

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 APRIL, COMMENCING AT 6.30PM.

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T33.6 Glyde Street No. 60 (Lot 156) – Kim Miller

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T37.3 Osborne Road No. 27-29 (Unit 17) – Abel Roofing

T37.4 Preston Point Road No. 4 (Lot 34) – Cross Roads Community

T37.5 Bedford Street No. 22 (Lots 401 & 58) – Gerard McCann Architect

T37.6 Walter Street No. 11 (Lot 412) – Bradley, Kelsall & Wu

- T37.7** *Irwin Street No. 71 (Lot 216) – Tirreno Architectural Builders*
- T37.8** *View Terrace No. 49 (Lot 302) – Manor Home Builders Pty Ltd*
- T37.9** *Bay Patch Street No. 20 (Lot 278) – D Strambolini*
- T37.10** *Glyde Street No. 26 (Lot 77) – Ashley Richards Architect*
- T38.** **REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**
- T39.** **BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**
- T40.** **CLOSURE OF MEETING**

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 APRIL, COMMENCING AT 6.30PM.

PART I

T27. OPENING OF MEETING

T27.1

Present

Cr Stefanie Dobro	Presiding Member
Cr Alan Ferris	
Cr Jennifer Harrington	from 6.40pm
Cr David Martin	
Cr Richard Olson	
Cr Alex Wilson	
Mr Chris Warrener	Consultant Town Planner
Mrs Peta Cooper	Minute Secretary

T28. WELCOME TO GALLERY

There were 11 members of the public in the gallery at the commencement of the meeting.

T29. APOLOGIES

An apology was submitted on behalf of Mayor James O'Neill.

T30. CONFIRMATION OF MINUTES

T30.1 Town Planning & Building Committee (Private Domain) – 13 March 2007

Cr Martin – Cr Ferris

That the Town Planning & Building Committee (Private Domain) minutes dated 13 March 2007 as adopted at the Council meeting held on 20 March 2007 be confirmed. CARRIED

T31. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil

T32. REPORTS OF COMMITTEES

T32.1 Town Planning Advisory Panel – 27 March 2007

Cr Ferris – Cr Olson

That the minutes of the Town Planning Advisory Panel meeting held on 27 March 2007 be received and each item considered when the relevant development application is being discussed. CARRIED

T33. REPORTS OF OFFICERS

T33.1 Receipt of Reports

Cr Martin – Cr Olson

That the Reports of Officers be received. CARRIED

T33.2 Order of Business

Cr Martin – Cr Olson

The order of business be altered to allow members of the public to speak to relevant agenda items. CARRIED

T33.3

**Windsor Road No. 44 (Lot 9) – Leisl Stone
(Application No. P59/2007)**

By Chris Warrener, Consultant Town Planner on 30 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a Family Day Care for 4 children at 44 Windsor Road

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R12.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Plans and relevant forms date stamp received on 26 March 2007

Date Application Received

26 March 2007

No. of Days Elapsed between Lodgement & Meeting Date

15 days

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

19 November 1984	Council grants conditional approval for a bedroom and family room addition for the “non-conforming” use (news-agency) property;
14 February 1985	Building Licence issued for bedroom & family room addition;
17 June 1985	Council approves the construction of a retaining wall.

CONSULTATION

Development Control Unit

28 March 2006

Site Inspection

By Consultant Town Planner on 23 January 2007

REPORT

Issues

Land Use

A “Family Day Care” is listed as an “A” use in the Residential zone in the Zoning Table under TPS 3.

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4.

Clause 9.4 States:

“9.4. Advertising of Applications

9.4.1. Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is —

- (a) an ‘A’ use as referred to in clause 4.3.2; or*
- (b) a use not listed in the Zoning Table, the local government is not to grant approval to that application unless notice is given in accordance with Clause 9.4.3.*

9.4.2. Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3. The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —

- (a) *notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;*
- (b) *notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;*
- (c) *a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.”*

Discussion

The land use would appear to be a fairly innocuous activity, suited to the residential zone, and on the face of it have a community benefit.

