

12 April 2011

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 12 APRIL, 2011 COMMENCING AT 6.30PM.

T27. OPENING OF MEETING

T27.1

Present

Cr Alex Wilson	Presiding Member
Cr Cliff Collinson	
Cr Barry de Jong	
Cr Siân Martin	
Cr Dean Nardi	
Cr Maria Rico	
Mr Jamie Douglas	Manager – Planning Services
Ms Janine May	Minute Secretary

T28. 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.”

T29. WELCOME TO GALLERY

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

T30. APOLOGIES

Mayor Alan Ferris
Cr Rob Lilleyman

T31. CONFIRMATION OF MINUTES

T31.1

Town Planning & Building Committee (Private Domain) – 8 March 2011

Cr Collinson – Cr Nardi

That the Town Planning & Building Committee (Private Domain) minutes dated 8 March 2011 as adopted at the Council meeting held on 15 March 2011 be confirmed.

CARRIED

T32. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T33. REPORTS OF COMMITTEES

T33.1

Town Planning Advisory Panel – 22 March 2011

Cr Wilson – Cr de Jong

That the minutes of the Town Planning Advisory Panel meeting held on 22 March 2011 be received and each item considered when the relevant development application is being discussed.

CARRIED

T34. ORDER OF BUSINESS

Cr Rico – Cr de Jong

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

CARRIED

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T35. REPORTS OF OFFICERS – STATUTORY PLANNING/DEVELOPMENT CONTROL

T35.1 Receipt of Reports

Cr Nardi – Cr Rico

That the Reports of Officers be received.

CARRIED

**T35.2 Petra Street No. 111 (Lot 430)- Application for Retrospective Planning Approval
Applicant & Owner: Ms Teresa Marra and Mr David Hayden
Application No. P80/2010**

By Gemma Claire Basley, Town Planner on 28 March 2011

INTRODUCTION

Purpose of this Report

The application was originally considered by Council on the 15 March 2011 wherein the following resolution was made:

“That the matter be deferred to the Council Meeting of 5 April 2011 to allow the preparation of a further officer’s report which contained information on zoning of surrounding properties, fire rating documentation submitted by the applicant and planning conditions should Council wish to approve the development”

This report is in response to the abovementioned resolution.

Background

The subject application proposes to amend a recent planning approval for No. 111 Petra Street, East Fremantle. More specifically, it is proposed to amend the location of the garage by relocating it 2.5 metres forward of the approved location to line up with the front of the verandah and the front wall of the family room.

In the course of the reporting officer making a site visit pursuant to the planning assessment it was noted that the applicants have already commenced constructing the frame of the garage in the abovementioned location, contrary to the existing planning approval. As such this application is now to be regarded as an application for Retrospective Planning Approval.

At the 15 March 2011 meeting, the majority of Council did not resolve to support the Officer’s recommendation to refuse the application. The discussion indicated this was based on site specific issues, in particular the location of the residence opposite the Bicton Shopping Centre and because of the eighties front addition at the front of the house, which the garage would be in line with. It was on this basis that it was indicated by a number of elected members that a relaxation to Local Planning Policy No. 142 (Part 2- Streetscape) was considered warranted.

This report responds to Council’s resolution.

Description of site

The subject site is:

- a 804m² block
- zoned Residential R12.5
- developed with a single storey residence listed on Council Draft Municipal Inventory (B- Management Category - Places of considerable local heritage significance); and
- adjoins two residential premises

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

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Relevant Council Policies

Local Planning Policy No. 142 : Residential Development

Impact on Public Domain

Tree in verge: No impact

Light pole: No impact

Crossover: No impact

Footpath: No impact

Streetscape: The construction of a garage (with a boundary wall) forward of the main building line will enclose the northern end of the original verandah however the remainder of the verandah will be visible to the street.

Documentation

Plans and relevant forms date stamp received on 10th February 2011

Date Application Received

10 February 2011

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

15 June 2010 Council grants Approval for alterations and additions to the rear of the dwelling and the construction of a garage with a boundary wall on the northern side of the dwelling and in line with the main building line of the house.

15 February 2011 Application to amend planning approval received.

1 March 2011 Noted that construction of the garage had commenced, 2.5m forward of the approved location.

15 March 2011 Council defers the application to relocate the garage until the Council Meeting of 5 April 2011 to allow the preparation of a further officer's report which contained information on zoning of surrounding properties, fire rating documentation submitted by the applicant and planning conditions, should Council wish to approve the development. Applicant subsequently supported application being determined at the 19 April 2011 Council Meeting.

CONSULTATION

No further public consultation has occurred between the Council Meetings

CONSIDERATIONS

Surrounding Zonings

No. 111 Petra Street is zoned 'Residential R12.5' and is adjoined by similarly zoned sites.

The site is opposite to the Bicton Shopping Centre, which is zoned 'Commercial Centre Frames' and 'District Centre' under the City of Melville TPS No. 6.

The commercial zonings on the opposite side of Petra Street and facing the site has resulted in there being substantial traffic movements along Petra Street which have an impact on the residential amenity of No. 111 Petra Street in terms of noise and lights associated with vehicles accessing and exiting the Shopping Centre (immediately opposite the subject site). This is the basis for the applicants' request to use the garage to enclose the northern opening of the verandah in order to increase the privacy of No. 111 Petra Street, East Fremantle.

Fire Rating of Boundary Wall

The garage is proposed to have a boundary wall and in accordance with the requirements of the Building Codes of Australia, this wall must be fire resistant. The applicant has advised that they propose to utilise a light weight fabric for the boundary wall made from Autoclaved Aerated Concrete.

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The Principal Building Surveyor has confirmed that Autoclaved Aerated Concrete, which is proposed to be utilised in the construction of the garage has a Fire Resistance Level of 240/240/240, which meets the requirements of the BCA for a boundary wall.

DISCUSSION

The subject application seeks approval to construct the previously approved garage in a location that is forward of the main building line and in line with the verandah and the family room extension which occurred in the 1980's.

The applicants have commenced constructing the frame of the garage and presented photos to the March Council meeting which they considered demonstrated that the location of the garage will not have an adverse impact on the streetscape and will still provide for a semi open streetscape.

The applicant also sought to demonstrate that the location of the garage in line with the verandah will afford the front of the residence considerable privacy which is severely compromised by its location opposite to the Bicton Shopping Centre.

