
| Cr Geoff Graham | |
| Cr Tony Miosich | |
| Cr Bob Williams | |
| Cr Steve Gorman | |
| Cr Doug Thompson | |
| Cr Kathy Anketell | |

**C0403-5 Abbreviated Statements of Financial Position at 29 February 2004
Financial Statements Book**

**DataWorks Reference: 087/002;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a summary of financial information for the month ending 29 February 2004.

EXECUTIVE SUMMARY

The abbreviated statements of financial position for the month are contained within the attached Financial Booklet and the item is to receive the statements.

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

- Our financial planning and performance are transparent to the community.
- All statutory and legal requirements are met.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Information provided in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Abbreviated Statements of Financial Position for the period ending 29 February 2004 be received.

ITEM NUMBERED C0403-6 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-6 Confirmation of Accounts for Payment February 2004 Financial Statements Book

DataWorks Reference: 087/002;
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present the listing of payments made during February 2004.

EXECUTIVE SUMMARY

The list of payments made during the month is contained within the attached Financial Booklet and the item is to receive the information.

REPORT

Comment

Where a creditor is GST registered, the value of the payment is inclusive of GST. Note: The Council budget figures are exclusive of GST and figures quoted in Council items are taken as GST exclusive unless otherwise stated.

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

- Our financial planning and performance are transparent to the community.
- All statutory and legal requirements are met.
-

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Information provided in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the listing of payments of accounts within the Financial Statements Book for the month of February 2004 amounting to \$7,085,018.49 be received.

ITEM NUMBERED C0403-7 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-7 Sundry Debtors Report February 2004 Attachment No. 1

**DataWorks Reference: 089/004;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on outstanding sundry debtors as requested by Council.

EXECUTIVE SUMMARY

The attached report summaries the outstanding sundry debtors and the item is to receive the information.

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for February 2004 be received.

ITEM NUMBERED C0403-8 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-8 Investment Report February 2004 Attachment No. 2

**DataWorks Reference: 089/004;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on investments as required by Council.

EXECUTIVE SUMMARY

The attached report summaries the investments and earnings from those investments. The item is to receive the information.

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Guidelines on Delegated Authority Item 3.2 (Investment of Surplus Cash Funds) require a monthly report to be submitted to Council.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for February 2004 be received.

ITEM NUMBERED C0403-9 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-9 Applications for Crossovers by City of Fremantle for February 2004

**DataWorks Reference: Crossover Applications
Technical Assistant – Street Management**

DECISION MAKING AUTHORITY

Information only no decision required.

PURPOSE

EXECUTIVE SUMMARY

REPORT

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of February 2004 – 3 crossovers constructed.

STRATEGIC & POLICY IMPLICATIONS

Strategy 3 – a Beautiful and accessible place, item 5 Facilities and infrastructure

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Not applicable

Social

Not applicable

BUDGET IMPLICATIONS

Not applicable

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has not been referred to Precincts.

This matter does not come under the guidelines of an Advisory Committee.

OFFICER'S RECOMMENDATION

The information be received.

GENERAL COUNCIL ITEMS

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED C0403-10 AND C0403-11 INCLUSIVE BE ADOPTED

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 11/0

| For | Against |
|-------------------------|----------------|
| Mayor Peter Tagliaferri | |
| Cr Phil Douglas | |
| Cr Bob Smith | |
| Cr Shirley Mackay | |
| Cr John Alberti | |
| Cr Geoff Graham | |
| Cr Tony Miosich | |
| Cr Bob Williams | |
| Cr Steve Gorman | |
| Cr Doug Thompson | |
| Cr Kathy Anketell | |

**C0403-10 Triannual Financial Report to 29 February 2004
Attachment No. 3**

DataWorks Reference: 091/006 & 087/004

DECISION MAKING AUTHORITY

Council. **Simple majority.**

PURPOSE

To receive the triannual financial report to 29 February 2004.

EXECUTIVE SUMMARY

The report indicates the performance against the adopted budget at 29 February 2004.

REPORT

Background

Council resolved on 6 September 1999 (Item SDR50 refers) that the financial report required under Regulation 34 of the Local Government (Financial Management) Regulations 1996 be presented on a triannual basis.