Opposite the subject property are the basketball courts for the Richmond Primary School; the proposed land use is considered to be complementary to the use of the East Fremantle Primary School, and subject to an advertising period Council will be in a position to formally determine the application.

RECOMMENDATION

That Council pursuant to Clause 9.4 of Town Planning Scheme No 3 require that the proposal for a Family Day Care at No. 44 (Lot 9) Windsor Road, be advertised in the following manner:

- notice of the proposed use being served on nearby owners and occupiers who, are likely to be affected by the granting of planning approval, stating that submissions may be made not less than 14 days from the day the notice is served;
- a sign displaying notice of the proposed use to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

Footnote:

- (a) *The applicant is advised that following the advertising period and consideration of any submissions received Council will determine the application for Planning Approval.*
- (b) *The applicant is required to pay all advertising costs and in this regard to liaise with Council's Town Planning Administration Officer, Mrs Peta Cooper.*

Cr Harrington entered the meeting at 6.40pm.

Ms Leisl Stone (applicant) & Ms Sandra Taylor (Scheme Manager) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Olson – Cr Martin

That Council pursuant to Clause 9.4 of Town Planning Scheme No 3 require that the proposal for a Family Day Care at No. 44 (Lot 9) Windsor Road, be advertised in the following manner:

- **notice of the proposed use being served on nearby owners and occupiers who, are likely to be affected by the granting of planning approval, stating that submissions may be made not less than 14 days from the day the notice is served;**
- **a sign displaying notice of the proposed use to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.**

Footnote:

- (a) *The applicant is advised that following the advertising period and consideration of any submissions received Council will determine the application for Planning Approval.*
- (b) *The applicant is required to pay all advertising costs and in this regard to*

liaise with Council's Town Planning Administration Officer, Mrs Peta Cooper.
CARRIED

T33.4 **View Terrace No. 24 (Lot 283) – Patio Living**
(Application No. P45/2007)
By Chris Warrener, Consultant Town Planner on 27 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a reeded timber deck adjacent to the swimming pool at the rear of 24 View Terrace.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R12.5
Local Planning Strategy – Richmond Hill Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 145 – Neighbourhood Consultation (LPP 145)

Documentation

Plans and relevant forms date stamp received on 8 March 2007

Date Application Received

8 March 2007

Advertising

Adjoining land owner to the west at 22 View Terrace

Date Advertised

19 March 2007

Close of Comment Period

2 April 2007

No. of Days Elapsed between Lodgement & Meeting Date

33 days

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

15 January 1976	30' long X 15' wide X 6' deep concrete swimming pool registered;
12 July 1990	Building Licence issued for a 12m ² steel shed;
3 Dec. 1990	Building Licence issued for 2-storey additions;
16 Nov. 1992	Building Licence issued for a workshop & storeroom;
21 April 1998	Council refuses application for a double crossover and approves improvements to the verge;

CONSULTATION

Public Submissions

At the close of the comment period no submissions were received.

Site Inspection

By Consultant Town Planner on 14 March 2007

REPORT

Issues

Boundary Setbacks

The deck proposed adjacent to the swimming pool will be 0.83m above natural ground level, and set back 1.41m from the west side boundary common with 22 View Terrace.

The RDC recommend a 7.5m setback.

Discussion

The application is for 2 decks, one to replace an existing upper floor deck which does not require Planning Approval, and can be dealt with as a Building Licence, the other is to replace an existing brick paved terrace adjacent to the swimming pool and extended in a triangular shape similar to the upper floor deck.

Vegetation next to the common boundary fence effectively prevents any overlooking, and the potentially affected property owner has not objected to the application. In any event the overlooking of the pool area at the rear of the subject property by the upper floor at 22 View Terrace is considered a more significant issue.

