

13 March 2012

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 13 MARCH 2012 COMMENCING AT 6.30PM.

T20. OPENING OF MEETING

The Presiding Member opened the meeting.

T20.1

Present

Cr Alex Wilson	Presiding Member
Mayor Alan Ferris	
Cr Cliff Collinson	
Cr Sián Martin	
Cr Dean Nardi	
Mr Jamie Douglas	Manager Planning Services
Ms Carly Pidco	Acting Town Planner (To 9.13pm)
Ms Janine May	Minute Secretary

T21. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place.”

T22. WELCOME TO GALLERY

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

T23. APOLOGIES

Cr de Jong.
Cr Rico.

T24. CONFIRMATION OF MINUTES

T24.1 *Town Planning & Building Committee (Private Domain) – 14 February 2012*

Cr Nardi – Cr Collinson

That the Town Planning & Building Committee (Private Domain) minutes dated 14 February 2012 as adopted at the Council meeting held on 21 February 2012 be confirmed.

CARRIED

T25. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T25.1 *Irwin Street No 79 (Lot 200)*

D Wright, Define Creations: Requesting reconsideration of the officer's recommendation to require the proposed carport to be moved back to the line of the existing building at 79 Irwin Street given the proposal is an open structure and is not considered to dominate the streetscape.

Mayor Ferris – Cr Nardi

That the correspondence from Mr D Wright of Define Creations be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T29.2).

CARRIED

T25.2 *Irwin Street No 79 (Lot 200)*

N & R Liley: Requesting reconsideration of the officer's recommendation to require the proposed carport to be moved back to the line of the existing building at 79 Irwin Street given:

- it is in the same location as the current carport at 79 Irwin Street

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- the front edge of the carport lines up with the front edge of the roofing covering the front verandah
- the back edge of the carport lines up with the back edge of the roofing covering the side/front verandah
- moving the structure back would block natural light to the master bedroom and create an undesirable look
- moving the structure back would make very little difference to the street view perspective.

Mayor Ferris – Cr Nardi

That the correspondence from Mr & Mrs Liley be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T29.2). CARRIED

T26. REPORTS OF COMMITTEES

T26.1 Town Planning Advisory Panel – 28 February 2012

Mayor Ferris – Cr Martin

That the minutes of the Town Planning Advisory Panel meeting held on 28 February 2012 be received and each item considered when the relevant development application is being discussed. CARRIED

T27. RECEIPT OF REPORTS

Cr Nardi - Collinson

That the Reports of Officers be received.

CARRIED

T28. ORDER OF BUSINESS

Mayor Ferris – Cr Nardi

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

T29. REPORTS OF OFFICERS - STATUTORY PLANNING/DEVELOPMENT CONTROL

**T29.1 Irwin Street No. 47 (Lot 205)
Applicant/Owner: Terence Pestana
Application No. P16/12**

By Carly Pidco, Town Planner, on 29 February 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a development application for construction of a deck at No. 47 Irwin Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 544m² freehold lot
- zoned Residential 12.5
- located in the Woodside Precinct
- improved with a single-storey single dwelling

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with clause 5.3.3)

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Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Reduced setback to secondary street

Documentation

Plans and relevant forms date stamped received on 27 January 2012

Date Application Received

27 January 2012

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

9 May 1985 Council resolves to advise the Town Planning Board that it supports subdivision of 47 Irwin Street
20 June 1985 Town Planning Board approves subdivision of 47 Irwin Street
5 May 1991 Family room and study additions to existing dwelling completed (BL 1626)

CONSULTATION

Advertising

The proposed development was advertised to surrounding neighbours from 14 February to 27 February. No submissions were received during the comment period.

Town Planning Advisory Panel Comments

The proposed development was not referred to the Panel as it is minor in nature and will not be visible from the street.

Site Inspection

By Town Planner on 2 March 2012

ASSESSMENT

The proposed development is a deck extension to the rear of the existing dwelling. The deck has open sides and is unroofed. It is of timber construction and raised above NGL to align with the FFL of the existing dwelling. The proposal incorporates several variations to the Town's requirements, as detailed in the table below.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	No change	A
Site Works	Less than 500mm	780mm at deck	D
Local Planning Policies:	Issues		
Policy 143	Variation to secondary street setback		D
Roof	N/A		N/A
Solar Access & Shade	Deck faces North-West for solar access		A
Drainage	To be conditioned		A
Views	N/A		N/A
Crossover	N/A		N/A
Trees	No impact		A

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Other:		Issues		Status			
Overshadowing		Contained within subject lot		A			
Privacy/Overlooking		2.6m intrusion into the cone of vision over the western boundary		D			
Height:		Required	Proposed	Status			
Wall		6.0	NGL to FFL 0.8m. Open deck.	A			
Roof type		N/A					
Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (east)							
<i>Ground</i>	Deck	Abuts existing dwelling					N/A
Rear (west)							
<i>Ground</i>	Deck	<3.5	9.1	Y	1.5	4.9	A
<i>Side (south)</i>							
<i>Ground</i>	Deck	<3.5	2.9	Y	1.5	8.8	A
<i>Side (north)</i>							
<i>Ground</i>	Deck	<3.5	N/A	N/A	3.0	2.3	D

* Wall length as calculated for assessment purposes

Site Works

The deck is to be raised more than 500mm above NGL within 3m of the secondary street. The effective filling of the lot is minimal, however, given the dimensions of the deck, and the open sides will reduce any visual impact on the street. The deck has been raised to maintain the existing floor level of the dwelling over a sloping site. The variation is not considered to have an undue impact on the streetscape and is therefore supported.

Privacy

The R-Codes require a privacy setback of 78.5m from the proposed deck. The cone of vision intrudes 2.6m over the western boundary. The area where the intrusion occurs is the front of the affected dwelling, and directly behind the front setback area. There is a significant side setback to 47 Irwin Street and sensitive living areas are unlikely to be overlooked. Further, no objections were received from the affected neighbour during the comment period. The privacy intrusion is not considered to have an undue impact on the amenity of the affected neighbour and is supported.

Setbacks

The LPP 142 provides that development is to be setback from the secondary street a minimum of 50% of the primary street setback, being 3.0m in this case. The proposed setback to the deck is 2.3m from the secondary street. The design of the deck (being of minimal dimensions, open-sided and unroofed) means there will be minimal visual impact on the streetscape. The deck follows the existing setback line of the dwelling and changes to the view of the development from the street will be barely perceptible. The reduced setback is a minor variation and is supported.

CONCLUSION

The proposed deck development incorporates variations to requirements for setbacks, visual privacy and site works. These variations are generally minor in nature and not likely to have an undue impact on the neighbouring properties or streetscape. It is recommended that the development be approved subject to conditions.

RECOMMENDATION

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

- (a) vary the side setback requirements of the Local Planning Policy 142 Residential Development to permit a setback of 2.3m to the deck at the Northern boundary;

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- (b) vary the site works requirements of the Residential Design Codes of Western Australia to permit a Finished Floor Level to the deck of RL 10.0 within 3m of the Northern boundary; and
- (c) vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the western wall of the deck to intrude 2.6m over the Western boundary
- for the construction of a deck at No. 47 (Lot 205) Irwin Street, East Fremantle, in accordance with the plans date stamped received on 27 January 2012 subject to the following conditions:
1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. The proposed works are not to be commenced unless there is a valid demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. The proposed deck is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 7. Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
 8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"*

Mr Pestani (owner) addressed the meeting in support of the officer's recommendation and tabled correspondence from the neighbours to the west supporting the proposed deck.

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Martin

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

- (a) **vary the side setback requirements of the Local Planning Policy 142 Residential Development to permit a setback of 2.3m to the deck at the Northern boundary;**
- (b) **vary the site works requirements of the Residential Design Codes of Western Australia to permit a Finished Floor Level to the deck of RL 10.0 within 3m of the Northern boundary; and**
- (c) **vary the visual privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the major opening to the western wall of the deck to intrude 2.6m over the Western boundary**

for the construction of a deck at No. 47 (Lot 205) Irwin Street, East Fremantle, in accordance with the plans date stamped received on 27 January 2012 subject to the following conditions:

1. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **The proposed works are not to be commenced unless there is a valid demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
4. **The proposed deck is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
5. **All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
6. **All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
7. **Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.**

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8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (f) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

T29.2 *Irwin Street No. 79 (Lot 220) – Alterations and Additions to Existing Dwelling*
Owner: Richard and Nicki Liley
Applicant: Define Creations Design and Drafting
Application No. P21/2012

By Pina Mastrodomenico, Town Planner on 8 March 2012

PURPOSE OF THIS REPORT

This report considers an application for planning approval for alterations and additions to the existing residence at No. 79 Irwin Street, East Fremantle.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The subject application proposes alterations to the outside of the existing residence including the following:

- Removal of sleep out to the front of dwelling and replace with a wrap around verandah;
- Removal of kitchen/family/bedroom 3 and replace with a new addition;
- An alfresco area to rear of dwelling;
- Removal of existing flat roof carport and construction of a new gable roof carport with a nil setback to the northern elevation;
- A front fence;
- A shed to the rear.

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Description of Site

The subject site is:

- a 1012m² block
- zoned Residential R12.5
- developed with a single storey dwelling

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
Local Planning Strategy - Woodside Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Location of proposed carport will impact streetscape

Documentation

Plans and relevant forms date stamp received on 31 January 2012

Date Application Received

31 January 2012

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

Nil

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 3 February and 20 February 2012. At the close of advertising no submissions were received.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 February 2012 and the following comment was made:

- Carport should be set back at or behind the principal walls (main building line) to the front elevation.

The Town Planner supports the Panel's comment.

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	50%+	A
Site Works	N/A	N/A	A
Local Planning Policies:	Issues		
Local Planning Policy 142	Carport forward of main building line		D
Roof	Pitched roof		A
Views	No impacts		A
Crossover	N/A		N/A
Trees	No impacts		A
Other:	Issues		Status
Overshadowing	N/A		A
Privacy/Overlooking	No impacts		A

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Setbacks:	Required	Proposed	Status
Front (East)	Setback at or behind main building line	Setback in front of main building line	D
Side (North) – Carport	1.0	Nil	D
Side (South) - Store	1.0	1.37	A
Side (South) – Bed 4 /Study	1.5	1.77	A
Shed (South and West)	1.0	1.0	A

ASSESSMENT

The subject application proposes a number of additions to the existing residence. A verandah and carport are proposed to the front of the dwelling.

Also proposed are additions to the rear of the residence, including demolition of three rooms to make way for a new living area, kitchen and study. An alfresco area and shed are also proposed to the rear.

There are two issues to address in this application being the location of the carport forward of the main building line and the nil setback to the carport.

Streetscape

Local Planning Policy No. 142 states in Part 2 – Streetscape:

(ii) *Notwithstanding (i) above, garages and/or carports are to be located at or behind the main building line of the house on the property.*

However, the proposed carport is located in alignment with the proposed verandah and in front of the main building line. Because of its location the proposed carport is considered to dominate the street frontage of the building.

The policy is not definitive in what constitutes the main building line however based on past assessments it is evident that the policy has been interpreted to refer to the dominant wall of the front of the house (the widest section of wall occupying the greatest part of the frontage of the dwelling). When applying this to the subject application, the main wall of the house can be considered as bedroom 2 and bedroom 3 on the eastern elevation. Accordingly it is considered the proposed carport should be conditioned to be set back to align with the main building line to comply with the front setback requirements of Local Planning Policy No. 142.

Building on the Boundary

The application proposes a nil setback to the carport on the northern boundary. The carport will match the roof pitch, colour and materials of the existing dwelling.

The proposal has been assessed against the quantitative provisions of TPS3, the R-Codes 2008 and the applicable Local Planning Policies, the proposal was found to meet the majority of the requirements with the exception of LPP 142 and the Clause 6.3.2 (Buildings on Boundary) of the R-Codes. A description of these variations is summarised below.

Council's Local Planning Policy No. 142 provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) *Walls are behind the main dwelling;*
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."*

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The proposed nil setback to the carport (northern boundary) satisfies the majority of the above criteria as demonstrated below:

- The carport does not propose a boundary wall and will be a 100% open structure.
- The maximum height of the carport is lower than the average and maximum boundary wall height permitted;
- The maximum length of the carport is less than 9 metres;
- The proposed carport will be conditioned to be setback at or behind the main building line of the existing dwelling.
- The construction of a carport with a nil setback on the northern boundary will not result in any overshadowing of the adjoining property;

The variation has also been assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The reduced setback will not restrict sunlight or ventilation to the existing residence.
- The reduced setback will not cast a shadow on the adjoining lots.
- The reduced setback will not have any significant adverse effect on the adjoining property.