CONCLUSION

Based on the discussion above, Retrospective Planning Approval for a fully enclosed garage forward of the main building line and in line with the verandah and the living room extension could legitimately be supported, if Council agreed with the applicants' contentions with respect to the issues of effect on streetscape and protection of privacy.

An alternative and equally legitimate position would be that LPP142 should be adhered to, as the adverse effect on streetscape could not be supported in this case and also noting the high status of the property on the Municipal Inventory.

Pursuant to the above, two optional recommendations are proposed.

RECOMMENDATION

That Council refuse the application for Planning Approval to locate a garage forward of the main building line at No. 111 Petra Street, East Fremantle in accordance with the plans date stamped received on 10 February 2011 for the following reasons:

1. The location of the garage is forward of the main building line and does not meet the requirements of Local Planning Policy No. 142 (Part 2 – Streetscape).
2. The proposal is contrary to the requirements of Town Planning Scheme No. 3, (TPS3) specifically Clause 1.6 (a) and (c) and Clause 10.2 (o) which Council is required to take into consideration during its decision making process.
3. The proposal is contrary to Clause 6.2.7 of the Residential Design Codes because the location of the garage does not comply with the requirements of Local Planning Policy No. 142.

ALTERNATIVE RECOMMENDATION

That Council exercise its discretion in granting Retrospective Planning Approval for a variation to LPP No. 142 to allow the garage forward of the main building line for the construction of a garage at 111 Petra Street, East Fremantle in accordance with the plans date stamp received on 10 February 2011 subject to the following conditions:

1. the applicant to pay the penalties associated with unauthorised works (\$270.00) prior to the lodgement of an application for Building Licence
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

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4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. 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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Hayden (owner) addressed the meeting in support of his proposal.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council exercise its discretion in granting Retrospective Planning Approval for a variation to LPP No. 142 to allow the garage forward of the main building line for the construction of a garage at 111 Petra Street, East Fremantle in accordance with the plans date stamp received on 10 February 2011 subject to the following conditions:

1. **the applicant to pay the penalties associated with unauthorised works (\$270.00) prior to the lodgement of an application for Building Licence**
2. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **the proposed works are not to be commenced until Council has received an application for a 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. **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. **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).*

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- (d) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.* CARRIED

T35.3 Preston Point Road No. 31, (Unit 7) – Retrospective Approval & New Work

Applicant: Tony Wilkie, Consulting Engineers

Owner: Howard Copley

Application No. P15/2011

By Gemma Basley, Town Planner on 8 April 2011

BACKGROUND

Description of Proposal

An Application for Planning Approval for unauthorised and proposed works at Unit No. 7 of No. 31 Preston Point Road, East Fremantle is the subject of this report.

The application acknowledges a series of unauthorised works that have occurred and seeks retrospective planning approval for these as listed below:

- creation of stairs to sitting room (lower floor);
- converting storage area to lower floor sitting room;
- replacement of gazebo for maintenance reasons with powder coated posts and poly carbonate sheeting on the southern side of the unit;
- construction of a timber deck at the rear of the unit and associated retaining walls (less than 500mm);
- installation of a new column to support the upper floor balcony;
- relocation of the meter box to a more accessible location in the front courtyard area;
- installation of soak wells in the rear courtyard; and
- numerous internal works including the replacement of doors, windows etc.

The application also proposes additional works that have not yet occurred and include the following:

- construction of a new patio over the front courtyard, including support columns to a height of 2.1 metres for a poly carbonate pitched roof structure;
- replacement of the bathroom windows with glass brick windows; and
- additional internal works.

This report recommends conditional approval.

Description of site

The subject site is:

- a 223m² (strata title) block
- zoned Residential R30
- developed with 12 units
- located in the Riverside Precinct.

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Riverside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)

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

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

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Documentation

Plans and relevant forms date stamp received on 28 January 2011

Date Application Received

28 January 2011

CONSULTATION

Advertising

The application was advertised to the adjoining lots and all of the units within the strata complex between the 8 and the 23 February 2011. No submissions or objections were received during the advertising period.

Site Inspection

By Town Planner on 30 March 2011

REPORT

The application acknowledges a series of unauthorised works that have occurred and seeks retrospective planning approval for these as listed below:

- creation of stairs to sitting room (lower floor);
- converting storage area to lower floor sitting room;
- replacement of gazebo with powder coated posts and poly carbonate sheeting on the southern side of the unit;
- construction of a timber deck at the rear of the unit and associated retaining walls (less than 500mm);
- installation of a new column to support the upper floor balcony;
- relocation of the meter box to a more accessible location in the front courtyard area;
- installation of soak wells in the rear courtyard; and
- numerous internal works including the replacement of doors, windows etc.

The unauthorised works have been assessed and it is determined that some of the works including the replacement of the gazebo and replacement of the stairs occurred for maintenance reasons and the replacement of these structures is acceptable and meets all of the necessary planning requirements.

Some of the unauthorised works that have occurred such as the conversion of the storage area to a sitting room and the construction of decking in the rear courtyard are new development and as such have been assessed against the R-Codes and Council's Local Planning Policies. In this regard, the sitting room conversion on the lower floor meets all of the necessary boundary setbacks etc and as such retrospective planning approval can be granted.

The deck in the rear courtyard, whilst raised greater than 0.5 metres above natural ground level, only overlooks common property (pathway) associated with the unit complex the subject of this application and common property (shared driveway) of the units that adjoin the site to the north. Based on this, the construction of the deck, without privacy screening is acceptable and meets the Performance Criteria of the R-Codes.

The application also proposes additional works that have not yet occurred and include the following:

- construction of a new patio over the front courtyard, including support columns to a height of 2.1 metres for a poly carbonate pitched roof structure;
- replacement of the bathroom windows with glass brick windows; and
- additional internal works.

The proposed patio over the front courtyard with a wall height of 2.1 metres and a roof height of 3.3 metres meets the height and set back requirements of the R-Codes. This area of the site is already utilised as a patio for outdoor entertaining and approval to roof this structure will enable the applicants to have extended use of the patio area.

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The bathroom window which is proposed to be replaced with glass bricks is only visible to the courtyard area and will not be visible from any other property. The proposed use of glass bricks is to afford better light into a currently poorly lit bathroom area.

Given that the proposal meets all of the acceptable development provisions of the R-Codes and Council's TPS3 it is recommended that approval be granted.