The setback variation for the deck already exists with the brick paved terrace.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following variation to the west side boundary setback pursuant to the Residential Design Codes from 7.5m to 1.41m for the construction of a reeded timber deck 0.83m above natural ground level adjacent to the swimming pool at the rear of No. 24 View Terrace (Lot 273), East Fremantle in accordance with the plans date stamp received on 8 March 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed deck is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Daniel Smith (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Harrington

That Council exercise its discretion in granting approval for the following variation to the west side boundary setback pursuant to the Residential Design Codes from 7.5m to 1.41m for the construction of a reeded timber deck 0.83m above natural ground level adjacent to the swimming pool at the rear of No. 24 View Terrace (Lot 273), East Fremantle in accordance with the plans date stamp received on 8 March 2007 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in**

- compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed deck is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

T33.5

**Sewell Street No. 47 (Lot 242) – G & M Purvis
(Application No. P31/2007)**

By Chris Warrener, Consultant Town Planner on 26 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a ground floor extension incorporating a new veranda at the rear of the 2-storey house at 47 Sewell Street.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)
Local Planning Policy No. 142 – Residential Development (LPP 142)
Council Policy No. 023 – Use of Reflective Metal Roofing Material (CP 023)

Documentation

Plans and relevant forms date stamp received on 19 February 2007

Date Application Received

19 February 2007

Advertising

Adjoining land owners only

Date Advertised

6 March 2007

Close of Comment Period

22 March 2007

No. of Days Elapsed between Lodgement & Meeting Date

50 days

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

10 October 1995 Planning Approval granted under delegated authority for a

2 November 1995 veranda addition;
Building Licence issued for veranda addition;
21 July 1998 Council grants special approval for a studio, a bathroom addition & adjoining pergola on reduced rear & south side boundary setbacks;
25 August 1998 Building Licence issued for studio, bathroom & pergola;
19 November 2004 Planning Approval granted under delegated authority for a minor addition to the rear of the existing family room, and interior modifications, and a small boundary wall extension to accommodate the addition to the family room;
12 April 2005: Building Licence issued for minor addition.

CONSULTATION

Development Control Unit

1 March 2007

Public Submissions

At the close of the comment period no submissions were received.

Site Inspection

By Consultant Town Planner on 7 March 2007

REPORT

Issues

Boundary Setbacks

The proposed extension incorporates a 5.5m long X 3m high parapet wall on the north side boundary common with 45 Sewell Street.

The RDC recommend a 1m setback.

Discussion

The proposed extension will improve the amenity of an existing kitchen/dining room.

The existing parapet wall has been subject to undermining by undetermined circumstances and will be replaced as an integral part of the proposed works.

The extension incorporating the new parapet wall does not negatively impact on the amenity of the adjoining property 45 Sewell Street, and has the impact of improving privacy between the two properties.

The potentially affected property owner has not objected to the application.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 1m to Nil for the construction of a ground floor extension incorporating a new veranda to the rear of the 2-storey house at No. 47 (Lot 242) Sewell Street in accordance with the plans date stamp received on 19 February 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent

property face by way of agreement between the property owners and at the applicant's expense.

6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Gary Purvis (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Olson – Cr Martin

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 1m to Nil for the construction of a ground floor extension incorporating a new veranda to the rear of the 2-storey house at No. 47 (Lot 242) Sewell Street in accordance with the plans date stamp received on 19 February 2007 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 6. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

T33.6

**Glyde Street No. 60 (Lot 156) – Kim Miller
(Application No. P36/2007)**

By Chris Warrener, Consultant Town Planner on 28 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions at 60 Glyde Street comprising:

- Demolition of 2 “lean tos” at the rear of the weatherboard & iron single storey house;
- Single garage and store;
- Studio with skillion roof;
- 4.5m long X 3m wide below ground pool, & 2m X 2m below ground spa;
- 2-storey gable and skillion roofed extension with ground floor entry, kitchen, dining & living rooms, and upper floor main bedroom, en-suite & study.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R20

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)

Local Planning Policy No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 20 February 2007

Date Application Received

20 February 2007

Additional Information Received

Open space calculation received via email on 8 March 2007

Advertising

Adjoining land owners only

Date Advertised

6 March 2007

Close of Comment Period

22 March 2007

No. of Days Elapsed between Lodgement & Meeting Date

49 days

CONSULTATION

Development Control Unit

1 March 2007

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 27 March 2006 and the following comments were made:

- good to see existing property retained
- support for proposal as reduced setbacks not a large impact on adjoining property
- set behind original cottage is desirable

Public Submissions

At the close of the comment period no submissions were received.