In light of the above, it is considered there is merit in an exercise of discretion to allow a carport with a nil setback on the subject site.

Conclusion

Subject to the indicated amendments, the application is considered to have regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes. The application has been supported by the Town Planning Advisory Panel (subject to relocation of the carport).

The application is therefore recommended for approval.

RECOMMENDATION

That Council grant approval for alterations and additions to the existing residence at No. 79 (Lot 220) Irwin Street in accordance with the plans date stamp received on 31 January 2012, subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. Prior to the issue of a building licence, plans shall be submitted and approved by Council, which show the proposed carport set back in line with the front wall of bedroom 2 and bedroom 3 of the existing dwelling.
3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site and clear of all boundaries.
7. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. The existing chimney/s shown on the elevations shall be retained.
9. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with

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the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.

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

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) matters relating to dividing fences are subject to the Dividing Fences Act 1961*
- (e) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

Emails from Define Creations and Mr & Mrs Liley, referred from Correspondence (MB Ref T25.1 & T25.2), were tabled.

Mr Liley (owner) addressed the meeting in support of his proposal including the erection a carport in front of the main building line.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That Council grant approval for alterations and additions to the existing residence at No. 79 (Lot 220) Irwin Street in accordance with the plans date stamp received on 31 January 2012, subject to the following conditions:

- 1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. Prior to the issue of a building licence, plans shall be submitted and approved by Council, which show the proposed carport set back in line with the front wall of bedroom 2 and bedroom 3 of the existing dwelling.**
- 3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 6. All stormwater is to be disposed of on site and clear of all boundaries.**
- 7. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without**

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- limitation any works associated with the proposal) which are required by another statutory or public authority.
8. The existing chimney/s shown on the elevations shall be retained.
 9. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.
 10. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
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- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*
- (e) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

Cr Wilson made the following impartiality declaration in the matter of 7 Gill Street: "As a consequence of the owners being known to me as our sons are best friends, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T29.3 Gill Street No. 7 (Lot 6) – Alterations/Additions

Applicant/Owner: Glenn Frewin

Application No. P7/2012

By Pina Mastrodomenico, Town Planner on 8 March 2012

PURPOSE OF THIS REPORT

This report considers an application for planning approval for alterations and additions to the residence including the construction of a garage and shed with boundary walls.

This report recommends that conditional approval be granted

BACKGROUND

Description of Proposal

The subject application proposes alterations and additions to the residence which include the following works:

- extending the existing single carport to create a double garage with a boundary wall;
- construction of a shed with a boundary wall.
- two covered alfresco areas located to the rear/side of the-site; and
- minor extensions to the existing rear rooms of the residence, including ensuite, robe and wc.

The application seeks discretions to the setback requirements of the Residential Design Codes (R-Codes) and Council's Local Planning Policies which will be discussed in the Assessment section of this report.

Description of Site

The subject site is:

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- a 911m² block
- zoned Residential R12.5
- developed with a single storey dwelling
- located in the Richmond Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
Local Planning Strategy - Richmond Precinct (LPS)
Residential Design Codes (RDC)
B- Management Category - Municipal Heritage Inventory

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Location of proposed shed will impact the streetscape

Documentation

Plans and relevant forms date stamp received on 17 January 2012

Date Application Received

17 January 2012

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

Nil

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 3 and the 20 February 2012.

At the close of advertising one submission was received from the owners of No. 5 Gill Street.

The submission has been addressed and has been outlined in the table below;

Neighbour Submission	Planning Comments
The length and height of proposed boundary wall to the shed on the southern elevation and the skillion roof to proposed shed having the highest point abutting No.5 Gill Street	The submission has been taken into consideration and it is considered that the best outcome for both parties is to reduce the height of the boundary wall from 4.05 metres to a maximum of 3.5 metres from the RL 8.71 in order to reduce the impact of the boundary wall on the neighbouring property. This will be conditioned accordingly.
Possible overshadowing of two office windows	Noted. Even if the proposed shed was set back the required 1.0 metre the overshadowing would have the same impact on the windows as the proposed boundary wall. The overshadowing proposed is 20% which complies with the R Codes.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28th February 2012 and the following comments were made:

- Long shed on the southern elevation needs to be set back in line with principal wall (living room) in accordance with LPP 142.
- Finishes for garage and shed should be differentiated from existing residence-delete matching brickwork detail.
- Query definition of 'carport' on northern elevation as filled in on 3 sides.

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- Query BCA requirements for ventilation to bedrooms and bathrooms on the southern elevation.

The Panels comments are supported.

Applicant Justification

The applicant has submitted information in response to the Panels comments. This is outlined below.

Applicant comments in response to the Town Planning Advisory Panel comments	Planning comments
<p><i>Long shed on the southern elevation needs to be set back in line with principal wall (living room) in accordance with LPP 142.</i></p> <p>The front of the lower shed was designed to match the existing shed on the north side of the house keeping with the original theme of the house.</p> <p>The north side shed protrudes out around 300m from the front face of the house.</p>	<p>Noted. The shed will be conditioned to be set back in line with the living room.</p>
<p><i>Finishes for garage and shed should be differentiated from existing residence-delete matching brickwork detail.</i></p> <p>The house is a rendered finish and it was our intention to render the front of the shed to match the shed on the north side of the house, again keeping in with the original theme.</p>	<p>Noted, however garage and shed should be differentiated from existing residence and as such the additions will be conditioned to be rendered without matching brickwork detail.</p>
<p><i>Query definition of 'carport' on northern elevation as filled in on 3 sides.</i></p> <p>I intended to have a large gate at the back end of the northern carport, this is to allow access to the back yard.</p>	<p>As the proposed "carport" abuts the neighbouring property with a boundary wall, it is defined as a garage under the r codes. The plans have been amended accordingly to depict the structure as a garage.</p>
<p><i>Query BCA requirements for ventilation to bedrooms and bathrooms on the southern elevation.</i></p> <p>No window on the southern side of the house will be obstructed by the shed.</p>	<p>Noted. Windows to the southern elevation are not obstructed by the shed.</p>

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	55%	55%+	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:	Issues		
Policy 142	Two boundary walls		D
Solar Access & Shade	No impacts		A
Drainage	No impacts		N/A
Views	No impacts		N/A
Crossover	No impacts		N/A
Trees	No impacts		N/A
Other:	Issues		Status
Overshadowing	Overshadowing is required to be less than 25% of adjoining property (20% overshadowing is proposed)		A
Privacy/Overlooking	No impacts		A
Height:	Required	Proposed	Status
Wall - shed	3.0	3.18	D
Wall -carport	3.0	2.89	P

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Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Side (north)	Garage	2.89	6.52	No	1.0	Nil	D
Side (south)	Shed	3.18 (4.06 including retaining wall)	13.5	No	1.0	Nil	D

Site Inspection

By Town Planner on 10 February 2012

ASSESSMENT

The subject application proposes a garage set back at the main building line of the existing dwelling, and a shed setback forward of the main building line, with both structures proposing boundary walls. Also proposed are additions to the rear of the residence, including two covered alfresco areas and minor additions to the rear.

The proposal accords with the provisions of TPS3, the R-Codes and the Town's Planning Policies with the exception of the boundary walls and the location of the shed forward of the main building line.

Streetscape

Local Planning Policy No. 142 states in Part 2 – Streetscape:

- (iii) *Notwithstanding (i) above, garages and/or carports are to be located at or behind the main building line of the house on the property.*

However the proposed shed is located in alignment with bedroom 1 and in front of the main building line. Because of its location the proposed shed is considered to dominate the street frontage of the building.

The policy is not definitive in what constitutes the main building line however based on past assessments it is evident that the policy has been interpreted to refer to the dominant wall of the front of the house (the widest section of wall occupying the greatest part of the frontage of the dwelling). When applying this to the subject application, the main wall of the house can be considered as the living room. Accordingly it is considered the proposed shed should be conditioned to be set back to align with the main building line to comply with the front setback requirements of Local Planning Policy No. 142.

Building on the Boundary

The application proposes to construct two boundary walls, with one being a shed located on the southern boundary and the other a garage on the northern boundary.

The proposal has been assessed against the quantitative provisions of TPS3, the R-Codes 2008 and the applicable Local Planning Policies, the proposal was found to meet the majority of the requirements with the exception of LPP 142 and the Clause 6.3.2 (Buildings on Boundary) of the R-Codes. A description of these variations is summarised below.

Council's Local Planning Policy No. 142 provides for the construction of residences with walls situated closer to the boundary than permitted by the R-Codes where the following can be observed:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) *Walls are behind the main dwelling;*
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9;*

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- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions."*

The proposed nil setback to the garage (northern boundary) satisfies the majority of the above criteria as demonstrated below:

- The maximum height of the boundary wall on the southern boundary is 2.89 metres which is lower than the average and maximum boundary wall height permitted;
- The maximum length of the boundary wall is less than 9 metres;
- The proposed boundary wall is at the side of the residence and is not forward of the main residence;
- The construction of a boundary wall on the southern boundary will not result in any overshadowing of the adjoining property.

The proposed second boundary wall to the shed (southern boundary) does not satisfy all the criteria outlined under LPP 142 however can be supported as a variation to the policy for the following reasons:

- The maximum height of the boundary wall on the southern boundary is 3.18 metres which is only 0.18 higher than the maximum boundary wall height permitted, however the shed proposes a height of 4.06 metres from the neighbouring property due to the existing lower ground level. As such the boundary wall has been conditioned to be a maximum height of 3.5 metres from the RL 8.71 (the existing ground level at the neighbouring property at No.5 Gill Street)
- The maximum length of the boundary wall exceeds the 9 metres by 4.05 metres, however overshadowing is compliant.
- Two office windows to the neighbouring property to the south will be slightly overshadowed, however the boundary wall complies with overshadowing requirements.
- The proposed boundary wall abuts an existing carport on the adjoining property and is set back 7.34 metres from the street.
- The shed will be partially screened from the street by an existing mature tree.

The variation has also be assessed against the Performance Criteria of the R-Codes and based on the following is considered to be acceptable development:

- The reduced setback will not restrict sunlight or ventilation to the existing residence.
- The reduced setback and extension to the garage complies with the overshadowing requirements of the R Codes.
- The reduced setback will not have any significant adverse effect on the adjoining property.

It is considered there is merit in an exercise of discretion to allow two boundary walls on the subject site.

Heritage Assessment

The residence at No. 7 Gill Street is included on Council's Municipal Heritage Inventory as an 'B-' Management Category and as such is considered to have heritage significance at a local level and is a place generally considered worthy of a high level of protection, to be retained and appropriately conserved.

The additions will be set back at or behind the main building line of the dwelling and as such will not impact on the streetscape or on the way the existing residence is viewed from the street. The proposed additions are sympathetic to the original house and will not detract from the heritage significance of the place.

Conclusion

The application is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-

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Codes. The application has been supported by the Town Planning Advisory Panel and all issues raised by the Panel have been addressed.

Whilst the application does seek a variation to the R-Codes and LPP No. 142 this is considered to be acceptable in this instance. The proposed additions will not impact on the heritage significance of the residence.

The application is therefore considered to be suitable for determination and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the requirements of LPP No. 142 to allow an additional boundary wall that is 13.50 metres long in lieu of the 9 metre restriction for the construction of additions to the residence at No. 7 (Lot 6) Gill Street in accordance with the plans date stamp received on 17 January 2012, subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. prior to the issue of a building licence, plans shall be submitted and approved by Council which show the proposed shed set back in line with the living room of the existing dwelling.
3. prior to the issue of a building licence the proposed boundary wall to the shed shall have a of a maximum height of 3.5 metres from the RL 8.71.
4. the proposed shed and garage shall be finished in render without matching brickwork detail.
5. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. all stormwater is to be disposed of on site and clear of all boundaries.
9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drain age point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
10. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

Mr Frewin (owner) addressed the meeting supporting the officer's recommendation, however, seeking reconsideration of the reduced height to the southern boundary wall

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Nardi

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- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. prior to the issue of a building licence, plans shall be submitted and approved by Council which show the proposed shed set back in line with the living room of the existing dwelling.**
- 3. prior to the issue of a building licence the proposed boundary wall to the shed shall have a of a maximum height of 3.5 metres from the RL 8.71.**
- 4. the proposed shed and garage shall be finished in render without matching brickwork detail.**
- 5. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 6. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 7. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 8. all stormwater is to be disposed of on site and clear of all boundaries.**
- 9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drain age point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**

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10. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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- (c) ***it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.***
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- (e) ***in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.***
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CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 6 Habgood Street: "As a consequence of one of the objectors being known to me through work, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T29.4 Habgood Street No. 6 (Lot 5016)

Applicant: M Fallace

Owner: M & A Fallace

Application No. P135/11

By Carly Pidco, Town Planner, on 6 March 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for demolition of an existing dwelling and construction of a new single dwelling at 6 Habgood Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 736m² freehold lot
- zoned Residential 12.5
- located in the Richmond Hill Precinct
- improved with a single dwelling

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Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Apply standard condition
Footpath : Apply standard condition
Streetscape : New dwelling

Documentation

Revised Plans and relevant forms date stamped received on 5 January 2012
Additional information date stamped received on 1 March 2012

Date Application Received

2 September 2011

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

18 December 1984 Council resolved to approve upper floor additions to existing dwelling

18 December 2001 Council resolved to approve upper floor additions to existing dwelling

CONSULTATION

The application as originally submitted in September 2011 was for a two storey plus basement single dwelling. The application was advertised to surrounding neighbours for comment and a significant number of objections were received. Consequently, the applicant sought a deferral of determination of the application to prepare revised plans addressing the concerns raised. This report considers the revised plans, which were received on 5 January 2012 and subsequently readvertised for public comment.