RECOMMENDATION

That Council exercise its discretion in granting:

1. retrospective planning approval for the following works:
 - creation of stairs to sitting room (lower floor);
 - converting storage area to lower floor sitting room;
 - replacement of patio on the southern side of the unit;
 - construction of a timber deck at the rear of the unit and associated retaining walls (less than 500mm);
 - installation of a new column to support the upper floor balcony;
 - relocation of the meter to the front courtyard area;
 - installation of soak wells in the rear courtyard; and
 - internal works including the replacement of doors, windows etc.at Unit No. 7 of No. 31 Preston Point Road, in accordance with the plans date stamped 28 January 2011 subject to an application for a Certificate of Building approval being made for all existing works the subject of this approval
2. planning approval for the construction of a new patio over the front courtyard and the replacement of the bathroom windows at Unit 7 of No. 31 Preston Point Road, East Fremantle in accordance with the plans date stamped 28 January 2011 and subject to the following conditions:
 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. all stormwater is to be disposed of on site and clear of all boundaries.
 5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Wilkie (applicant) addressed the meeting in support of the proposal and apologised on behalf of the owner for the oversight in not obtaining Council approval prior to commencing work.

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RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council exercise its discretion in granting:

1. retrospective planning approval for the following works:

- creation of stairs to sitting room (lower floor);
- converting storage area to lower floor sitting room;
- replacement of patio on the southern side of the unit;
- construction of a timber deck at the rear of the unit and associated retaining walls (less than 500mm);
- installation of a new column to support the upper floor balcony;
- relocation of the meter to the front courtyard area;
- installation of soak wells in the rear courtyard; and
- internal works including the replacement of doors, windows etc.

at Unit No. 7 of No. 31 Preston Point Road, in accordance with the plans date stamped 28 January 2011 subject to an application for a Certificate of Building approval being made for all existing works the subject of this approval

2. planning approval for the construction of a new patio over the front courtyard and the replacement of the bathroom windows at Unit 7 of No. 31 Preston Point Road, East Fremantle in accordance with the plans date stamped 28 January 2011 and subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. all stormwater is to be disposed of on site and clear of all boundaries.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

Cr Collinson made the following impartiality declaration in the matter of No. 142 George Street: "As a consequence of the objector, Robyn Travers, being a mutual colleague in the education industry, 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".

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- T35.4** **George Street No. 142 (Lot 304) – Retrospective approval for dividing fence**
Applicant & Owner: Alexander Mathison & Racheal Rogers
Application No. P11/2011
By Jamie Douglas, Manager Planning Services on 14 March 2011

BACKGROUND

Purpose of this Report

This report considers an application for retrospective approval of a dividing fence constructed between 142 & 144 George Street. The proposal is recommended for conditional approval.

Statutory Considerations

Town Planning Scheme No. 3
Local Planning Strategy – Plympton Precinct (LPS)
Residential – R 20 – TPS No. 3
'C+' Management Category Municipal Heritage Inventory

Relevant Council Policies

Policy No. 143 Policy on Local Laws Relating to Fencing

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : The fence is in front of the building line and accordingly impacts upon the streetscape.

Documentation

Plans and relevant forms date stamp received on 24 January 2010.

Date Application Received

24 January 2011

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

14 October 2009 Telephone call from adjoining neighbour, Robyn Travers, to Paul Busby (Principal Building Surveyor) querying compliance of a recently constructed dividing fence.

26 October 2009 Email from adjoining neighbour Robyn Travers to Chris Warrener (Town Planner) querying the compliance of a recently constructed dividing fence.

27 October 2009 Email from Paul Busby to Robyn Travers stating fence was compliant.

29 October 2009 Email from Robyn Travers to Paul Busby querying compliance.

5 November 2009 Email from Robyn Travers to Paul Busby querying compliance.
Letter to Racheal Rogers (owner) from Paul Busby, Principal Building Surveyor advising council approval required for aspects of recently constructed fence.

1 December 2009 Rohan Doust (Acting Town Planner) writes to Robyn Travers advising issues had been resolved.

11 January 2010 Correspondence from Robyn Travers to Rohan Doust querying compliance.

17 February 2010 CEO meets with Robyn Travers to discuss situation.

19 February 2010 Rohan Doust writes to Racheal Rogers & Alexander Mathison requesting they make contact regarding outstanding issues relating to the fence.

19 February 2010 CEO writes to Robyn Travers clarifying the relevant planning provisions and status of the constructed wall and explains owners initial contention was that the wall complied and did not require approval. CEO expressed the view that Ms Travers' carport "is

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	more to the detriment of the coherence of the streetscape than the wall currently at issue".
9 March 2010	Response to above letter received raising a series of queries.
12 March 2010	Rohan Doust writes to owners explaining the portion of the fence above 1.2m required an approval and again invites an application.
16 March 2010	CEO writes to Robyn Travers clarifying the relevant planning provisions and status of the constructed wall and explains owners initial contention was that the wall complied and did not require approval.
14 April 2010	Robyn Travers writes to the Minister for Local Government (with copy to Minister for Planning) seeking his intervention to "have the wall altered so that it complies with Council policy".
21 April 2010	Cr Rico meets with CEO to discuss situation.
23 April 2010	Cr Rico writes to Robyn Travers following a site visit, apologises for time delay and advises actions undertaken.
April 2010	At site visit attended by CEO, Paul Busby, Mr Mathison and, in part, Ms Rogers, Mr Mathison agreed to remove two courses of blocks from the section of wall in question to bring the wall into compliance.
3 May 2010	CEO advises Department of Local Government of agreement by owners to reduce wall height.
4 May 2010	Department of Local Government writes to Robyn Travers in accordance with CEO's advice.
28 May 2010	CEO writes to Robyn Travers asking her to cease constantly telephoning Council staff re wall issue.
28 July 2010	Robyn Travers writes to Cr Collinson seeking information and stating wall was an "illegal structure".
4 January 2011	CEO advises owners that given their agreement to remove 2 courses of brickwork had not been implemented, they should either implement the agreement within 60 days or apply for retrospective approval within 30 days.
7 January 2011	Owners advise of intention to apply for retrospective approval request advice regarding procedure.
13 January 2011	CEO writes to owners disputing claims made in their letter of 7 January and outlining history of matter.
24 January 2011	Application for retrospective approval received.
27 January 2011	Robyn Travers invited to comment on proposal.
2 February 2011	Robyn Travers objects to proposal.
18 March 2011	Robyn Travers objects to delays in application being considered and advises that should the matter not be heard at the April meeting she would write to the Ombudsman to "request the intervention of his office".
23 March 2011	Letter received from applicants. Letter claims, in part, agreement to reduce height of wall, was only "in principle".
28 March 2011	CEO writes to owners, stating, in part, that the agreement had not been "in principle" but was rather, an unconditional agreement which had been broken.