Site Inspection

By Consultant Town Planner on 8 March 2007

STATISTICS	Required	Proposed
Land Area		507m ² Existing
Open Space	50%	50.1% Acceptable
Zoning		R20
Heritage Listing		Not Listed
<u>Setbacks:</u>		
Front (west)		
<i>Ground</i> <i>Entry</i>	6.00	16.00 Acceptable
<i>Garage</i>	6.00	15.50 Acceptable
<i>Upper</i> <i>Stairs</i>	6.00	18.50 Acceptable
<i>Study</i>	6.00	19.70 Acceptable
Rear (east)		
<i>Ground</i> <i>Studio</i>	1.00	1.092 Acceptable
<i>Living</i>	1.50	9.00 Acceptable
<i>Upper</i> <i>Main Bedroom</i>	2.80	12.158 Acceptable
<i>Ensuite</i>	1.20	13.50 Acceptable
Rear (north)		
<i>Ground</i> <i>Studio</i>	1.50	6.30 Acceptable
<i>Living & Kitchen</i>	1.00	Nil Discretion Required
<i>Upper</i> <i>Ensuite</i>	1.30	1.559 Acceptable
<i>Stairs</i>	1.30	Nil Discretion Required
Rear (south)		
<i>Ground</i> <i>Garage</i>	Nil	<i>Policy 142</i> Nil Acceptable
<i>Dining</i>	1.50	4.80 Acceptable
<i>Studio</i>	1.00	Nil Discretion Required
<i>Upper</i> <i>Study/Main Bed</i>	4.50	4.50 Acceptable
<u>Height:</u>		
Wall	6.00	8.20 Discretion Required
Ridge	9.00	8.90 Acceptable
<u>Overshadowing:</u>	31m ² (6% of adjoining property)	

**REPORT
Issues**

Boundary Setbacks

North Side Boundary Common with 58 Glyde Street

Walls for a proposed living area, kitchen, and stairwell are set back 0m from the north side boundary.

The RDC recommend a 1m setback.

South Side Boundary Common with 62 Glyde Street

The wall for a proposed studio is setback 0m from the south side boundary.

The RDC recommend a 1m setback.

Building Height & Overshadowing

The wall for an upper floor stairwell on the north side is 8m above natural ground level (NGL), and the wall for an upper floor en-suite is 8.2m above NGL.

The RDC recommend a 6m wall height limit for Category B (2-storey) development.

Roof height of the proposed 2-storey addition varies up to 8.9m above NGL (the RDC recommend a 9m roof height limit therefore roof height “complies”).

The subject property is oriented east-west and 2-storey additions could potentially impact on property to the south (62 Glyde Street).

The application includes an overshadow calculation on the plans, which indicate that 7.5% of the site area of 62 Glyde Street will be affected by the additions.

The RDC recommend a 25% limit on overshadow of adjoining properties coded R25 and lower therefore the application “complies”.

Roof Pitch

The skillion roof over the additions is pitched at an angle of 15°.

LPP 066 states:

“dominant elements to be greater than 28°.”

Boundary Walls

The application proposes an 18.5m long X 3.7 - 4.6m high parapet wall on the north side boundary common with 58 Glyde Street, a 7m long X 3m high parapet wall on the south side for a garage, and a proposed studio incorporates a 3.6m long parapet wall on the south side boundary common with 62 Glyde Street.

LPP 142 allows a wall no longer than 9m and no higher than 3m on one side boundary.