Advertising

The revised plans were advertised for public comment from 10 January to 30 January 2012. Each submission has not been replicated in full within the report because:

- (a) the various submissions received generally refer to similar issues;
- (b) in some cases the submissions replicate other submissions; and
- (c) the submissions are attached in full to this report.

The following table summarises the points of objection submitted. Similarly, the applicant's comments have only been included where they respond to an objection and not where these have been included in the assessment portion of the submission.

Submission	Applicant's Response	Planning Officer's Comment
No objection to the proposed development. (4 submissions) <i>C & C La Macchia, 8 Habgood Street; R Carcione, 26 View Terrace; R Mule, 27 Woodhouse Road; T & M Buhagiar, 34 View Terrace</i>	Note express support from owners of 8 Habgood Street, this property is the only one affected in any possible way with regard to discretion re wall heights and where the only (unavoidable) overlooking of any consequence occurs	No comment.
Building Height Question the overall height of the development – plans show the north elevation wall height to the	The proposal seeks to provide an outside space co-located at the main level of the house	The officer's assessment of height compliance is discussed in detail in the

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Submission	Applicant's Response	Planning Officer's Comment
<p>balcony roof being 6.882m which exceeds the 5.6 maximum allowed. <i>A & L Savaris, 11 Locke Crescent</i></p> <p>Understand that that the building design does not comply with the maximum building heights as set out in the R-Codes and exceeds the maximum 8.1m height by more than a metre. <i>D van Ooran, 9 Locke Crescent</i></p> <p>Conclude that there is no substantial reduction of the roof ridge height in this revision of the plans and the building as drawn is still over the allowable height limit. <i>Amicus Lawyers, on behalf of owner of 29 Woodhouse Road</i></p> <p>The proposed ridge height has only been achieved by reducing the roof pitch below the 28 degrees specified in Council policy and through significant excavation of the site in excess of Council Policy. <i>Cox Architecture on behalf of owners of 4 Habgood Street</i></p> <p>Various assessments of building height and objections to building being over the height requirements <i>A & L Savaris, 11 Locke Crescent; LK & J Larner, 4 Habgood Street; Amicus Lawyers, on behalf of owner of 29 Woodhouse Road; D van Ooran, 9 Locke Crescent; Cox Architecture on behalf of owners of 4 Habgood Street</i></p>	<p>The upper level balcony is set far from the rear boundaries and also considerably lower than that already existing</p> <p>The dense screen planting to the rear and south boundaries prevents any significant overlooking</p> <p>The building is fully RD Code compliant in overall height terms to the roof ridges and porch peak, and with regard to the wall heights to the main building facade facing west and south</p> <p>The minor relaxation for wall height for the piers to the front porch detail are of no consequence where they are fully contained within the building profile of the roof</p> <p>By incorporating a skillion roof to its rear portion rather than a higher pitched element actually assists in limiting any minor and distant view impacts</p> <p>The proposal actually preserves views and particularly opens up view corridors between buildings, especially for the residents to the opposite side of Habgood Street</p>	<p>assessment section of this report.</p>
<p>Privacy</p> <p>Main outdoor living areas and pool are not adequately screened to prevent overlooking of properties on Locke Crescent</p> <p>Noise and visual privacy intrusion from pool</p> <p>Privacy screening should be installed along the full extent of the outdoor area</p> <p><i>A & R Robertson, Locke Crescent; A & L Savaris, 11 Locke Crescent; D & M van Ooran, 9 Locke Crescent; LK & J Larner, 4 Habgood Street; A & L Savaris, 11 Locke Crescent; N Foley, 8 Habgood Street; A & R Robertson, 7 Locke Crescent; D & M van Ooran, 9 Locke Crescent</i></p>	<p>The development complies with the privacy setback requirements of the R-Codes.</p> <p>Dense screen planting to the rear and side boundaries prevents any significant overlooking of 7 & 9 Locke Crescent and it is proposed to continue this to benefit 11 Locke Crescent.</p> <p>Rear yards of neighbouring properties are further screened by a combination of topographical fall, boundary fences, sheds and short setbacks.</p> <p>Overlooking from higher adjacent premises in Habgood Street is far greater than the proposal for No. 6.</p>	<p>It is considered there will be privacy intrusion from swimming pool over southern boundary. It is recommended that the development be required to comply with screening at this boundary. There is no basis for further screening or increased setbacks to the rear boundary under the R-Codes.</p> <p>Noise from the pool is regulated by environmental health legislation.</p>

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Submission	Applicant's Response	Planning Officer's Comment
<p>Site Coverage Query applicant's calculation of site cover. The extent of habitable rooms across all levels may not have been included in these totals.</p> <p><i>N Foley, 8 Habgood Street</i></p>	<p>N/A</p>	<p>The proposal complies with the maximum site cover as defined by the R-Codes. Plot ratio is the usual measure of floor areas over different heights in relation to site cover; however, it is not applicable in this zone.</p>
<p>Site Works Understand that excavation exceeds the maximum allowed of 500mm by up to six times this amount.</p> <p>The existing floor level is of no consequence as the property is going to be excavated</p> <p><i>D van Ooran, 9 Locke Crescent; LK & J Larner, 4 Habgood Street</i></p>	<p>The 500mm 'limit' is simply the extent of cut or fill able to be undertaken without planning application</p> <p>The organisation within and below the permitted building envelope relative to NGL is not principally a matter for RD Code control</p> <p>Any issues relating to the capacity of the site to undergo excavation is the responsibility of a licensed structural engineer, whose detailing and authorisation for the works will be required as part of Building Licence documentation</p>	<p>The R-Codes provides that excavation should be no greater than 500mm within 3m of the front boundary or 1m of side boundaries. The proposal complies with this requirement.</p> <p>The existing floor level has not been considered in the assessment of the current proposal.</p>
<p>Setbacks The setback on the SE side should be 2.5m instead of the 1.5m shown on the plan. <i>D van Ooran, 9 Locke Crescent</i></p> <p>Pool is setback 2.8m from the rear boundary and not in accordance with requirements. <i>Cox Architecture on behalf of owners of 4 Habgood Street; D & M van Ooran, 9 Locke Crescent</i></p> <p>NW Wall should be setback 4.6m from side boundary. <i>Cox Architecture on behalf of owners of 4 Habgood Street</i> (applicant has not calculated Theatre / Living area as separate wall length to balcony, as permitted under the R-Codes' applicant has specified as for major opening</p> <p>SW Wall should be setback 3.7m from side boundary. <i>Cox Architecture on behalf of owners of 4 Habgood Street</i></p> <p>Proposed 5m setback from the road is not in keeping with the existing streetscape and setbacks of neighbouring properties. <i>LK & J</i></p>	<p>The front setback is compatible with the street mode and appropriate for the site. Ironically, further setting back of the development would nominally increase the impact of the development on the lower eastern neighbours</p>	<p>The officer's assessment of setback requirements is discussed in detail in the assessment section of this report.</p> <p>Variations to side setbacks are supported as these are minor in nature and unlikely to have an undue impact on neighbouring properties.</p> <p>The pool is set back 7.5m from the rear boundary which exceeds the required setback and therefore complies.</p> <p>The reduced front setback to the upper storey does not comply and is considered to have an undue impact on the streetscape.</p>

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Submission	Applicant's Response	Planning Officer's Comment
<p><i>Larner, 4 Habgood Street; C Lombardo, Nos 1 & 5 Habgood Street; Cox Architecture on behalf of owners of 4 Habgood Street</i></p>		
<p><u>Overshadowing</u> Concerned bulk and scale of building will have an overshadowing impact on neighbouring properties. <i>C Lombardo, Nos 1 & 5 Habgood Street; D & M van Ooran, 9 Locke Crescent</i></p>	<p>Overshadowing is neither statistically excessive nor located in such a way that would have any significant impact on the neighbouring property south</p>	<p>Proposal complies with overshadowing requirements of the R-Codes</p>
<p><u>Views</u> The sheer scale and design of this building detracts from the amenity of the area. <i>D van Ooran, 9 Locke Crescent</i> The proposal will result in the blocking of views from the upper levels of 4 Habgood Street to the west. <i>LK & J Larner, 4 Habgood Street; Cox Architecture on behalf of owners of 4 Habgood Street</i> The bulk and scale of the building will have an adverse visual impact on neighbours. <i>A & L Savaris, 11 Locke Crescent</i></p>		<p>The building aesthetic and architectural elements are a subjective matter not regulated by planning The proposal will have some impact on the view corridor from the northern windows of 4 Habgood Street. However, the main view corridor to the east will be undisturbed. The bulk and scale of the building will have an undue impact on properties adjoining the rear of the dwelling</p>
<p><u>General</u> Please explain why the building is referred to as a two storey residence when there are three distinctive levels <i>D & M van Ooran, 9 Locke Crescent; C Lombardo, Nos 1 & 5 Habgood Street</i> Question why the Town does not assess development proposals to ensure they comply with R-Codes prior to putting them out for public review and comment? This would deliver far greater efficiencies for council staff and the community. <i>D & M van Ooran, 9 Locke Crescent</i> Enquire if Council is able to intervene in the process, as the present interminable cycle of revision, submission and reviewing comments is surely absorbing the valuable resources of the Council. <i>Amicus Lawyers, on behalf of owner of 29 Woodhouse Road</i> Building of this scale will have a substantial negative impact on the value of properties on <i>Locke Crescent LK & J Larner, 4 Habgood Street; D & M van Ooran, 9 Locke</i></p>		<p>Building has been described as two storeys plus basement. It could be argued that it can be described as three storeys; however, there is no relevant planning control in relation to number of stories. Applicants have the right to apply for approval for discretions to requirements from Council. Public comment informs Council's decision as to whether approve discretions. The assertion that the development will negatively impact on property values is speculative and not a valid planning consideration in any event. It is considered the revised plans show substantial improvements in relation to building setbacks and overlooking. The revised roof design has also reduced height, although this is still not</p>

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Submission	Applicant's Response	Planning Officer's Comment
<p><i>Crescent</i></p> <p>The revised plans do not show significant consideration for neighbour's concerns raised in response to the original <i>plans A & L Savaris, 11 Locke Crescent; LK & J Larner, 4 Habgood Street; D & M van Ooran, 9 Locke Crescent</i></p> <p>Concern re noise during the building process. <i>A & R Robertson, 7 Locke Crescent</i></p>		<p>compliant with requirements.</p> <p>Construction noise is regulated by environmental health legislation.</p>

Town Planning Advisory Panel Comments

The revised plans were considered by the Panel at its meeting of 31 January 2012. The Panel made the following comments:

- Panel does not support the bulky appearance of the application, or the over-height elements proposed.
- Panel would prefer a design that steps down to follow the topography of the lot to reduce the impact of the proposal.

The issues raised by the Panel are discussed in more detail in the assessment section of this report.

Site Inspection

By Town Planner on 30 January 2012.

ASSESSMENT

The proposed development is a two-storey plus basement single dwelling. The dwelling is of brick and tile construction with render finish. The proposal incorporates several variations to the Town's policies and the Residential Design Codes, as detailed below.