Comment

Analysis of the eight months to 29 February 2004 will be presented to Council via the SDRCP Committee as part of the February 2004 Budget Review.

The YTD (year to date) budget is based on scaled monthly budgets and pro-rata allocation. Where business units have provided scaled monthly budgets to reflect the estimated monthly timing of revenue and expenditure, those budgets have been used. Otherwise the remaining accounts are based on 1/12th of the annual budget.

Conclusion

That the report be received.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Any budget implications arising from the review of operations to 29 February 2004 will be presented to the SDRCP Committee on 5 April 2004 as part of the February 2004 Budget Review.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a financial report to be submitted to Council

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Triannual Financial Report to 29 February 2004 be received.

ITEM NUMBERED C0403-11 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-11 Review of Financial Reserves

DataWorks Reference: 035/005
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision. Simple Majority.

PURPOSE

To report on an item that was referred back.

EXECUTIVE SUMMARY

The outcome of the review of Financial Reserves was always intended to be implemented by the adoption of the 2004/2005 budget. It is therefore proposed that the process to put a proper purpose against each reserve occur as part of the budget development process, which would see the information provided with other budget information in late May or June 2004.

REPORT

Background

At its meeting on 15 March 2004, Council deferred item SDRCP0403-31 on Review of Financial Reserves back to Council on 27 April 2004 in order to put a proper purpose with each reserve.

Comment

As the formal changes to the reserves were always planned as part of the 2004/2005 Budget adoption, including the detail of the purpose of each reserve, it is proposed to undertake the purpose specification work as part of the 2004/2005 budget development.

Legislation requires decisions that change the purpose of a reserve fund to be made by an absolute majority decision of council and advertised for public information for one month. Advertising is not required if changes to purpose are disclosed in the annual budget.

Conclusion

Considerations of revised or new purposes of reserves are best considered as part of the 2004/2005 Budget development.

STRATEGIC & POLICY IMPLICATIONS

- Focus on our community
 - Research our community's needs regularly and use the results as a basis for the planning of services and facilities and for budget prioritisation.
 - Review the services of all business units at least every five years to identify whether they are still relevant and required by the community.
 - Efficient and effective Local Government

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- Use the city's vision as a basis for the planning of services and facilities and for budget prioritisation.
- Develop policies for decision making including delegation of operational decisions to the CEO.
- Constantly monitor adherence to requirements and make changes where necessary.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

By creating a policy that underpins sound financial management, it facilitates Council's strategic and budget planning to help underpin economic development.

Environmental

By creating a policy that underpins sound financial management, it facilitates Council's strategic and budget planning to help maintain a sustainable environment within the community.

Social

By creating a policy that underpins sound financial management, it facilitates Council's strategic and budget planning to help underpin social initiatives.

BUDGET IMPLICATIONS

It is intended to make any changes in the 2004/2005 Budget process.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Local Government Act 1995, Section 6.11 and Finance Regulations 17 and 18 refer.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the information be received.

ITEM NUMBERED C0403-12 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

**C0403-12 Leave of Absence – Cr Bob Williams
Attachment 4.**

**DataWorks References – Cr Bob Williams
Administration Officer**

Decision Making Authority

Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Bob Williams for the period Sunday 4 April 2004 to Friday 4 June 2004 inclusive.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

Legislative and Legal Considerations

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Bob Williams for the period Sunday 4 April 2004 to Friday 4 June 2004 inclusive as per attachment no. 4.

**C0403-13 Development Assessment Committee - Process Issue
Confidential Item**

Background

Pursuant to Section 5.23(2)(d) of the Local Government Act 1995, Council may close the meeting, or part of the meeting, to members of the public if the meeting deals with legal advice obtained which relates to a matter to be discussed at the meeting.

Recommendation

That pursuant to Section 5.23(2)(d) of the Local Government Act 1995, Council close the meeting, or part of the meeting, to members of the public if the meeting deals with legal advice obtained which relates to a matter to be discussed at the meeting.