Heritage

The single storey house at 60 Glyde Street is described in Council’s Draft Municipal Heritage Inventory (Draft MI) as being from the “Federation” period in the style of a “Gabled Domestic Carpenter Cottage”.

Its proposed management category is B-, being a place of ‘considerable local heritage significance’.

Discussion

Boundary Setbacks

The subject site backs a hostel on its north side (58 Glyde

Street), which has an undercover area (patio), which overlooks its rear outdoor area. It is therefore considered that the proposed parapet wall on the north side boundary will improve privacy and amenity for the subject site.

The wall for the studio does not negatively impact on 60 Glyde Street, and is considered to similarly improve the amenity of this property.

The potentially affected property owners have not objected to the application.

The wall for the garage complies with LPP 142.

Building Height

Wall height for this particular 2-storey addition incorporating a skillion roof results in some variation to wall height. In this example the variation does not adversely impact on neighbouring property, being for a length of only 6.5m, and does not result in overshadow of property to the south, and the potentially affected property owner has not lodged a submission objecting to this variation.

Roof Pitch

While the pitch of the skillion roof does not comply with LPP 066, this roof is not considered to be the dominant element viewed from Glyde Street.

The gable roof over the existing house is forward of the addition and is considered the dominant element.

Boundary Walls

The application proposes 3 boundary walls, one for a proposed garage, one for a studio, and another for the 2-storey additions.

The garage wall is considered 'acceptable development' in terms of it complying with LPP 142 however the walls for the studio and 2-storey addition are considered variations.

The studio wall is 3.6m long X 3.6m high and backs up against a similar height masonry wall which separates 60 from 62 Glyde Street. The amenity of the adjoining property is considered to be unaffected by the proposed studio wall, and the potentially affected property owner has not objected to the application. This variation is supported.

The 2-storey addition is proposed with a skillion roof angled at 15°. The idea is to create some interest and

Heritage

The application for additions does not propose to alter or demolish the single storey weatherboard and iron house rather the additions are designed, and are proposed to be constructed in materials to complement the existing house.

Council's Local Planning Strategy states the following regarding design in the Plympton precinct:

“Design

New development throughout the precinct is to be generally small scale and sympathetic to the character (form, mass and materials) of existing development.”

It is considered that the application conforms with the intent for development/redevelopment recommended in the Plympton precinct because it is sympathetic to the character of the existing house.

TPAP Comments

The panel supported the application particularly as the additions retain the existing house and are proposed to match its appearance.

RECOMMENDATION

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

- (a) variation to the north side boundary setback for a living area and kitchen from 1.0m to Nil and stairwell from 1.3m to Nil pursuant to the Residential Design Codes;
- (b) variation to the south side boundary setback for a studio pursuant to the Residential Design Codes from 1m to 0m;
- (c) variation to building wall height pursuant to the Residential Design Codes for an upper floor stairwell and en-suite from 6m to 8m and 8.2m respectively;
- (d) variation to the length and height of a wall along the north side boundary pursuant to Local Planning Policy 142 from 9m long X 3m high to 18.5m long X 3.7 to 4.6m high;
- (e) variation to roof pitch for the skillion roofed addition pursuant to Local Planning Policy 066 from 28° to 15°;

for the construction of additions at No. 60 (Lot 156) Glyde Street, East Fremantle comprising:

- Single garage and store;
- Studio with skillion roof;
- 4.5m long X 3m wide below ground pool, & 2m X 2m below ground spa;
- 2-storey gable and skillion roofed extension with ground floor entry, kitchen, dining & living rooms, and upper floor main bedroom, en-suite & study;

in accordance with the plans date stamp received on 20 February 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.