Key: A = Acceptable, D = Discretion

<u>Site:</u>	Required	Proposed	Status
Open Space	55%	63.1%	A
Site Works	Less than 500mm	Less than 500mm within 3m of street and 1m of boundaries	A
<u>Local Planning Policies:</u>	Issues		
Policy 142	Boundary setbacks; privacy; building height		D
Roof	Hipped and skillion roof, tiled, dominant roof elements 28 & 30 degrees		A
Solar Access & Shade	Outdoor living faces northern boundary		A
Drainage	To be conditioned		A
Views	Does not comply with maximum heights in LPP.		D
Crossover	Not shown on plans – condition to comply		A
Trees	No impact		A
<u>Other:</u>	Issues		Status
Overshadowing	8.2%		A
Privacy/Overlooking	<ul style="list-style-type: none"> • Window to eastern wall of kitchen intrudes 0.3m into cone of vision over southern boundary • Major opening to eastern wall of swimming pool intrudes 1.5m into cone of vision over southern boundary 		D

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<u>Height:</u>		Required	Proposed	Status				
Roof Ridge		8.1 (LPP 142)	8.4 (north)	D				
Wall		5.6 (LPP 142)	5.9 (south)	D				
Wall (Concealed Roof)		6.5 (LPP 142)	8.4 (east)					
Roof type		Hipped, skillion						
Setbacks:								
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status	
Front (west)								
	<i>Ground</i>	Dwelling	N/A	N/A	N/A	Consistent with adjoining land and locality (LPP 142)	5.1m-7.1m	A
	Upper	Dwelling	N/A	N/A	N/A	7.5m	5.1m-7.1m	D
Rear (east)								
	<i>Ground</i>	Dwelling	N/A	N/A	N/A	6.0m	7.5m	A
	Upper	Dwelling	N/A	N/A	N/A	6.0m	12.6m	A
	<i>Basement</i>	Dwelling	N/A	N/A	N/A	6.0m	6.0m	A
Side (south)								
	<i>Ground</i>	Dwelling	3.9	25.5	N	1.5	1.5	A
	Upper	WIL, Kitchen	5.9	12.8	Y	3.5	1.5	D
		Balcony	6.3	18.5*	N	2.2	5.0	A
	<i>Basement</i>	Dwelling	1.8	23.5	Y	1.5	1.5	A
Side (north)								
	<i>Ground</i>	Bed 2, Bed 3	4.6	13.8	N	1.6	3.5	A
		Cabana, outdoor living	4.7	24.1*	N	2.0	5.5	A
	Upper	Dwelling	7.0	12.8	Y	4.1	Min 3.5	D
	<i>Basement</i>	Retreat	2.75	2.0	N	1.0	3.5	A
		Gym	1.9	12.0	N	1.5	3.5	A
		Garage	2.4	23.5*	N	1.5	5.5	A

* Wall length as calculated for assessment purposes

In response to submissions received during the public consultation process regarding the compliance of the development, the applicant has engaged a consultant architect, Mr John Kirkness to prepare a detailed assessment. The officer's assessment does not accord with the applicant's submission on all points, as summarised below.

Design Element	Applicant's Assessment	Officer's Assessment
Site Coverage	Complies	Complies
Setbacks: Front (West)	Complies	Discretion <i>Upper storey to be set back in accordance with the provisions of the R-Codes i.e. 7.5m</i>
Setbacks: Rear (East)	Complies	Complies

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Setbacks: Side (North)	Complies <i>11.7m length at height of 5.9-7.0, without major openings, 1.6m required, 3.5m provided</i>	Discretion <i>The applicant has not accounted for the front balcony on the southern boundary being a major opening, which increases setback requirements.</i>
Setbacks: Side (South)	Complies <i>11.7m length at height of 5.0-5.9m, without major openings: 1.5m required, 1.5m provided</i>	Discretion <i>The applicant has not accounted for the front balcony on the southern boundary being a major opening, which increases setback requirements.</i>
Building Height: Overall (Ridge)	<i>Heights for any building element for RD Code height calculation purposes are taken from the corresponding point at the NGL directly below the subject point / element.</i> <i>Complies: Apex of porch roof: 8.1m</i> <i>Complies: Northern apex of main hipped roof: 8.1m</i> <i>Complies: Southern apex of main hipped roof: 7.8m</i>	<i>The measurement of Building Height is dependent on the definition of NGL. The applicant has based the determination of NGL on the definition included in the R-Codes. However, the TPS No. 3 varies the definition of NGL to be based "at a point on the boundary immediately opposite the point at which the level is to be determined". Having account for this definition of NGL, the specified heights are measured as:</i> <i>Complies: Apex of porch roof: 8.1m</i> <i>Discretion: Northern apex of main hipped roof: 8.4m</i> <i>Complies: Southern apex of main hipped roof: 7.6m</i>
Building Height: Wall	<i>Complies: South side wall under pitched roof: max 5.0m</i> <i>Complies: South side wall under skillion roof: max 6.3m</i> <i>Discretion: South-east corner of upper rear balcony: max 6.6m</i> <i>Discretion: North-east corner of upper rear balcony: max 6.9m</i> <i>Discretion: North side wall under skillion roof: max 6.7m</i> <i>Discretion: North side wall under pitched roof: max 6.0m</i> <i>Complies: Main wall line towards street (west): max 5.5m</i>	<i>Note that the above comment re NGL is applicable.</i> <i>Complies: South side wall under pitched roof: max 5.4m</i> <i>Complies: South side wall under skillion roof: max 5.9m</i> <i>Discretion: South-east corner of upper rear balcony: max 7.4m</i> <i>Discretion: North-east corner of upper rear balcony: max 7.9m</i> <i>Discretion: North side wall under skillion roof: max 7.2m</i> <i>Discretion: North side wall under pitched roof: max 6.4m</i> <i>Complies: Main wall line towards street (west): max 5.1m</i>

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	<i>Discretion: Walls to portico under pitched roof: 6.1m</i>	<i>Discretion: Walls to portico under pitched roof: 5.8m</i>
Overshadowing	Complies	Complies
Privacy	Complies	<p>Discretion</p> <p><i>Major opening to kitchen: The applicant has not measured the cone of vision from the kitchen window in accordance with R-Codes explanatory guidelines. The R-Codes provides that the cone of vision be measured from 0.5m behind the window, while the applicant has measured from behind an internal kitchen bench. While the basis of this assessment is noted, it is not in keeping with the R-Codes. Further, the kitchen bench is an internal fixture not relevant to planning, and there is no onus on the future resident to locate or retain the bench in this position.</i></p> <p><i>Major opening to swimming pool: The applicant has measured the cone of vision from the outdoor living area over the eastern boundary from the area marked "outdoor living" and not the swimming pool. The R-Codes provides that privacy requirements apply to major openings to unenclosed outdoor active habitable spaces, including outdoor living areas, which have a floor level more than 0.5m above NGL.</i></p>
Access and Parking	Complies	Complies

Front Setback

The LPP 142 varies the front setback provisions of the R-Codes to permit dwellings to be set back "such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality". It then goes on to specify that the front setback to an upper storey is to be as per the R-Codes, which in this case is 7.5m. The upper storey of the proposed development is set back from Habgood Street by 5.1m to 6.1m to the Balcony and 7.1m to the main dwelling. Note that the proposed balcony cannot be considered a minor incursion for assessment purposes due to its width, and 5.1m is therefore the minimum front setback.

Habgood Street is a varied streetscape, with a range of architectural styles and front building setbacks:

Address	Minimum Front Setback
1 Habgood Street	4.8m
3 Habgood Street	7.6m
4 Habgood Street	9.6m
5 Habgood Street	9.1m
6 Habgood Street (existing dwelling)	7.5m

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Address	Minimum Front Setback
7 Habgood Street	9.0m
8 Habgood Street	7.5m
9 Habgood Street	8.0m
10 Habgood Street	6.8m

Notwithstanding this, the streetscape is wide and open. The proposed dwelling has significant presence, being tall and square with a grand curved balcony and portico element. It exceeds the maximum wall height limit as measured from NGL at the front boundary. A dwelling of this size and style will be a prominent feature in the landscape. It should be situated at a similar setback to existing development so as not to dominate, and to preserve the character of the existing streetscape. It is recommended that the applicant be required to comply with the upper storey front setback requirements of the LPP 142.

Side Setbacks

The proposed development incorporates side setback variations to both the northern and southern boundary. These are by virtue of the impact of the front balcony on the setback calculation. The LPP 142 provides criteria by which to assess proposed variations to setback requirements, as follows:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary;*
The proposed walls are higher and longer than specified in this criteria. However, it is worth noting that it is the front balcony that has created the significant setback variation.
The balcony comprises only 1.2m of the total wall length, is located slightly behind the main building wall (although not enough to be calculated as a separate wall for R-Codes assessment) and is the only major opening to the walls. The walls to the main dwelling do not result in any undue overshadowing impact or privacy impact. The provided setbacks, while not in keeping with R-Codes, are of sufficient width to provide visual separation between dwellings.
- (b) *Walls are behind the main dwelling;*
The main portion of the dwelling is essentially a square shape, and the reduced setbacks will be visible from the street. The front portico and balcony have greater side setbacks than the main dwelling, and coupled with the curved balcony form, provide articulation to the front facade. The provided setbacks, while not compliant, are of sufficient width to provide visual separation between dwellings as viewed from the street.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
Complies.
- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
Habgood Street has a varied streetscape and the reduced setbacks are not considered to have an undue impact on the character of the locality. The reduced setbacks will not greatly impact on views given the main view corridor from adjoining dwellings is to the north-east. It should be noted that, if the front balcony was removed or given greater side setbacks, the required side setbacks would be greatly reduced. The front balcony, however, does not impact on views being located to the rear of the main view corridor.
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*
The dwelling at 4 Habgood Street has a high wall located close to the boundary with 6 Habgood Street. The dwelling at 8 Habgood Street is a much smaller scale; however, the proposed dwelling is to be set back 3.5m from this boundary and will not block views towards the river.

Privacy

The proposed development incorporates two variations to the privacy requirements of the R-Codes, one at the kitchen window and one at the swimming pool. These major openings face east but the privacy intrusion occurs over the southern boundary. The intrusion occurring from the kitchen window is 0.3m over the boundary. This is a minor length that will not intrude on sensitive living areas of the adjacent dwelling. It is recommended that the variation be supported.

The intrusion from the swimming pool is 1.5m over the southern boundary. The impact of the pool on neighbours' privacy was a major concern raised during public consultation. The pool is more likely to generate noise and higher usage than many other habitable rooms. Its elevated position and open sides will further the impression of privacy invasion. It is recommended that a condition be applied to any development approval requiring the applicant to comply with privacy requirements in relation to the swimming pool.

In this regard, it is worth noting that the garden beds located adjacent to the swimming pool. The garden beds have not been subject to privacy requirements as, by nature of their development, they are not accessible and habitable. However, if these spaces were outdoor living areas for privacy purposes, further privacy intrusions would occur. It is recommended that a condition be applied to any development approval requiring the garden beds to remain non-habitable to prevent changes to the development that might result in non-compliance with the privacy requirements.

Building Height

Maximum height requirements have been determined in accordance with the provisions of LPP142 which establish the maximum building heights as follows:

- 8.1m to the top of the pitched roof;
- 5.6m to the top of the external wall; and
- 6.5m to the top of an external wall (concealed roof)

These heights are related to the "natural ground level" as defined in the TPS No. 3 as follows:

"natural ground level" at any point for the purposes of determining the height of a wall or building, means the ground level which existed prior to development (including any earth works) and shall be interpolated based on the natural ground level at a point on the boundary immediately opposite the point at which the level is to be determined. Where there is a level difference at or immediately adjacent to the boundary, the natural ground level at the boundary shall be taken to be ground level on the lower side of the boundary, unless it can be demonstrated to the satisfaction of the local government, that the lower level has resulted from excavation undertaken after the subdivision by which the relevant boundary was established;

The dwelling proposes a number of variations to the maximum building heights provided in the LPP 142. This is a result of the applicant designing a continuous FFL over multiple levels on a sloping block. For ease of assessment, height will be considered in relation to the three main portions of the dwelling: the hipped roof area to the front balcony; hipped roof area at the front portion of the dwelling; and the skillion roof area at the rear portion of the dwelling. It should be noted that the assessment has been undertaken by scaling heights from the submitted plans. (The applicant was asked to provide plans demonstrating building height in relation to NGL as defined by the Town's TPS No. 3, however, declined. The author is however satisfied the assessment with respect to height is accurate.)