DESCRIPTION OF THE PROPOSAL

The proposal is for retrospective approval of a sandstone block dividing wall between 142 and 144 George Street. The solid wall extends from the front setback of the subject house approximately 4 metres at a height of approximately 1.94 metres and from there to the front boundary at an approximate height of 0.97 metres. The wall includes capped pillars of 1.96 metres.

It is understood the wall was not built with the neighbour's approval, although fully paid for by the applicants. This issue comes under the Dividing Fences Act, in respect of which Council has no jurisdiction.

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It is the 1.92m high portion of the wall which is in contention. This portion is adjacent to a car port built in front of the building setback of the neighbouring property at 144 George Street. The height of the wall provides, according to the applicants, "personal privacy and noise abatement".

The car port was constructed prior to the introduction of TPS No3 and the application of the R-Codes and does not comply with the 'acceptable development standards' of the R-Codes, or LPP142, since it is sited in the front setback area. (It is noted that the Town Planning & Building Committee had, in March 2001, in recommending approval, included a condition stipulating that the car port be setback in line with the existing verandah, however at the subsequent Council meeting this condition was deleted, possibly on the basis of representations from the owner that this would necessitate the removal of existing vegetation.)

In the current situation, vegetation has been established between the wall and the car port to partially screen the wall from 144 George Street.

CONSULTATION

Advertising

The adjoining neighbour at 144 George Street was notified and subsequently lodged a submission which is summarised as follows and attached in full to this report (Attach.3) The submission was also referred to the applicant for comment and this response is also attached (Attach.4)

Summary of Objection	Response
Council should not grant retrospective approval for a non complying structure	Clause 8.4.2 of TPS No 3 provides for the granting of retrospective approvals for development that complies with the Scheme provisions.
Council staff have failed to act to address the situation.	Listed above are just some of the numerous actions undertaken by staff since the matter was raised.
A 1.8m high solid structure does not fit with the open nature of dividing fences in the area.	The subject portion of the wall has been constructed to the extent necessary to screen the objectors car port which is forward of the building line. In respect to the balance of the wall, there are a number of examples of similar fences in the vicinity.
In May 2010 the owners of 142 George St. agreed to remove two layers of blocks from the wall. This did not occur. Why did Council staff not ensure this was done?	This was a voluntary agreement, in respect of which, whilst disappointing that it was not subsequently adhered to, could not be enforced.
Varying pillar heights – shoddy appearance from eastern side of the street.	The pillar height appears consistent although there is some variation in natural ground level. The mortar has not been pointed on the eastern side of the street and this would normally be a condition of approval. However, given that screening vegetation has been established and now substantially obscures the wall, to now require the pointing of the block work may well damage this vegetation.

Town Planning Advisory Panel

The application was considered by the Panel at its meeting on Tuesday 22 March 2011. The Panel made the following comments:

... *Fence interrupts the open streetscape of George Street and views to the cottage at 144 George Street.*

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- ... Panel doesn't support retrospective approval of dividing fence.
- ... Query compliance of pillars to front of fence for 142 George Street.

Whilst the Panel's views are acknowledged, it is considered that the 'interruption' to views of the neighbouring cottage or to the 'open' streetscape of George Street are not significant, given the setback and limited extent of the wall. It is also noted that the wall replaced a line of 'pencil pines' which previously existed to a height and extent which exceeds the subject wall.

Site Inspection

By Manager Planning Services on 14 March 2011

RELEVANT PLANNING PROVISIONS

Local Planning Policy 143 – Policy on Local Laws Relating to Fencing

The policy states;

"Where the application does not conform to the Local laws and or this Policy the proposal is to be the subject of a Planning Consent and a report to Council. Council has discretion to approve an application for a fence or wall which does not conform to the Local Law or this Policy."

Part 3 – Fence Design

"Council requires front fences and walls above 1.2m. to be visually permeable."

"3.1 Maximum Height

The maximum height of any part of the fence is to be 1.8 m."

"5.2 A person shall not without the written consent of the Building Surveyor erect a fence higher than 1.2m in the front setback of a residential lot which includes the front boundary."

Residential Design Codes, Element 6.2.5 Street walls and fences

Performance Criteria	Acceptable development
P5 Front walls and fences to promote surveillance and enhance streetscape, taking account of: <ul style="list-style-type: none">• The need to provide protection from noise and headlight glare where roads are designated as primary or district distributors or integrator arterials; or• The need to provide screening to the front setback; or• The need to provide privacy to north facing outdoor living areas.	A5 Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.

TPS No.3 Clause 10.2 Matters To Be Considered By Local Government

Clause 10.2 states:

"The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application-

The following sub-clauses are considered relevant to this assessment

- (j) the compatibility of a use or development with its setting;*
- (o) the preservation of the amenity of the locality;*
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal,"*

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CONSIDERATION

The 1.92m high portion of the wall portion of the dividing wall and the pillar heights would require a variation to the standard requirements of the LPP and the 'Acceptable Development' requirements of the R-Codes if they are to be approved. The LPP provides for such variations to be considered within an application for planning consent and the R-Codes establishes performance criteria which are to be met for walls not in compliance with the 'acceptable development' standard. Clause 10.2 of TPS No 3 establishes a number of criteria against which the merit of exercising a discretion to allow the proposal can be judged. These are assessed as follows;

Compatibility of the development with its setting

The use of sandstone block and the form of the wall is considered compatible with its setting both in respect to the subject site and within the George Street streetscape in the vicinity. Similar style front walls are established at nos. 147, 149, 155 and 161 George Street.