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

Mr Kim Miller (architect) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

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

- (a) variation to the north side boundary setback for a living area and kitchen from 1.0m to Nil and stairwell from 1.3m to Nil pursuant to the Residential Design Codes;**
- (b) variation to the south side boundary setback for a studio pursuant to the Residential Design Codes from 1m to 0m;**
- (c) variation to building wall height pursuant to the Residential Design Codes for an upper floor stairwell and en-suite from 6m to 8m and 8.2m respectively;**
- (d) variation to the length and height of a wall along the north side boundary pursuant to Local Planning Policy 142 from 9m long X 3m high to 18.5m long X 3.7 to 4.6m high;**
- (e) variation to roof pitch for the skillion roofed addition pursuant to Local Planning Policy 066 from 28° to 15°;**

for the construction of additions at No. 60 (Lot 156) Glyde Street, East Fremantle comprising:

- Single garage and store;**
- Studio with skillion roof;**
- 4.5m long X 3m wide below ground pool, & 2m X 2m below ground spa;**
- 2-storey gable and skillion roofed extension with ground floor entry, kitchen, dining & living rooms, and upper floor main bedroom, en-suite & study;**

in accordance with the plans date stamp received on 20 February 2007 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 6. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.**
- 7. the proposed works for the swimming pool and spa 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 and spa 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 and spa 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 and spa are 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.
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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *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

T33.7

**George Street No. 130B (Lot 2) – Levic Nominees
(Application No. P44/2007)**

By Chris Warrener, Consultant Town Planner on 2 April 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval to use the ground floor of the building at 130B George Street as a Day Spa incorporating a reception area and 2 therapy rooms.

Proposed hours of operation: 9:00am – 5:00pm, Monday to Saturday

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3)

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Plans and relevant forms date stamp received on 6 March 2007

Date Application Received

6 March 2007

Advertising

Surrounding landowners and sign on site

Date Advertised

14 March 2007

Close of Comment Period

28 March 2007

No. of Days Elapsed between Lodgement & Meeting Date

35 days

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

15 August 2000	Council decides on its conditions (Appeal upheld by Minister for Planning) for construction of a 2-storey house at 130A George Street;
17 September 2001	Building Licence issued for 2-storey house at 130A George Street;
17 September 2002	Council grants conditional special approval for reduced setbacks for a 2-storey house at 130B George Street;
28 October 2002	Building Licence issued for 2-storey house at 130B George Street;

CONSULTATION

Public Submissions

At the close of the comment period (1) submission was received:

*Summary of
Submission from
owner of 130A
George Street*

- Use is inconsistent with the aims of the Scheme;
- Parking problems, and use is not compatible with retention of a residential component;
- Use will not satisfy the tests of an appropriate use of mixes pursuant to sub-clause 2.8.10, and it fails the test of not prejudicing the character or amenity of the locality because of its impact on parking;
- To approve further commercial re-development in this part of George Street would destroy the balance & benefits of a well planned and managed mixed use zone;
- Does not conform to minimum parking standards;
- No Schedule 6, or Form 7, and
- Use will detract from my quality of life, isolating my residence from other residential premises.

*Summary of Owner's
Response*

- The top floor is to remain a residential apartment;
- Combined use of the property is in line with the objectives of the Mixed Use zoning;
- The use Day Spa will preserve and enhance the existing character of the surrounding area;
- The application is for a one person business attending one client at a time therefore the parking demand will be minimal, and there is plenty of available parking nearby;
- No evidence that the use will decrease the value of 130A George Street.

*Summary of
Applicant's Response*

- The Day Spa business is low impact in keeping with other businesses operating in George Street;
- Will provide a parking map on business flyer, operating hours fall within the average working week;
- This proposal does not undermine the residential use of George Street, and my business is a small concern, I believe will enhance and possibly increase property value in the area.

Site Inspection

By Consultant Town Planner on 26 March 2007

No issues of relevance to this application were noted, although the existence of an outbuilding which does not appear to have obtained Council approval, was noted. This will be followed up administratively. See also comments under Discussion/Car Parking.

REPORT

Issues

Land Use

The use "Day Spa" is not a use listed in the Zoning Table under TPS 3, nor is it a use that could be reasonably determined as falling within any use class in the Table.