Hipped Roof Area to Front Balcony

Height	North		South		West	
Ridge	8.1m	A	7.9m	A	7.5m	A
Wall	6.0m	D	5.85m	D	5.8m	D
Wall (concealed roof)	N/A		N/A		N/A	

The development exceeds the permitted wall height by a maximum of 0.4m as measured from NGL at the northern boundary. The impact of the increased wall height is minimal, however. The location of the front balcony forward of neighbouring properties means that the over height wall will not near sensitive living areas where amenity might be affected. The wall is also located away from key view corridors for neighbouring dwellings, and the northern neighbour has advised they do not object to the proposal. Habgood Street is higher than the ground floor of the dwelling, which will mitigate the visual impact of the over height wall from the street. It is recommended that the variation to height be approved.

Hipped Roof Area to Front Portion of Dwelling

Height	North		South		West	
Ridge	8.4m	D	7.6m	A	7.3m	A
Wall	6.4m	D	5.4m	A	5.1m	A
Wall (concealed roof)	N/A		N/A		N/A	

The development exceeds the maximum ridge and wall height only where measured from NGL at the northern boundary. This portion of the dwelling is located in the front part of the development and behind the northern neighbour's key view corridor. The over height wall is 7.5m in length, which is minimal compared to the overall scale of the development and it is unlikely to reduce residential amenity due to bulk. It is recommended that the variation to height be approved.

Skillion Roof Area to Rear Portion of Dwelling

The concealed roof wall height requirement has been used given that the skillion roof, although visible, has a similar fall to a concealed roof and does not create significant additional height above the wall.

Height	North		South		East	
Ridge	N/A		N/A		N/A	
Wall	N/A		N/A		N/A	
Wall (concealed roof)	7.3m	D	6.5m	A	8.4m	D

The skillion roof portion of the dwelling is located at the rear of the property and includes the raised balcony and outdoor living area. This portion of the dwelling has been of considerable concern to neighbours, particularly those on Locke Crescent which are lower than dwellings on Habgood Street. The height variations at this portion of the dwelling are substantial, even given the extra wall height allowance for concealed roof forms. The building extends further towards the rear of the block than the northern neighbour and will have a significant visual impact on this property. The bulk and scale of the building will also have an undue impact at 9 and 11 Locke Crescent. The intent of the TPS No. 3 in specifying that NGL be measured from the boundary is to account for the impact level differences between sites can have. These properties are set significantly lower than the subject site and the view of the over height rear facade will impact upon the residential amenity of these properties. Further, although the dwelling is described as two storeys plus basement, it will have the appearance of a three storey dwelling from the rear which is not in character with surrounding properties.

The extent of non-compliance with height requirements is greater at the rear of development than the front because of the natural slope of the land combined with the dwelling having been designed to have a continuous floor level across all floors. The applicant has not provided significant justification for a discretion of this magnitude to be approved. It is recommended that the applicant be required to bring the development into compliance with the height requirements of the LPP 142.

Demolition

The existing dwelling at 6 Habgood Street is to be demolished to enable construction of the new dwelling. The existing dwelling is a brick and tile dwelling of approximately 1960s construction, with modest additions of varying ages. The dwelling is not included on the Town's Heritage Survey 2006 and is of limited value to the streetscape and surrounding

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locality. Demolition of the property will not have an impact on the Town's heritage assets or character of the area and is therefore supported.

CONCLUSION

The proposed dwelling incorporates a number of variations to requirements. The variations to requirements for side setbacks, building heights at the front of the dwelling and privacy from the kitchen window are supported as they have limited impact on the streetscape and neighbouring properties. The proposed variations to privacy from the swimming pool area and building height at the rear of the property are considered to negatively impact the amenity of affected neighbours. It is recommended that the applicant be required to bring the proposal into compliance with these requirements through conditions of development approval.

RECOMMENDATION

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

- (a) Vary the side setback requirements of the Residential Design Codes of Western Australia to permit a 1.5m setback from the WIL/Kitchen wall to the southern boundary, and 3.5m set back from the Theatre/WC/Living wall to the northern boundary;
- (b) Vary the privacy requirements of the Residential Design Codes of Western Australia to permit the cone of vision from the kitchen window in the eastern elevation to intrude 0.3m over the southern boundary;
- (c) Vary the building height requirements of the Local Planning Policy No. 142 Residential Development to permit a maximum wall height of 6.0m to the front balcony; maximum wall height of 6.4m to the portion of the dwelling under the main hipped roof; and maximum ridge height of 8.4m to the main hipped roof; as measured from Natural Ground Level as defined in the TP Scheme No 3;

for the construction of single dwelling and swimming pool at No. 6 (Lot 5016) Habgood Street, East Fremantle, in accordance with the plans date stamped received on 5 January 2012, subject to the following conditions:

1. Prior to issue of a Building Licence, amended plans being submitted and approved demonstrating compliance with the Part 2 clause (iii) of the Local Planning Policy No. 142 Residential Development in relation to front setbacks;
2. Prior to issue of a Building Licence, amended plans being submitted and approved demonstrating that the portion of the dwelling contained under the skillion roof in compliance with Part 1 clause (ii) of the Local Planning Policy No. 142 Residential Development in relation to building height;
3. Prior to the issue of a Building Licence, amended plans being submitted and approved demonstrating that the swimming pool is in compliance with the Privacy Requirements of the Residential Design Codes of Western Australia;
4. Those areas of the ground floor that are marked as "Garden" on the approved plans are not to be developed so as to be constitute an "Outdoor Living Area" as defined by the Residential Design Codes of Western Australia.
5. A detailed schedule of external materials and finishings, including paint colours, to be submitted and accepted prior to the issue of a building licence, to the satisfaction of the Chief Executive Officer.
6. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
7. The proposed works are not to be commenced unless there is a valid demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
8. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
9. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

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10. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
11. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
12. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.
13. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
14. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
15. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
16. If requested by Council within the first two years following installation, any zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
17. Pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
18. Pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
19. Swimming pool is to be certified by a structural engineer and approved by Council's Building Surveyor.
20. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
21. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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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) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (f) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (g) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"

Mr van Ooran (neighbour), Mr Howlett (representing neighbour Mr Larner), Mr Larner (neighbour), Mr Yu (neighbour) and Ms Savaris (neighbour) addressed the meeting objecting to the proposal on the grounds of:

- loss of privacy
- number of discretions requested
- scale of the development proposed
- insufficient height detail on drawings submitted
- natural ground level discrepancies
- adverse impact of elevated swimming pool.

Mr Thompson (designer), Kirkness (consultant) and Mr Fallace (owner) addressed the meeting in support of the officer's recommendation with the exception of Condition 1. The applicants requested the Committee give consideration to deleting this Condition or at least amending the Condition to only apply to the upper level portico, allowing the balcony to remain as proposed.

T30. ADJOURNMENT

Cr Wilson – Cr Nardi

That the meeting be adjourned at 8.20pm to allow elected members to further consider this matter. CARRIED

T31. RESUMPTION

Cr Collinson – Cr Nardi

That the meeting be resumed at 8.45pm with all those present prior to the adjournment, in attendance. CARRIED

T32. REPORTS OF OFFICERS - STATUTORY PLANNING/DEVELOPMENT CONTROL (CONTINUED)

T32.1 Habgood Street No. 6 (Lot 5016)

Applicant: M Fallace

Owner: M & A Fallace

Application No. P135/11

The Presiding Member expressed her disappointment with the quality of the submitted drawings and advised that given the scale of the development, more detailed drawings would have assisted staff, elected members and neighbours to better understand the impact of this proposal.

RECOMMENDATION TO COUNCIL

Cr Wilson – Mayor Ferris

That the application be deferred pending submission of revised plans responding to Conditions 1, 2 and 3 of the officer's report dated 6 March 2012. Plans are to incorporate existing and proposed hard landscaping and a streetscape plan which includes 4 and 8 Habgood Street. Amended plans are to be clearly legible in relation to site datum survey overlays and in a format that is easily reproduced.

CARRIED

13 March 2012

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T32.2 **May Street No. 42 (Lot 75)**
Applicant/Owner: S & C Hillyard
Application No. P9/12
By Carly Pidco, Town Planner, on 6 March 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for demolition of existing garage, retaining wall and front fence and construction of new double garage, parapet wall, retaining wall and front fence at No. 42 May Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 633m² freehold lot
- zoned Residential 20
- located in the Woodside Precinct
- improved with a single-storey single dwelling and carport
- assigned B Management Category in the Heritage Survey 2006

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)
Local Planning Policy No. 143 : Local Laws Relating to Fencing

Impact on Public Domain

Tree in verge : Condition to retain
Light pole : No impact
Crossover : Apply standard condition
Footpath : Apply standard condition
Streetscape : Garage, retaining wall and front fence addition to heritage dwelling visible from street

Documentation

Plans and relevant forms date stamped received on 20 January 2012
Heritage Assessment and Heritage Impact Statement date stamped received on 20 January 2012

Date Application Received

20 January 2012

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

21 February 1994	Development Approval issued for construction of verandah extension
22 October 2002	Council advises the owner of 42 May Street that the front retaining wall is considered a "Dangerous Building" under the Local Government Act 1960
5 November 2002	Council resolved to endorse the above action of the Town's Planning Officer and give delegation to the CEO to serve a notice under the Local Government Act to have the matter rectified
28 March 2003	Council advises the owner of 42 May Street that the new wall has been inspected and is now acceptable
26 April 2007	Council under delegation issues development approval for construction of a patio extension

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CONSULTATION

Advertising

At the time of preparing this report, the public consultation period for this development was still open. To avoid any overly onerous delay of the application, it is recommended that the application be progressed with a recommendation for conditional approval *subject to no objections being received*. An addendum to the report detailing the outcomes of public advertising will be tabled at the Council meeting to inform Council's final decision.

Town Planning Advisory Panel Comments

The proposed development was considered by the Panel at its meeting of 28 February 2012. The Applicant has provided a written response to the Panel's comments. These are summarised in the following table.

PANEL COMMENT	APPLICANT RESPONSE	OFFICER COMMENT
<p>Panel does not support roller door element</p> <p>Consider a bifold design to garage doors as more reflective of the vertical elements to the existing residence</p>	<p>Most if not all of current single and garage doors in Woodside are of roller design. There are other options, in particular panel lift doors which are custom made to suit which would be able to maintain a vertical element consistent with that of the house. Examples of such doors can be seen on the Danmar website.</p> <p>I am sure that we could find something to satisfy the advisory panel's request. We would like to maintain the automatic nature of such doors due to practicality, particularly with a young family.</p> <p>No garage door suppliers in WA have bifold door designs due to little/no requirement due to them being impractical. If they could be custom made, the bifolding hardware could at best be described as unreliable and high maintenance. As mentioned above, a vertical element could be maintained using a panel lift door, which can be easily custom made out of any material (at cost) and continue to be very safe and practical in operation.</p>	<p>The applicant has expressed a willingness to explore different design options that better complement the heritage dwelling and streetscape. It is recommended that the garage door element not form part of this recommended approval and that the garage door be the subject of a separate application, approval of which would be to the satisfaction of the CEO.</p>
<p>Council to consider precedent element of double garage design to the streetscape</p>	<p>The existing single garage and front retaining wall are in structural failure (based on engineers report on purchase of the property in march 2011); this not only makes the garage unusable for safety reasons and therefore the need to park in the street, but also a potential issue for the public footpath immediately adjacent to our property. In rectifying these issues it also makes sense to</p>	<p>Typically double garages forward of the main dwelling are not accepted due to non-compliance with the town's policies and the impact on the streetscape. The impact on the streetscape occurs from two key perspectives, being:</p> <ol style="list-style-type: none"> 1) The masking of the dwelling behind, reducing street appeal, natural surveillance and, in cases of heritage dwellings, heritage integrity; 2) A blank wall at the

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PANEL COMMENT	APPLICANT RESPONSE	OFFICER COMMENT
	increase the practicality of the garage; a two car garage with the ability to also store bins, bikes etc. Is sensible and an accepted modern day requirement for a family home. Much effort has been made in the design of the proposed garage by heritage architect Annabel Wills with consideration to existing design, materials used and maintaining the existing garage setback to best fit the current streetscape. We feel that a precedent has already been set throughout Woodside for double garages. In our own street, number 38 has a double garage and number 40 received approval for a double garage in 2004 (although not built at the time and now expired).	public/private interface, reducing pedestrian amenity and perceived safety These undesirable outcomes are not considered to be relevant to the current proposal, however. As demonstrated in the elevation, the ridge of the proposed garage is only marginally higher than the FFL of the existing dwelling. Views of the dwelling from the street and vice versa are not compromised and the dwelling, being the higher portion of the development, maintains dominance. At the street level, there is an existing masonry retaining wall, proposed to be replaced. The appearance of the dwelling from this viewpoint is unlikely to change. The garage may provide additional interest and articulation at the street level which can be seen as an improvement.