MAYOR PETER TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED C0403-13 BE CLOSED TO MEMBERS OF THE PUBLIC

SECONDED BY CR D THOMPSON

CARRIED 10/1

| For | Against |
|------------------------------|-----------------|
| The Mayor, Peter Tagliaferri | Cr Geoff Graham |
| Cr Bob Smith | |
| Cr Shirley Mackay | |
| Cr John Alberti | |
| Cr Kathy Anketell | |
| Cr Tony Miosich | |
| Cr Bob Williams | |
| Cr Phil Douglas | |
| Cr Steve Gorman | |
| Cr Doug Thompson | |

COUNCIL'S DECISION IS AS FOLLOWS:

CR D THOMPSON MOVED A FORMAL MOTION TO MAKE THE FOREGOING
RECOMMENDATION NUMBERED ITEM C0403-13 NOT CONFIDENTIAL EXCEPT FOR
MATERIAL RELATING TO LEGAL ADVICE RECEIVED

SECONDED BY CR BOB WILLIAMS

CARRIED UNANIMOUSLY 11/0

For

The Mayor, Peter Tagliaferri
Cr Bob Smith
Cr Shirley Mackay
Cr John Alberti
Cr Kathy Anketell
Cr Tony Miosich
Cr Bob Williams
Cr Phil Douglas
Cr Steve Gorman
Cr Doug Thompson
Cr Geoff Graham

Against

ITEM NUMBERED C0403-14 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0403-14 Leave of Absence – Cr Phil Douglas

**DataWorks References – Cr Phil Douglas
Administration Officer**

Decision Making Authority

Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Phil Douglas for Tuesday 27 April 2004.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

Legislative and Legal Considerations

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Phil Douglas for Tuesday 27 April 2004.

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 7.25 pm

ITEM

THE MAYOR P TAGLIAFERRI REQUESTED THE PUBLIC TO VACATE THE GALLERY AT 6.48 PM IN ORDER THAT THE FOLLOWING ITEM C0403-13 COULD BE CLOSED TO MEMBERS OF THE PUBLIC. MEMBERS OF THE STAFF ALSO VACATED THE CHAMBER WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, MR R GLICKMAN, DIRECTOR CORPORATE SERVICES, MR G MACKENZIE, DIRECTOR URBAN MANAGEMENT, MR J MIRAGLIOTTA, MANAGER STRATEGIC PLANNING AND CORPORATE DEVELOPMENT, MS JILL HANNA, MANAGER DEVELOPMENT ASSESSMENTS, MR A JACKSON AND MAYOR'S CIVIC APPOINTMENTS SECRETARY AND MINUTE SECRETARY, MRS NELLENE HILL

**C0403-13 Development Assessment Committee - Process Issue
Confidential Item
Mayor P Tagliaferri**

The Chief Executive Officer has requested that provision be made in the Notice Paper for an item that may arise from my Memo dated 24 March 2004 about a recent Development Assessments Committee decision.

The Chief Executive Officer is currently reviewing whether there is a problem or not but needs to be referred to Council

CR D THOMPSON MOVED A FORMAL MOTION TO MAKE THE FOREGOING RECOMMENDATION NUMBERED ITEM C0403-13 NOT CONFIDENTIAL EXCEPT FOR MATERIAL RELATING TO LEGAL ADVICE RECEIVED

SECONDED BY CR BOB WILLIAMS

CARRIED UNANIMOUSLY 11/0

| For | Against |
|------------------------------|----------------|
| The Mayor, Peter Tagliaferri | |
| Cr Bob Smith | |
| Cr Shirley Mackay | |
| Cr John Alberti | |
| Cr Kathy Anketell | |
| Cr Tony Miosich | |
| Cr Bob Williams | |
| Cr Phil Douglas | |
| Cr Steve Gorman | |
| Cr Doug Thompson | |
| Cr Geoff Graham | |

AT THIS JUNCTURE IN THE MEETING BEING 7.24 PM MAYOR P TAGLIAFERRI INVITED THE PUBLIC BACK TO THE CHAMBER

CLOSURE OF THE MEETING

The Ordinary Meeting of council concluded at 7.25 pm.