Preservation of the amenity of the locality and its relationship to adjoining development

The extent of solid wall which is approximately 1.92 metres is setback approximately 4 metres from the front boundary of the property. The wall does not block views to the front facade of the subject property but does provide screening to the adjacent car port of the neighbouring property at 144 George Street which is built in front of the building line and as such does not comply with current 'acceptable development' provisions of the R-Codes (it is noted this car port was constructed prior to the introduction of TPS No 3. and the application of the R-Codes). The subject wall is not visual, obtrusive, does not obscure views or cast shadows onto any habitable living areas of neighbouring properties. The adjoining neighbour has planted screening vegetation between the wall and her carport and further softens any impact of the wall on her property. The policy requirement (LPP 143) for walls to be visually permeable above 1.2 metres relates to front walls and is designed to protect the streetscape by allowing observation of building frontages and gardens from the footpath, accordingly it is not applicable in this instance.

CONCLUSION

The application is for a retrospective approval for an existing wall which exceeds the required height maximum of the relevant local Planning Policy. The Scheme provides for the determination of retrospective applications. The provisions of the Scheme, R-Codes and Local Planning Policy provide for the exercise of discretion to allow walls and fences within the primary street setback above the maximum height provisions of the 'acceptable development' standards subject to certain performance criteria. The proposal is considered to meet these criteria and accordingly merits approval.

RECOMMENDATION

That Council exercise its discretion in granting retrospective approval of a sandstone block dividing wall between 142 and 144 George Street to 1.92 metres in height (without visual permeability) and incorporating capped pillars to a height of 1.96 metres as shown on plans received 24 January 2011 and subject to the following condition:

1. A Building Approval Certificate shall be obtained from Council for the works the subject 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.*

Ms Travers (neighbour) addressed the meeting highlighting inaccuracies in the officer's report and requesting the Committee recommend the removal of the non compliant elements of the dividing wall.

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Ms Rogers (owner) addressed the meeting advising that the fence was built to the current height following advice from Council officers that it would not require Council approval.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council exercise its discretion in granting retrospective approval of a sandstone block dividing wall between 142 and 144 George Street to 1.92 metres in height (without visual permeability) and incorporating caped pillars to a height of 1.96 metres as shown on plans received 24 January 2011 and subject to the following condition:

1. A Building Approval Certificate shall be obtained from Council for the works the subject 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.*

CARRIED

T35.5 Stratford Street No. 12 (Lot 79) - Repainting and Re-roofing existing residence

Owner & Applicant: Giles and Leanne Cooper

Application No. P41/2011

By Gemma Basley, Town Planner on 4 April 2011

BACKGROUND

Description of Proposal

An Application for Planning Approval to repaint and re-roof the existing residence at No. 12 Stratford Street, East Fremantle is the subject of this report.

This report recommends conditional approval.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

'B' Management Category on 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	:	No impact;

Documentation

Plans and relevant forms date stamp received on 21 March 2011

Date Application Received

21 March 2011

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

Nil

Site Inspection

By Town Planner on 9 March 2011

ASSESSMENT

Approval is sought for to re-paint and re-roof the existing residence at No. 12 Stratford Street, East Fremantle.

The existing residence is painted cream and blue and has a grey Colorbond roof. The application proposes to utilise a surfmist Colorbond roof and to repaint the dwelling cream and grey. The proposed colours are not dissimilar to the existing colour scheme and are in keeping with the traditional colours found in the area.

Given that the proposal meets all relevant performance criteria provisions and no discretionary decisions are required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That Council exercise its discretion in granting approval for re-painting and re-roofing the existing residence at No. 12 Stratford Street, East Fremantle, in accordance with plans date stamp received on 21 March 2011, subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
2. 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.
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. 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.*
- (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).*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

That Council exercise its discretion in granting approval for re-painting and re-roofing the existing residence at No. 12 Stratford Street, East Fremantle, in accordance with plans date stamp received on 21 March 2011, subject to the following conditions:

1. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.**
2. **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.**
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. **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.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

T35.6 **Osborne Road No. 27-29 (Unit 18) - Patio**
Applicant: Rainbows End Patios
Owner: Catherine Holman
Application No. P22/2011
By Gemma Basley Town Planner 5 April 2011

BACKGROUND

Description of Proposal

An Application for Planning Approval to construct a patio at the rear of Unit No. 18 at No. 27 Osborne Road East Fremantle is the subject of this report. More specifically, the application proposes to construct a 2.6 metre high, 2.8 metre deep and 5.345 metre long patio over an existing paved courtyard area at the rear of the unit.

This report recommends conditional approval.

Description of site

The subject site is:

- developed with 20 units
- zoned Residential R12.5
- 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)

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 : No impact

Documentation

Plans and relevant forms date stamp received on 23 February 2011

Date Application Received

23 February 2011

CONSULTATION

Advertising

The application was not advertised for public comment because of the acknowledgement of the Body Corporate, which was submitted as part of the application.

The application was not advertised to the neighbouring property to the north (31 Osborne Road) because of the topographical differences between the sites and the substantial side setback of 31 Osborne Road, which is in excess of 3 metres and contains a paved driveway area).

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Town Planning Advisory Panel

The application was not referred to the Panel because the proposed structure was not considered to have a streetscape impact.

Site Inspection

By Town Planner on 22 March 2011

STATISTICS

File	P/OSB/27
Zoning	R12.5
Lot Area	220m ²
Heritage Listing	No

Site:	Required	Proposed	Status
Open Space	N/A	N/A	N/A
Overshadowing	N.A	N/A	N/A

Height:	Required	Proposed	Status
Wall	3.0	2.6	Acceptable Development
Ridge	4.0	3.2	Acceptable Development

Roof type Pitched and skillion

Setbacks: The application proposes to provide a 500mm (0.5 metre) setback to the northern, eastern and western boundary. This does not meet the setback requirements of the R-Codes and therefore **Discretion is Required**.

ASSESSMENT

Unit 18 is a grouped dwelling within a complex of 20 attached grouped dwellings. A number of these units have patios attached at the rear similar to the proposal.

The application proposes to construct a 2.6 metre high, 2.8 metre deep and 5.345 metre long patio over an existing paved courtyard area at the rear of the unit with a 0.5 metre setback between the patio and the lot boundaries. The R-Codes requires a minimum setback of 1.0 metre between a patio structure and the nearest boundary and as such a discretion is sought for a reduced setback.