Site Inspection

By Town Planner on 2 March 2012.

ASSESSMENT

The proposed development involves replacing an existing retaining wall, front fence and single garage with new retaining wall, front fence, double garage and parapet wall. The retaining wall is to be of limestone construction and the fence, parapet and garage of rendered masonry construction. The garage facade incorporates a feature gable to complement the existing heritage dwelling.

The proposal incorporates several variations to the Town's policies and the Residential Design Codes, as detailed below.

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	70.9%	A
Site Works	Less than 500mm	Less than 500mm	A
Local Planning Policies:	Issues		
Policy 142	Boundary setback variation		
Roof	Gable, 22 degrees		D
Solar Access & Shade	Minor overshadowing of front setback area of neighbour		A
Drainage	To be conditioned		A
Views	N/A		N/A
Crossover	To be conditioned		A
Trees	Uncertain – condition to comply		A
Other:	Issues		Status
Overshadowing	<25%		A
Privacy/Overlooking	N/A		N/A

Height:		Required	Proposed	Status				
Wall		6.0	3.6	A				
Ridge		9.0	4.1	A				
Roof type		Gable						
Setbacks:								
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status	
Front (west)								
	Ground	Garage	2.4	N/A	N/A	6.0	1.0	D
Rear (east)								
	Ground	Garage	In front of existing dwelling					N/A
Side (south)								
	Ground	Parapet	3.6	7.7	N	1.1	Nil	D
Side (north)								
	Ground	Garage	3.6	6.5	N	1.1	10.5	A

* Wall length as calculated for assessment purposes

Setbacks

The proposed development incorporates a parapet wall to the side (southern) boundary. The LPP 142 provides criteria by which to assess proposed variations to setback requirements, as follows:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary;*
The proposed wall is 3.6m in height at the highest point, where it joins the street. The extent of this perceived wall height is limited, however, by the significant slope across its length. The portion of the wall facing the neighbouring property that exceeds 3m in height is minimal and is located in the front setback area, where it will not impact on the neighbour's solar access, views, privacy or residential amenity.
- (b) *Walls are behind the main dwelling;*
The wall is located forward of the main dwelling in the front setback area. Its impact on the streetscape is limited, however, due to the significant slope of the block as discussed in the "Town Planning Advisory Panel Comments" section of this report.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
Complies.
- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views;*
The parapet wall abuts a significant slope and will be partly screened by the natural slope of the land. The dwelling at 42 May Street and surrounding dwellings is located in a much higher position and will remain the dominant elements of the streetscape.
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*
The parapet wall does not abut a similar wall. However, it does abut the sloping front yard of the neighboring property. This slope will screen a significant portion of the wall.

Heritage

The existing dwelling is a brick and iron Federation Bungalow assigned the B Management Category in the Heritage Survey 2006. The dwelling is in sound condition; however, the existing garage and retaining wall are in poor condition and in danger of

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collapsing. The Heritage Assessment provided notes that the poor condition of the garage and retaining walls places the structural integrity of the dwelling at risk.

The proposed garage is to be set forward of the main dwelling. However, the significant height variation over the lot results in the ridge of the garage being only marginally higher than the FFL of the dwelling. Thus the views of the dwelling and the integrity of its facade are maintained. The garage is also visually separated from the dwelling making it readily identifiable as new work.

The garage has been designed to complement the heritage dwelling with incorporation of a feature gable. The original retaining wall is to be retained where safe to do so, and new retaining walls and front fencing constructed in sympathetic materials.

Front Fencing

A new rendered masonry and timber front fence is proposed. The fence is to be located in the same location as the existing front fence, setback 1m from the front boundary. Although set back, the fence is still considered a front fence for planning purposes as it is located in the front setback area. The fence design as depicted in the elevations is compliant with the requirements of the LPP 143.

CONCLUSION

The proposed garage, retaining wall, parapet wall and front fence replace existing structures in poor condition, ensuring a safer pedestrian environment and reducing structural risk to the heritage dwelling. The location of the garage forward of the dwelling is supported as it will have no undue impact on the streetscape or the integrity of the dwelling. The proposed parapet wall will not result in overshadowing or privacy impacts on the affected neighbour. It is recommended that the development be approved subject to conditions.

RECOMMENDATION

That, subject to no objections to the proposed development being received by 4:30pm on 20 March 2012, Council exercise its discretion in granting approval for the following:

- (a) vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback from the parapet wall to the southern boundary;
- (b) vary the streetscape requirements of the Residential Design Codes of Western Australia and Local Planning Policy No. 142 Residential Development to permit a 1m setback from the garage to the front boundary;

for the construction of a garage, parapet wall, front fence and retaining wall at No. 42 (Lot 75) May Street, East Fremantle, in accordance with the plans date stamped received on 20 January 2012, subject to the following conditions:

1. A detailed schedule of external materials and finishings, including paint colours be submitted and accepted prior to the issue of a building licence, to the satisfaction of the Chief Executive Officer.
2. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced unless there is a valid demolition licence and building licence and the demolition licence and building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. The proposed garage is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

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7. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
8. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
9. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
10. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. If requested by Council within the first two years following installation, any zincalume roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
14. This approval does not include the garage door which would require a separate application, approval of which would be to the satisfaction of the CEO.
15. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

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- (h) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"

RECOMMENDATION

Mayor Ferris – Cr Martin

That the application be deferred pending further development of design options for the garage doors including the possibility of separated garage door entrances.

CARRIED

T32.3 Philip Street No. 1 (Lot 3 on Strata Plan 22544)

Applicant: Quality Dolphin Pools

Owner: J N Hart

Application No. P10/12

By Carly Pidco, Town Planner, on 29 February 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a Development Application for construction of a swimming pool at No. 1 Philip Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 583m² vacant survey strata lot
- zoned Residential 12.5
- located in the Richmond Hill Precinct

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (to be assessed as R20 in accordance with clause 5.3.3)

Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development (LPP142)

Local Planning Policy No. 143 : Policy on Local Laws Relating to Fencing (LPP 143)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : Swimming pool visible from street

Documentation

Plans and relevant forms date stamped received on 23 January 2012

Date Application Received

23 January 2012

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

16 February 2011 Demolition Licence issued for demolition of existing dwelling

13 December 2011 Council resolved to approve construction of a two-storey dwelling

8 February 2012 Building Licence for construction of two-storey dwelling issued

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CONSULTATION

Advertising

The proposed development was advertised to surrounding neighbours from 16 February to 29 February 2012. No submissions were received during the comment period.

Town Planning Advisory Panel Comments

The proposed development was considered by the Panel at its meeting of 28 February 2012. The Panel made the following comment:

“Endorsement of the pool should not set a precedent for any variations to fencing policy under LPP 143”

The Panel’s comment is supported and it is recommended that conditions be applied to any Development Approval ensuring compliance with the LPP 143.

Site Inspection

By Town Planner on 2 March 2012.

ASSESSMENT

The proposed development is a below-ground swimming pool to be located in the Philip Street front setback area. The site is currently vacant, however, Council approved a development application for construction of a dwelling on 13 December 2012, and it is the landowner’s intent to construct this dwelling. The proposal incorporates several variations to the Town’s requirements, as detailed in the following table.

Key: A = Acceptable, D = Discretion

<u>Site:</u>	Required	Proposed	Status
Open Space	50%	No change	A
Site Works	Less than 500mm	Max 1.8m in front setback	D
<u>Local Planning Policies:</u>	Issues		
Policy 142	Complies		A
Policy 143	Front fence incorporates screen wall		D
Roof	N/A		N/A
Solar Access & Shade	Pool faces north		A
Drainage	To be conditioned		A
Views	N/A		N/A
Crossover	N/A		N/A
Trees	No impact		A
<u>Other:</u>	Issues		Status
Overshadowing	N/A		N/A
Privacy/Overlooking	N/A		N/A
<u>Height:</u>	Required	Proposed	Status
Wall	N/A	N/A	N/A
Roof type	N/A		
Setbacks: N/A			

Site Works

Construction of the below-ground pool will require excavation of 1.8m in the front setback area. The excavation is not likely to have an undue impact on the streetscape as the pool will “fill” the excavated area and give the illusion of the ground level being maintained.

Fencing

The submitted plans provide little detail as to front fencing other than a screen wall approximately 1.6m high and 8.2m long. This screen wall was included in the original plans submitted for construction of the dwelling on the site, but later removed in response to comment from the Panel. The screen wall does not comply with the LPP 143 and will

have an undue impact on the streetscape. It is recommended that any development approval clearly state the proposed screen wall does not form part of the approval.

Height

The heights for the cabana FFL and planter wall tops provided in this application vary from the plans submitted and approved for construction of a dwelling on the site. The applicant has not provided FFLs for the area immediately surrounding the pool, although a pool deck FFL height was provided on the dwelling plans. The applicant has been asked to clarify the discrepancies between the plans; however, this information has not been received. As the development application is specifically for construction of the swimming pool, it is recommended that a condition be applied to any approval explicitly excluding all development other than the swimming pool to provide certainty.

CONCLUSION

The proposed swimming pool development provides a functional outdoor living space with sound solar access to complement the proposed dwelling. The swimming pool of itself is not considered to have an undue impact on neighbouring properties or the streetscape. However, solid boundary fencing for privacy may impact negatively on the streetscape by presenting a blank frontage and preventing interaction between the dwelling and the public realm. Therefore, it is recommended that the swimming pool be approved subject to conditions, but the applicant be strongly advised that no relaxation to the Town's fencing requirements will be given.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation of the site works requirements of the Residential Design Codes of Western Australia to permit excavation of 1.8m in the Philip Street front setback area for the construction of a swimming pool at No. 1 (Lot 3) Philip Street, East Fremantle, in accordance with the plans date stamped received on 23 January 2012, subject to the following conditions:

1. The approval is for construction of the swimming pool and spa only. The proposed planter walls, screen walls, cabana and dwelling do not form part of this approval.
2. Detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy 143 Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
4. The proposed works 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.
5. 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.
6. Pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
7. Pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
8. Swimming pool is to be sited a distance equal to the depth of the pool from the boundary and building, or be certified by a structural engineer and approved by Council's Building Surveyor.
9. 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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10. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
11. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
12. The proposed swimming pool is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
13. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
14. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
15. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
16. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Collinson

That Council exercise its discretion in granting approval for a variation of the site works requirements of the Residential Design Codes of Western Australia to

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permit excavation of 1.8m in the Philip Street front setback area for the construction of a swimming pool at No. 1 (Lot 3) Philip Street, East Fremantle, in accordance with the plans date stamped received on 23 January 2012, subject to the following conditions:

1. The approval is for construction of the swimming pool and spa only. The proposed planter walls, screen walls, cabana and dwelling do not form part of this approval.
2. Detailed plans for the front fence and gate which demonstrate compliance with the Local Planning Policy 143 Policy on Local Laws Relating to Fencing are to be submitted and approved prior to the issue of a Building Licence.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
4. The proposed works 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.
5. 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.
6. Pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
7. Pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
8. Swimming pool is to be sited a distance equal to the depth of the pool from the boundary and building, or be certified by a structural engineer and approved by Council's Building Surveyor.
9. 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.
10. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
11. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
12. The proposed swimming pool is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
13. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
14. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
15. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by

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Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

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

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) 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.*
- (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

T32.4 Oakover Street No. 76 (Lot 315)

Applicant: Patio Living

Owner: J Turner & J Kerr

Application No. P23/12

By Carly Pidco, Town Planner, on 29 February 2012

PURPOSE OF THIS REPORT

This report recommends conditional approval of a development application for construction of a carport and gazebo type extension at No. 76 Oakover Street, East Fremantle.

BACKGROUND

Description of site

The subject site is:

- a 977m² freehold lot
- zoned Residential 12.5
- located in the Woodside Precinct
- improved with a single-storey single dwelling
- assigned B- Management Category in the Heritage Survey 2006

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Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
Residential Design Codes of Western Australia (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP066)
Local Planning Policy No. 142 : Residential Development (LPP142)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Existing; apply standard condition
Footpath : Existing crossover; apply standard condition
Streetscape : Carport addition to heritage dwelling visible from street

Documentation

Plans and relevant forms date stamped received on 8 February 2012
Additional plans date stamped received on 28 February 2012

Date Application Received

8 February 2012

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

18 April 1994 Council approves construction of a garage with boundary wall
27 July 2008 Building licence issued for construction of a brick and iron front fence

CONSULTATION

Advertising

The proposed development was advertised to surrounding neighbours from 16 February to 29 February 2012. No submissions were received during the comment period.