TPS 3, sub-clause 4.4.2 states:

“4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within any use class in the Table, the local government may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.5 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.”*

Further TPS 3, sub-clause 5.8.10 states for development in the Mixed Use zone:

“5.8.10 Development in the Mixed Use Zone: The local government will generally not approve any development or re-development involving a change in use of existing residential floorspace in a Mixed Use zone, unless it is satisfied that an appropriate mix of uses, including residential, is to be maintained. No development is to be approved in a Mixed Use zone where it would prejudice the character or amenity of the locality by reason of the nature of the resultant activities, the building design or the impact of traffic or car parking.

Note: While the Mixed Use zones are intended to provide for a range of commercial facilities, residential development is an essential characteristic of these areas, and care needs to be taken to ensure preservation of a residential component.”

Car Parking

This issue only becomes relevant if the proposed land use is considered to be in conformity with the Scheme. See further discussion below.

Discussion on Land Use Issues

Premises

The subject property contains a 2-storey single house with an outbuilding which is accessed via a walkway next to the east side boundary.

It incorporates a double carport, which directly fronts George Street.

The application proposes that one of the car bays in the carport be used for the Day Spa business; the other bay being for the residential tenancy on the upper floor.

Proposed Business

The applicant states that spa therapies are beauty treatments for the “whole body” which include massage, facials, body

scrubs and body wraps, pedicure and manicure, and water treatments.

It is stated:

- The business is a “tropical” style spa that is proposed to be a passive and peaceful environment to relax and de-stress clients. Noise will be kept to an absolute minimum.
- The business is proposed to work in harmony with the naturopathy, yoga, and physiotherapy businesses already established in George Street.
- There will be essentially only one client at a time (notwithstanding the existence of two therapy rooms), and there will be no structural changes to the building at 130B George Street.

Prior Consultation

Council’s Acting Town Planner and Consultant Town Planner determined that the proposed use of the premises for a “Day Spa” should be advertised by way of a sign on site and consultation with adjoining landowners.

At the end of the advertising period 1 submission had been received.

Submission

130A George Street

The submission from the owner of 130A George Street (attached) opposes the application in general arguing that it is not in keeping with the spirit and intent of TPS 3, and refers to Section 1.6 Aims of the Scheme, 4.2 Objectives of the Zones – Mixed Use Zone, sub-clause 5.8.10, and Part 10 to justify a non-supportive position.

The author of the submission resides at 130A George Street, which is a purely residential use property, and does not contain any commercial uses.

The owner of the subject property has responded to the submission, and confirms that it is intended that the upper floor will be for ongoing residential use.

On this basis it is maintained that the use of the property will be in keeping with the objectives and intent of the Mixed Use zone not otherwise as the submission suggests.

The applicant also submitted a response to the submission from 130A George Street, in somewhat similar terms as the property owners’ response.

The applicant states that the business *“is a low impact, peaceful, passive type of business and can not see how this will impact on the surrounding residential or commercial residents of the area.”*

The applicant addresses the parking issue referring to the existence of the nearby Council car park, and the operating hours which *“fall within the average working week.”*

It is understood that the reference to the working week implies that parking will not be a problem for residents because it will

not be required 'after-hours', when it is presumed normal residential use requirements occur.

The proposed Day Spa is considered to be a very "low impact" use that will not adversely impact the amenity of the locality, and the hours of operation will be confined to "normal" (9 – 5) working hours.

The property will at all times contain a residential component with the continuation of residential use of the upper floor single bedroom apartment.

Land Use

The property is in the George Street Mixed Use zone within which the objectives stated in TPS 3 are:

- To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the neighbourhood;
- To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;
- To promote the coordination of development within each of the Mixed Use zones and to facilitate the safe and convenient movement of pedestrians to and within the area;
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

The "Day Spa" will use the ground floor of the building, and upstairs will be for residential use.

It is not proposed to alter the appearance of the subject property.

The proposed use is considered appropriate to the Mixed Use zone.