The variations to the side boundary setbacks do not impact the amenity of adjoining Units 17 and 19 because the rear courtyards of these units are separated by 2m high masonry boundary fences, which provide screening to the patio area. The variations to the northern boundary setbacks do not impact the amenity of the adjoining residence (No. 31 Osborne Road) because this residence is situated on higher ground and is screened from the subject unit by established pencil pines planted along the boundary and is separated from the application area by a driveway.

The reduced setback has been assessed against the Performance Criteria of the Codes and it is considered that the reduced setback will not have an adverse impact on the adjoining units or on the streetscape. It is further considered that the reduced setback will enable the applicant to make effective use of a restricted space.

Conclusion

It is considered the application gives due regard to Council's Town Planning Scheme requirements, the requirements of Local Planning Policy No. 142 as well as the requirements outlined within the Residential Design Codes 2008. Whilst the application does seek a minor variation to the R-Codes this is very minor in nature. It is therefore recommended that approval be granted.

RECOMMENDATION

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

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- (a) variation to the east, north and west side boundary setbacks pursuant to the Residential Design Codes from 1.0m to 0.5m;
for the construction of a 2.6 metre high, 2.8 metre deep and 5.345 metre long patio fixed to the rear of Unit 18, 27-29 Osborne Road in accordance with the plans date stamp received on 23 February 2011 subject to the following conditions:
1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 4. 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.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Collinson

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

- (a) variation to the east, north and west side boundary setbacks pursuant to the Residential Design Codes from 1.0m to 0.5m;
for the construction of a 2.6 metre high, 2.8 metre deep and 5.345 metre long patio fixed to the rear of Unit 18, 27-29 Osborne Road in accordance with the plans date stamp received on 23 February 2011 subject to the following conditions:**
- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
 - 2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
 - 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
 - 4. 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.*

CARRIED

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T35.7 Alexander Road No. 42B – Rear Balcony/Walkway
Owner & Applicant: Phillip and Margaret Scott
Application No. P177/2010
By Jamie Douglas, Manager – Town Planning Services on 7 April 2011

BACKGROUND

Purpose of this Report

The report considers a request to amend a condition of retrospective Planning Approval for a rear balcony/walkway which was issued on 14 December 2010 and recommends the approval condition be amended.

Statutory Considerations

Town Planning Scheme No. 3
R-Codes Design Element 6.8.1 – Visual Privacy

Impact on Public Domain

Tree in verge : NA
Light pole : NA
Crossover : NA
Footpath : NA
Streetscape : The balcony will be unseen from the street.

Documentation

Original plans and relevant forms date stamp received on 4 October 2010

Date Letter Requesting Reconsideration Received

17 January 2011

CONSULTATION

Advertising

One adjoining land owner only.

Date Advertised

5 November 2010

Submission Received

One submission was received on 5 April 2011 from adjacent neighbours at Unit 6, 46 Alexandra Road. The submission reconfirms their earlier submission that they do not object to the balcony providing privacy screening is provided to a height of 1.65 metre on the northern elevation and extending 1 metre along the eastern elevation.

ASSESSMENT

The proposal for retrospective approval of an east facing balcony/walkway to the rear of the dwelling was considered by Council in November 2010. It was noted at that time;

“The subject development is an extension of the cantilevered suspended slab and provides access from the bedroom onto the main deck area. The balcony/walkway is 860 mm wide with a solid balustrade and is too narrow to serve any other function than as an access way. However it does provide for surveillance over the rear garden area and habitable windows of the Unit 6, 46 Alexandra Road and for this reason the imposition of privacy screening is supported to a minimum height of 1.65 metres from the deck level in accordance with the provisions of the R-Code Design Element 6.8.1 – Visual Privacy. The screens should be erected on the northern elevation and extend 1 metre along the eastern elevation as suggested by the submitting neighbour. The applicants have indicated they are supportive of a requirement for privacy screening.”

The applicants have subsequently requested the requirement for screening along the eastern boundary be deleted.

The adjacent neighbour's submission includes photographs and a rough sketch which illustrates the relative impact of the balcony in regards to their outdoor living area. It is

noted the solid balustrade, its orientation and the distance (in excess 10 metres) to the neighbours outdoor living area does tend to mitigate casual observance of this area from the balcony. In addition the existing planning approval requires the erection of permanent screening, along the northern elevation of the veranda. The northern elevation is adjacent to the subject neighbours property and this requirement for screening is to be retained.

It was noted in the initial assessment report that the balcony is only 860mm wide and is too narrow to serve any other function than as an access way. This point is relevant in considering the application of the R-Codes requirements in respect to visual privacy. The R Codes 'acceptable development' standards require privacy screening in respect to major opening and active habitable spaces. The definition for an 'active habitable space' in the R-Codes is;

"Any habitable room with a floor area greater than 10 m² and any balcony, veranda, terrace or other outdoor living area raised more than 0.5m above natural ground level and greater than 1 m in dimension and 3 sqm in area."

By the above definition the balcony does not have sufficient dimension to constitute 'active habitable space' therefore it is arguable as to whether privacy screening is a necessary statutory requirement. It is noted the applicants were initially supportive of the requirement for privacy screening to extend along the eastern elevation when the matter was first considered, notwithstanding this would exceed the minimum requirements of the R-Codes.

Conclusion

The requirement for privacy screening on the eastern elevation was applied in response to the neighbour's submission and with the initial support of the applicant. The applicant's subsequent request that this requirement be deleted for aesthetic reasons is now supported on the grounds it will serve little practical purpose and it is arguable that it can be required under the R-Code provisions.

RECOMMENDATION

1. That Council give consideration to the proposal to revoke part of the resolution granting retrospective planning approval for a rear balcony/walkway at 42B Alexandra Road.

To be supported by at least one third of Council members

2. That part of the resolution of the Council, Minute Book reference 346.8 of the Council meeting held on 14 December 2010, and which is as follows, be revoked:

"1. the erection of permanent screening, preventing direct line of sight for a minimum height of 1.65 metres above the relevant floor level and extending continuously along the northern elevation and for a minimum of 1 metre along the eastern elevation."

Absolute Majority Resolution Required

3. That condition 1 of the retrospective planning approval for the construction of a balcony/walkway at No. 42B Alexander Road, East Fremantle in accordance with the plans date stamp received on 20 October 2010 read as follows:

"1. The erection of permanent screening, preventing direct line of sight for a minimum height of 1.65 metres above the relevant floor level and extending continuously along the northern elevation."