Town Planning Advisory Panel Comments

The proposed development was considered by the Panel at its meeting of 28 February 2012. The Panel made the following comments:

- Plans do not represent any streetscape elevations or plan view of the additions as they impact existing rooms
- More information and detailed drawings required

At the time of preparing this report, the applicant advised that the additional plans would be submitted in time to be tabled at the meeting. These plans have been received on 6 March 2012 and assessed. The drawings clarify how the proposed carport will abut the existing dwelling.

Site Inspection

By Town Planner on 2 March 2012.

ASSESSMENT

The proposed development is a carport and gazebo type extension to the side of the existing dwelling. The carport is of steel and colorbond construction with feature timber struts to the front gable to match the existing dwelling. The carport will be constructed above the existing paved floor surface and no change to the current NGL will occur.

The proposal is generally compliant with the Town's policies and the Residential Design Codes, with the exception of a proposed boundary setback variation as detailed below.

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Key: A = Acceptable, D = Discretion

<u>Site:</u>	Required	Proposed	Status
Open Space	50%	~74.3%	A
Site Works	Less than 500mm	No change	N/A
<u>Local Planning Policies:</u>	Issues		
Policy 142	Reduced boundary setback		D
Roof	Gable, 28 degrees		A
Solar Access & Shade	Carport located on southern boundary		A
Drainage	To be conditioned		A
Views	N/A		N/A
Crossover	Condition to comply		A
Trees	No impact		A
<u>Other:</u>	Issues		Status
Overshadowing	< 25%		A
Privacy/Overlooking	N/A		N/A
<u>Height:</u>	Required	Proposed	Status
Wall	6.0	3.2m	A
Roof	9.0	3.7m	A
Roof type	Gable		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Proposed Setback	Status
Front (west)							
<i>Ground</i>	Carport	N/A	N/A	N/A	7.5m	12.6m	A
Rear (east)							
<i>Ground</i>	Carport	N/A	N/A	N/A	6.0m	17.4m	A
Side (south)							
<i>Ground</i>	Carport	3.2	11.2	N	1.5m	Nil	D
Side (north)							
<i>Ground</i>	Carport	Abuts existing dwelling					N/A

* Wall length as calculated for assessment purposes

Setbacks

The proposed development incorporates a nil setback to the side (southern) boundary. The LPP 142 provides criteria by which to assess proposed variations to setback requirements, as follows:

- (a) *Walls are not higher than 3m and up to 9m in length up to one side boundary;*
The proposed wall is 3m in height as measured within the subject property. Having regard for the provisions of TPS No. 3, the height is measured at 3.2m for assessment purposes due to the neighbouring property being slightly lower. The wall is considered to be consistent with the intent of this criteria. The proposed wall length of 11.2m will not have an undue impact on the neighbouring property as it does not result in any undue impact on solar access, views, privacy or residential amenity.
- (b) *Walls are behind the main dwelling;*
Although visible from the street, the carport is set back behind the main dwelling.
- (c) *Subject to the overshadow provisions of the Residential Design Codes – Element 9; Complies.*

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- (d) *In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
The carport abuts an existing parapet wall and garage when viewed from the street.
- (e) *Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.*
The front portion of the carport abuts an existing parapet wall and garage. The reduced setback continues beyond the extent of the neighbouring development, however, its visual impact is minimal.

Heritage

The existing dwelling is a brick and iron interwar bungalow assigned the B- Management Category in the Heritage Survey 2006. The facade of the existing carport has been designed to complement the facade of the dwelling, incorporating a gable at similar pitch and with timber strut detail. The carport is to be set behind the main building line to limit its impact on the streetscape and ensure it does not dominate that heritage facade. The carport will abut a neighbouring garage, indicating continuity within the streetscape. The proposed carport has been designed and located so as to be sympathetic to the dwelling, and is not likely to have an undue impact on its heritage value.

CONCLUSION

The proposed carport development will impact on the streetscape in relation to a heritage dwelling and incorporates a variation to setback requirements. However, the visual impact of the carport is minimal and it is not considered to undermine the heritage value of the existing dwelling. The proposed nil setback to the side boundary is generally consistent with the intent of LPP 142 and will not affect solar access, views or privacy to the affected neighbour. The carport is supported subject to conditions.

RECOMMENDATION

That Council exercise its discretion in granting approval to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback to the southern boundary for the construction of a carport at No. 76 (Lot 315) Oakover Street, East Fremantle, in accordance with the plans date stamped received on 8 February 2012 and additional plans date stamped received on 28 February & 6 March 2012, subject to the following conditions:

1. A detailed schedule of external materials and finishings (including paint colours) are to be submitted and approved by the Chief Executive Officer, prior to the issue of a building licence.
2. The carport is to remain open-sided at all times.
3. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced unless there is a valid building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed carport is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.

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9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.
11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
12. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *In relation to condition 2, any enclosure of the carport, including installation of gates and/or roller doors, will require separate approval from Council.*
- (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the **installer** of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise"*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Martin

That Council exercise its discretion in granting approval to vary the side setback requirements of the Residential Design Codes of Western Australia to permit a nil setback to the southern boundary for the construction of a carport at No. 76 (Lot 315) Oakover Street, East Fremantle, in accordance with the plans date stamped

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received on 8 February 2012 and additional plans date stamped received on 28 February & 6 March 2012, subject to the following conditions:

1. A detailed schedule of external materials and finishings (including paint colours) are to be submitted and approved by the Chief Executive Officer, prior to the issue of a building licence.
2. The carport is to remain open-sided at all times.
3. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. The proposed works are not to be commenced unless there is a valid building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. The proposed carport is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
8. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
9. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
10. Prior to the installation of externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved by Council.
11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
12. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (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) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *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.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (h) *In relation to condition 2, any enclosure of the carport, including installation of gates and/or roller doors, will require separate approval from Council.*
- (i) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*

CARRIED

T32.5 Speedy Cheval No. 15 (Lot 307) – Single Storey Residence

Owner: Joel Thornton

Applicant: Mark Wesley

Application No. P20/2012

By Pina Mastrodomenico, Town Planner on 8 March 2012

PURPOSE OF THIS REPORT

This report considers an application for planning approval for a single storey residence at No. 15 Speedy Cheval, East Fremantle.

This report recommends that conditional approval be granted.

BACKGROUND

Description of Proposal

The subject application proposes a single storey residence on a vacant lot.

Description of Site

The subject site is:

- a 336m² vacant lot
- zoned Residential R30

Statutory Considerations

Town Planning Scheme No. 3 – Residential R30

Local Planning Strategy - Raceway Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 064 – Richmond Raceway Design Guidelines (LPP 064)

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

Impact on Public Domain

- Tree in verge : No impact
- Light pole : No impact
- Crossover : New crossover proposed

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Footpath : No impact
Streetscape : The new dwelling will impact the streetscape

Documentation

Plans and relevant forms date stamp received on 31 January 2012

Date Application Received

31 January 2012

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

Nil

CONSULTATION

Advertising

The application was advertised to surrounding neighbours for a two week period between the 3 February and 20 February 2012. At the close of advertising no submissions were received.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 February 2012 and the following comment was made:

- Query site coverage and need for detailed landscape plan.

The applicant has submitted a landscaping plan. Information on landscaping and site coverage can be found under the assessment section of this report.

STATISTICS

Key: A = Acceptable, D = Discretion

Site:	Required	Proposed	Status
Open Space	50%	45.6%	D
Site Works	N/A	N/A	A
Local Planning Policies:	Issues		
Roof	Pitched roof		A
Views	No impacts		A
Crossover	No impacts		A
Trees	No impacts		A
Other:	Issues		Status
Overshadowing	N/A		A
Privacy/Overlooking	No impacts		A
LPP 064- Richmond Raceway Area 7 – Design Guidelines			
Setbacks:	Required	Proposed	Status
Front (North)	3.0	4.0	A
Side (East)	1.0	1.0-1.5	A
Side (West)	One boundary can be nil for lots with front boundary facing north or south	Nil	A
Rear (South)	4.0	1.5	D
Other requirements:	Required	Proposed	Status
Pedestrian access	1.2 m minimum	1.0-1.5m	D
Carport	To be located behind front setback line	Located behind front setback line	A
Carport	To be detached from the main roof	Not detached from main roof	D

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Verandah	To be independent from the main roof	Not independent from main roof	D
Landscaping	25% of lot set aside for open landscaping suitable for trees	17%	D

ASSESSMENT

The subject application proposes a single storey dwelling to be constructed on an existing vacant lot. The dwelling proposes a tandem car parking arrangement with a 4.0 metre front setback.

The application has been assessed against Local Planning Policy 064 and a number of variations are proposed. The applicant has submitted justification in relation to the variations as outlined in the table below.

APPLICANT COMMENTS	PLANNING COMMENTS
<p>Open space The owner requires a single storey home resulting in the footprint of the home being larger than may be required for a two storey residence. The site is narrow with north towards the street so the living areas have been separated with a very useable internal courtyard to provide light, ventilation and an element of highly desirable northern exposure to the middle of the home. The courtyard design requires more access space to be included thus increasing the overall floor area and decreasing the sites open space. Although the resulting percentage of open space is reduced, the area of functional usable open space is maximised.</p>	<p>Noted. Application seeks a minor variation to the open space requirements (4.4%). Two ample sized courtyards have been provided and dwelling complies in terms of bulk and scale.</p>
<p>Rear setback As per the policies 'energy considerations' there is little energy value in providing the outdoor living spaces at the rear (south) end of the lot. This design has the living room facing north at the front of the house and a 4.5m wide central courtyard allowing warmth and light into the centre portions of the home while achieving increased separation from the Marmion street traffic noise. The front setback is increased from a min 3m to 4m to align with the neighbouring Speedy Cheval property to maintain the streetscape.</p>	<p>Noted. The reduction in the rear setback from the required 4.0 metres to 1.5 metres has resulted in a better design outcome in this instance through the provision a north facing front courtyard instead of a southern facing rear courtyard.</p>
<p>Pedestrian access The owner is intending to utilise the front north facing courtyard as an occasional outdoor living space and so he is proposing a nominal front fence for security (discourage theft etc). The area is relatively small and the reduction for a 1200mm wide access would reduce the useable area substantially and may make access to this area more difficult. Please note #4 and #46 Speedy Cheval where no delineated access seems to have been provided.</p>	<p>Noted. Majority of eastern side has a 1.5 metre setback and pedestrian access is possible through front courtyard.</p>
<p>Verandah Not independent from the main roof. Although the verandah is not separated from the main roof, there is a break in the roof pitch delineating the verandah. On a narrow site the owner is trying to evoke a traditional cottage feeling where this roofing detail is not uncommon and seems to have been previously approved at #46 Speedy Cheval.</p>	<p>Noted. There is a break in the roof pitch delineating the verandah.</p>

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<p>Landscaping 25% open landscaping requirement variation. It is notes over the 18 years since the guidelines were first introduced the additions of extensions, patios, outdoor areas, swimming pools etc as apparent on any satellite photo show there are very few homes adhering strictly to the landscaping policy. An overhead street photo has been provided illustrating the point however has lost some clarity when electronically transferred, however it still illustrates the principle. As this design is geared around a north light and noise attenuation principle as outlined in 'plot ratio' justification above, the broad requirement of the landscaping requirement cannot be achieved however the increased amenity and useability of the site is increased.</p>	<p>Noted. Applicant has submitted landscaping plan with ample trees and lawn area proposed with paving area kept to a minimum.</p>
<p>Carport Not detached from the main roof. Although not detached from the main roof, the single garage is set back behind the front of the residence with the verandah extending across its front to help reduce it to a minor element of the streetscape as per the stated intention of the council policy. We note the house to the immediate lhs of our site has a double garage with its roof not detached from the rest of the single storey residence roofing. It is a corner residence however the design guidelines don't seem to distinguish between single/two storey/secondary street garages.</p>	<p>Noted. Single garage is setback behind the main building line of the dwelling and does not dominate the streetscape.</p>

Local Planning Policy 064 – Richmond Raceway Design Guidelines (LPP 064)

The application has been assessed under Local Planning Policy 064. The Richmond Raceway Precinct Policy plan is divided into a number of sub areas.No.15 Speedy Cheval falls under Sub Area B and the application proposes a number of variations to the policy which are addressed below.