Note: The applicant is advised that this decision does not otherwise vary the conditions of approval issued 14 December 2010.

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RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

1. That Council give consideration to the proposal to revoke part of the resolution granting retrospective planning approval for a rear balcony/walkway at 42B Alexandra Road. To be supported by at least one third of Council members

2. That part of the resolution of the Council, Minute Book reference 346.8 of the Council meeting held on 14 December 2010, and which is as follows, be revoked:
 - “1. the erection of permanent screening, preventing direct line of sight for a minimum height of 1.65 metres above the relevant floor level and extending continuously along the northern elevation and for a minimum of 1 metre along the eastern elevation.” Absolute Majority Resolution Required

3. That condition 1 of the retrospective planning approval for the construction of a balcony/walkway at No. 42B Alexander Road, East Fremantle in accordance with the plans date stamp received on 20 October 2010 read as follows:
 - “1. The erection of permanent screening, preventing direct line of sight for a minimum height of 1.65 metres above the relevant floor level and extending continuously along the northern elevation.”

Note: The applicant is advised that this decision does not otherwise vary the conditions of approval issued 14 December 2010. CARRIED

T35.8

Clayton Street No. 44 – Spa, Pool, Fence & Decking

Owner & Applicant: Roger & Lucy Lewis

Application No. P40/2011

By Jamie Douglas, Manager – Town Planning Services on 7 April 2011

BACKGROUND

Purpose of this Report

The report considers a request for retrospective Planning Approval for an above ground spa, decking and fencing and recommends the proposal be approved.

Statutory Considerations

Town Planning Scheme No. 3

Impact on Public Domain

Tree in verge : NA
Light pole : NA
Crossover : NA
Footpath : NA
Streetscape : NA

Documentation

Plans and relevant forms date stamp received on 18 March 2011

Date Application Received

18 March 2011

CONSULTATION

The proposal incorporates letters of support from the rear and adjoining neighbours at 44A and 42 Clayton Street respectively.

ASSESSMENT

The proposal is for retrospective approval of an above ground spa, decking and fencing. The works are of a minor nature and are fully contained behind existing boundary walls on the property. There is a battleaxe lot to the rear of the subject site and the vehicle

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access and manoeuvring areas adjacent to the site of the spa provide separation to neighbours. The relevant neighbours have advised they do not object to the proposal.

The works are minor in nature and raise no planning issues however the proposal is referred to Council because it is for retrospective approval of existing works. It is proposed to apply a condition of approval requiring that a Building Approval Certificate be obtained which will necessitate an inspection of the spa fence.

RECOMMENDATION

That Council agree to the retrospective planning approval for an above ground spa, decking and fencing at No. 44 Clayton Street, East Fremantle in accordance with the plans and information date stamp received on 18 March 2011 subject to the following condition;

1. A Building Approval Certificate shall be obtained from Council for the works the subject 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 approval certificate is to conform with the approved plans unless otherwise approved by Council.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

That Council agree to the retrospective planning approval for an above ground spa, decking and fencing at No. 44 Clayton Street, East Fremantle in accordance with the plans and information date stamp received on 18 March 2011 subject to the following condition;

1. A Building Approval Certificate shall be obtained from Council for the works the subject 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 approval certificate is to conform with the approved plans unless otherwise approved by Council.*

CARRIED

T35.9 Windsor Road No. 8 (Lot 561) - Solar Panels

Owner & Applicant: PJ and ML King

Application No. P32/2011

Gemma Basley Town Planner on 29 March 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the installation of solar panels on the north facing roof of the existing residence at No. 8 Windsor Road, East Fremantle is the subject of this report. More specifically the application proposes to install 17 x 1.4kw panels in three blocks on the north facing roof of the property.

The subject property contains a residence which is included on Council's Municipal Heritage Inventory. As such the application has been assessed taking into account the streetscape impact of solar panels being placed on a heritage residence.

This report recommends conditional approval.

Statutory Requirements

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

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Local Planning Strategy - Richmond Precinct (LPS)
Residential Design Codes (RDC)
'B+' Management Category on Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy for Solar Collectors

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Solar Panels on the north facing roof and behind the front ridge will not be visible from Windsor Road and will not impact on the streetscape.

Documentation

Plans and relevant forms date stamp received on 9 March 2011

Date Application Received

9 March 2011

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

29 Sept 2005 Council grants conditional approval for a below ground swimming pool.
17 April 2008: Council grants Delegated Approval for a below ground swimming pool.

CONSULTATION

Advertising

The application was not advertised for public comment because it was considered that it did not have any impacts on surrounding properties. The panels will only be visible from Braemar House which adjoins the site to the north but which has a wide driveway and parking area separating it from the subject site.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel (TPAP) at its meeting of the 22nd March wherein the Panel advised that it supported the application for solar panels and did not assess the panels as having a detrimental streetscape impact.

ASSESSMENT

The application proposes the installation of 17 solar panels on the north facing roof of the residence at No. 8 Windsor Road, East Fremantle. The panels will not be visible from the street

The placement of solar panels is controlled via the R-Codes 2008 and Council's Local Planning Policy – Guidelines for Solar Collectors. The Policy identifies that an application is required if the property is included on the Municipal Heritage Inventory as is the subject property.

The Guidelines list the following Criteria for Determination of Planning Applications:

Policy Criteria	Assessment against Application
Unless it can be successfully integrated into the design of the building, every effort should be made to minimise the visibility of a solar collector from the street or public recreational reserve and limit its impact on significant heritage properties (properties included on the Municipal	The proposed solar panels will not be visible from the street. The property is included on the MI.

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Policy Criteria	Assessment against Application
and/or State Heritage List).	
Solar collectors located on the main frontal roof plane addressing a public place are to be avoided where practical siting alternatives exist.	Not Applicable
Wherever practical, opportunities for concealment of solar collectors shall be utilised –such as ‘hiding’ them in <u>roof valleys</u> (refer Appendix A for an explanation of terms), on rear roof planes or behind parapets. Alternatives to solar hot water systems, such as <u>solar heat pumps</u> , should also be considered where necessary.	The solar panels will be positioned on the north facing roof plan which will conceal them from street view.
The historic fabric of a building should not be unnecessarily disturbed or destroyed, in line with minimum intervention and reversibility principles – i.e. when a system is removed the building should be able to be fully restored.	Not Applicable.
Solar panels tanks and other infrastructure should not display any form of private advertising or branding, visible from street level.	Not applicable
Avoid placing the system on or near the property boundary without first obtaining consent from the adjoining owner(s).	Not applicable
To ensure operational effectiveness, all panels should be positioned to avoid existing shadows cast from nearby buildings, structures and trees.	No overshadowing will impact on the panels.
In order for units to be subservient to the building fabric, the extent of roofing material to be covered with solar collectors shall not exceed 20% for a visible roof plane.	The north facing roof is not visible to the street.