Open Space

Local Planning Policy 064 requires 50% open space to be provided for lots under Sub Area B. The dwelling proposes 45.6% open space seeking a minor variation to the open space requirements of 4.4%. The variation to open space is supported based on the dwelling being designed with two functional ample sized courtyards. The dwelling also complies in terms of bulk and scale.

Rear Setback

A rear setback of 4.0 metres is required for Sub Area B. In this case the dwelling proposes a setback of 1.5 metres. The variation to the rear setback is supported resulting in a better design outcome through the provision a north facing front courtyard as opposed to a southern facing rear courtyard. The variation in rear boundary setback will not materially impact the amenity of the rear neighbour.

Pedestrian Access

Local Planning Policy 064 requires a minimum 1.2 metre pedestrian path access to the front of the dwelling. The eastern elevation of the dwelling proposes pedestrian access ranging from 1.0 metre to 1.5 metres. The variation is supported as only a small section of the pedestrian access is at the reduced width of at 1.0 metre and this is not considered to impact on pedestrian access to the front of the dwelling.

Verandah

A verandah is required to be independent of the main roof under Local planning Policy 064. Although the dwelling proposes a verandah under the main roof, there is a break in the roof pitch which assists in creating visual separation between the garage and the verandah.

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Landscaping

Local Planning Policy 064 requires a minimum area of 25% of the lot to be set aside for open landscaping suitable for trees. A landscaping plan has been submitted by the applicant following a request from the Town Planning Advisory Panel. The landscaping plan has been assessed against the Policy and is supported as it proposes ample mature trees and lawn area with paving area kept to a minimum.

Carport

Sub Area B requires carports to be detached from the main roof, located behind the front setback line and to be a minor element of the streetscape. Although the carport is not detached from the main roof the garage is setback behind the main building line of the dwelling and being a single garage does not dominate the frontage of the dwelling or the streetscape.

Conclusion

Although the application seeks a number of variations to Local Planning Policy 064 the variations are considered to be minor and have been addressed above. The application has been supported by the Town Planning Advisory Panel. The proposed dwelling is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the R-Codes.

The proposed dwelling will not impact on the existing streetscape of the locality and is therefore recommended for approval.

RECOMMENDATION

That Council grant approval for single house at No. 15 (Lot 307) Speedy Cheval in accordance with the plans date stamp received on 31 January 2012, subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site and clear of all boundaries.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
7. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
8. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

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Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*
- (e) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council grant approval for single house at No. 15 (Lot 307) Speedy Cheval in accordance with the plans date stamp received on 31 January 2012, subject to the following conditions:

- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council’s attention.**
- 4. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. all stormwater is to be disposed of on site and clear of all boundaries.**
- 6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**
- 7. that the zincalume roofing be treated to Council’s satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner’s expense.**
- 8. Prior to the installation of externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.**
- 9. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

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- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
 - (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
 - (d) matters relating to dividing fences are subject to the Dividing Fences Act 1961
 - (e) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document–“An Installers Guide to Air-Conditioner Noise”.
- CARRIED

Cr Martin made the following impartiality declaration in the matter of the Local Planning Policy – Town Centre Redevelopment Guidelines: “As a consequence of the correspondent being a friend of mine, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

T33. REPORTS OF OFFICERS – STRATEGIC PLANNING

T33.1 *Local Planning Policy – Town Centre Redevelopment Guidelines – Request for Amendment*

By Jamie Douglas, Manager Planning Services 29 February 2012

PURPOSE OF THIS REPORT

Ms. Kate Lowe has requested that the Town Centre Redevelopment Guidelines be changed to delete the provision limiting the extent to which plant and service structures can extend above the roofline. This report considers the merit in the requested change to the Local Planning Policy.

REQUESTED CHANGE TO THE POLICY

It is requested that the following policy provision be deleted;

**Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area.*

The purpose of the above provision is to clarify to what extent the roof area of any building can be taken up by plant and external structures (such as air conditioning plant, lift columns etc). This is necessary as the maximum height in the Policy is related to the number of storeys in the building– e.g. 8 storeys maximum height. Under the Policy if these service provisions exceed 20% of the roof area then they count as a storey and the overall building height must be lowered to accommodate this.

CONSIDERATION

The minutes from the Council Meeting of 15 November 2011 when the Planning Policy was adopted show that ‘Considerable discussion took place on the issue of height restrictions on plant and external structures.’

Under the R-Codes and in height definitions in many town planning schemes, extrusions above the roofline of buildings are allowable and are not included when determining the overall height of the building. It is therefore appropriate to determine how the Policy treats these extrusions for determining the maximum number of storeys within a building.

The subject provision was added to the Policy in response to issues raised by Ms Lowe in her submissions to the Town Planning & Building Committee and Council. Council acknowledged that while such external structures did not constitute a storey they could nevertheless contribute to the overall height and bulk of a building and accordingly the extent of the roof area which could be occupied by such structures should be controlled.

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To now remove the subject provision would be counter to the aim of the submitter to reduce the maximum height limit.

It is further noted that given the 'street wall' setback provisions which require the building façade to be set back behind the street wall these structures will not be seen from the street level. The roof top structures will however be seen when over viewing the site from an elevated position such as from properties on Preston Point Road. It is considered the visual impact of these structures when viewed from above is primarily associated with their scale and appearance rather than their overall height. These design elements are controlled by other provisions within the Policy.

CONCLUSION

The submission requests the deletion of a Policy provision which sets a limit on the amount of roof top structures which can be developed. To delete the provision as requested would not 'moderate the appearance and size of new buildings' as is the stated intent of the submission but would enable developers to include such structures occupying more than 20% of the roof area and not have them counted as a storey for the purpose of determining the maximum height of a building.

RECOMMENDATION

That Council not approve the requested amendment to the Local Planning Policy – Town Centre Redevelopment Guidelines to delete the following notation:

**Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area.*

The Acting Town Planner left the meeting at 9.13pm.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Collinson

That Council not approve the requested amendment to the Local Planning Policy – Town Centre Redevelopment Guidelines to delete the following notation:

****Height maximum is inclusive of plant and external structures that occupy in excess of 20% of the roof area.*** CARRIED

T33.2 Residential Design Guidelines

By Jamie Douglas, Manager Planning Services on 7 March 2012

Council considered an initial draft of the Residential Design Guidelines at its meeting on 21 February 2012 and Elected Members resolved to advise of any changes or issues they wish to be addressed within a subsequent draft.

The consultants have considered all of the Elected Members comments and those from the Town Planning Advisory Panel members and the author. Attachment 1 to this report contains the various comments and the Consultant's response to each. A revised draft of the Residential Design Guidelines showing the resultant changes to the document in "track changes" accompanies this agenda. It is now proposed this revised draft be released for public comment.

Given the importance of the document and its impact upon future developments within the Town, it is proposed that a comprehensive public consultation program be undertaken prior to commencement of the statutory advertising process which is required under clause 2.4 of the Planning Scheme for the adoption of a Local Planning Policy.

The following Consultation Program is proposed:

- It is proposed to hold one or two (depending on demand) Information Sessions of approximately 2 hours duration, for the general public and relevant local professionals.
- Display material, power point presentation and summary sheets will be prepared to support the information session. The summary sheets and copies of the Draft Design

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Guidelines will be available on the website and in hard copy at the Town Hall prior to the information session.

- The release of the Draft Guidelines and the date/time of the Information Session will be advertised in the local press and on the website.
- Staff and (as necessary) the consultants would be available for consultations for a period of two weeks following the information session.

After the above Consultation Program has been completed the statutory advertising process specified in Clause 2.4 of the Scheme, would commence. This process is as follows:

The proposed Policy is advertised for 2 consecutive weeks in a local newspaper and that submissions may be made during a period of not less than 21 days. Subsequent to the closure of the submission period, Council is then required to review the proposed Policy in the light of any submissions made and resolve whether or not to adopt the Policy with or without modification. If the Policy is adopted, a notice of the Policy must be advertised once in a local paper and it comes into force on the date of this advertisement. The Policy should also be forwarded to the Western Australian Planning Commission if Council decides it affects the interests of the Commission.

RECOMMENDATION

That:

- (a) the amended draft Local Planning Policy -Residential Design Guidelines be released for public advertising
- (b) the Consultation Program identified in this report be endorsed
- (c) following completion of the Consultation Program the draft Local Planning Policy - Residential Design Guidelines be advertised pursuant to Clause 2.4 of Town Planning Scheme No. 3.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That:

- (a) **the amended draft Local Planning Policy -Residential Design Guidelines be released for public advertising**
- (b) **the Consultation Program identified in this report be endorsed**
- (c) **following completion of the Consultation Program the draft Local Planning Policy -Residential Design Guidelines be advertised pursuant to Clause 2.4 of Town Planning Scheme No. 3.**
- (d) **Council engage public relations expertise to provide advice and support for the process.**

CARRIED

T33.3 Planning & Development Services – Status Report

By Manager Planning Services – 8 March 2012

PURPOSE OF THIS REPORT

This report provides Elected Members with information on the progress of the various Strategic Planning and Development Projects currently identified within the Planning Program and current planning department resources.

STRATEGIC PLANNING

Residential Design Guidelines

The consultants have prepared a revised draft incorporating changes arising from comments on the initial draft. It is proposed the revised draft now be released for a program of consultation. This item is the subject of a separate agenda report.

Review of Local Planning Strategy and Town Planning Scheme No.3

The consultant has completed a survey of the existing housing density and development pattern to inform revisions to the Planning Strategy and Scheme. Initial drafts of the revised Planning Strategy and proposed Scheme amendments have been reviewed by

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the Manager Planning Services. The consultant is now preparing revised drafts for presentation to the Town Planning Advisory Panel and the Town Planning & Building Committee in April 2012.

Access and Parking Management Plan – George Street Precinct

Tender documents and a Project Brief were advertised on Saturday 25 February 2012 with the Tenders closing on Friday 16 March 2012. At the time of writing nineteen requests for tender documents had been received.

It is anticipated that a report on tender selection will be submitted for the information of Elected Members in the April round of meetings.

Conservation Works Town Hall & Former Police Station

In accordance with the Project Plan submitted for Elected Members information in February, the Manager Operations has obtained quotations to undertake the works listed in the various works packages. This item is the subject of a separate agenda report.

Request for amendment to LPP – Town Centre Redevelopment Guideline

Ms Kate Lowe has submitted a written request that the *Local Planning Policy – Town Centre Redevelopment Guidelines* be amended in respect to the inclusion of services and roof top structures within the maximum height requirements. This item is the subject of a separate agenda report.

Amendment 9 to Town Planning Scheme No.3

The Department of Planning has advised that it is now processing the draft amendment for submission to the Minister for Final Approval. However, two Departmental officers have advised they do not support the application of development control provisions for all demolitions. Discussions are continuing to determine if changes to the proposed amendment that would require planning approval only for demolitions for properties on the Heritage List and Municipal Inventory would be supported.

RECOMMENDATION

That the report be received.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Martin

That the report be received.

CARRIED

T34. CONFIDENTIAL BUSINESS

T34.1 Conservation Works Town Hall & Former Police Station

Cr Martin – Cr Collinson

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) of the Local Government Act.

CARRIED

The Committee considered a confidential report prepared by the Manager Planning Services.

CONFIDENTIAL ATTACHMENT

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Martin

That the report 'Conservation Works Town Hall & Former Police Station' be received subject to compliance with procurement requirements in relation to package 6 (Town Hall external woodwork) and further quotations being obtained, if required.

CARRIED

T34.2 Royal George Hotel – Concept Proposal

Mayor Ferris – Cr Nardi

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) of the Local Government Act.

CARRIED

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The Committee considered a confidential report prepared by the Manager Planning Services. **CONFIDENTIAL ATTACHMENT**

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Nardi

That:

1. the applicant be advised that:

- (i) based on the limited information provided, Council cannot indicate support for the proposed development concept.
- (ii) the 'offer proposal' for Council involvement and contribution to the redevelopment proposal is not considered to be an appropriate basis for further dialogue in respect to possible Council involvement.
- (iii) for further dialogue to occur, the applicant will need:
 - to demonstrate the financial capacity to undertake the necessary conservation works.
 - submit a sufficiently detailed proposal to allow Council to properly determine its merits or otherwise.

2. a public report be prepared for Council on 20 March 2012 and an invitation be extended to Matthews Architecture to present their proposal to a Council meeting to be determined. CARRIED

T35. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T36. CLOSURE OF MEETING

There being no further business the meeting closed at 9.55pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **13 March 2012**, Minute Book reference **T20. to T36.** were confirmed at the meeting of the Committee on*

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Presiding Member