The application does not propose any structural alterations to the front of the residence or any other development that would detract from the residential character and amenity of the surrounding area or impact on the streetscape.

Given that the proposal meets all of the relevant acceptable development provisions of TPS3, the R-Codes and Council's Local Planning Policy-Guidelines for Solar Collectors and no discretionary decision is required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That Council exercise its discretion in granting approval for the installation of 17 x 1.4kw solar panels at No. 8 Windsor Road, East Fremantle, in accordance with plans date stamp received on 9 March 2011, 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.

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3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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).*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Nardi

That Council exercise its discretion in granting approval for the installation of 17 x 1.4kw solar panels at No. 8 Windsor Road, East Fremantle, in accordance with plans date stamp received on 9 March 2011, 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. **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).*

CARRIED

T35.10 Walter Street No. 19A (Lot 2) - Home Occupation Licence Renewal - Dog Grooming

Applicant: A Kennedy

Owner: D Timms & P Davis

Application No. P19/2010

By Gemma Basley Town Planner on 4 April 2011

BACKGROUND

Description of Proposal

An Application to renew the Home Occupation Licence for Dog Grooming at No. 19A Walter Street, East Fremantle is the subject of this report.

This report recommends conditional approval.

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Description of Site

The subject site is:

- zoned Residential R12.5
- located in the Richmond Precinct; and
- developed with a single-storey grouped dwelling.

Statutory Considerations

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

Relevant Council Policies

Residential Development Policy (LPP 142)

Date Application Received

21 March 2011

ADVERTISING

The application was not advertised for public comment on the basis that no complaints had been received over the last 12 months of the Home Occupation operating.

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

Nil

REPORT

Issues

Home Occupation

The applicant is seeking to renew the approval for Home Occupation – Dog Grooming. The following information outlines the use and hours of operation of the home occupation:

- The hours of operation are 8.00am to 2.00pm Monday to Saturday; however the business currently only operates 3 days a week; and
- A 12.25m² area of the existing carport area utilised for the dog grooming;

Home Occupation is a “D” use in the Residential zone, which means:

“that the use is not permitted unless the local government has exercised its discretion by granting planning approval.” (TPS 3, sub-clause 5.3.2)

The following table provides compliance details in relation to Home Occupation use under Town Planning Scheme No.3:

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier’s household.	Owner is only employee
Will not cause injury to or adversely affect the amenity of the neighbourhood.	No Impact on neighbourhood
Does not occupy an area greater than 20 square metres.	Carport (12.2m ² in area) to be used
Does not display a sign exceeding 0.2 square metres.	Condition applied
Does not involve the retail sale, display or hire of goods of any nature.	Condition applied
In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally	As the customers of the dog grooming business will only be dropping off and picking up the dogs, an extra car parking

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<p>required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles.</p>	<p>space is not considered to be necessary for the proposed home occupation. It also should be noted that because the proposed home occupation will occur in the carport, one on-site parking area will be lost. However based on the fact that the business is only operating 3 days a week and the driveway of the property is long enough to fit 2 cars (one for the owner and one for the customer), the variation is considered acceptable. To address this issue condition 6 specifies details about car parking and safety matters to be reviewed and/or addressed at the end of the 12 month annual review.</p>
<p>Does not involve the use of an essential service of greater capacity than normally required in the zone.</p>	<p>Complies</p>

Discussion

The proposal is considered to be a relatively low key activity, which has a minimal impact (if any) on the amenity of adjoining or nearby properties or on the neighbourhood generally.

The recommendation includes a condition that enables any issues or complaints associated with the home occupation to be addressed prior to the renewal of the licence.

Over the last 12 months of the Home Occupation being operational there have been no concerns or complaints relating to the business lodged with Council. This suggests that the business is operating in accordance with the earlier approval and that is acceptable to renew the approval for a period of 24 months.

Given that the proposal meets all relevant performance criteria provisions and no discretionary decisions are required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That Council exercise its discretion in granting approval for the renewal of Home Occupation (Dog Grooming) at No. 19A (Lot 2) Walter Street, East Fremantle, subject to the following conditions:

1. The hours of operation are limited from 8:00am until 2:00pm, Monday to Saturday, and only operating 3 days of the week;
2. No signage shall be displayed that is exceeding 0.2 square metres;
3. The home occupation (dog grooming) shall not involve the retail sale, display of hire of goods of any nature;
4. The home occupation (dog grooming) shall not employ any person who is not a member of the occupier's household;
5. Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation; and
6. The home occupation (dog grooming) approval is for 24 months only from the date of the "Approval to Commence Development". Continuation of this planning approval shall require a renewal before the expiration of the approval. During the review of the renewal process, assessment of car parking, noise and safety will be undertaken.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

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- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Nardi

That Council exercise its discretion in granting approval for the renewal of Home Occupation (Dog Grooming) at No. 19A (Lot 2) Walter Street, East Fremantle, subject to the following conditions:

1. The hours of operation are limited from 8:00am until 2:00pm, Monday to Saturday, and only operating 3 days of the week;
2. No signage shall be displayed that is exceeding 0.2 square metres;
3. The home occupation (dog grooming) shall not involve the retail sale, display of hire of goods of any nature;
4. The home occupation (dog grooming) shall not employ any person who is not a member of the occupier's household;
5. Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation; and
6. The home occupation (dog grooming) approval is for 24 months only from the date of the "Approval to Commence Development". Continuation of this planning approval shall require a renewal before the expiration of the approval. During the review of the renewal process, assessment of car parking, noise and safety will be undertaken.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.* **CARRIED**

Cr de Jong made the following impartiality declaration in the matter of No. 23 Walter Street: "As a consequence of being a client and friend of the applicant, Tony Bence, 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".

T35.11 Walter Street No. 23 (Lot 47) - Home Occupation Renewal - Sports & Remedial Massage

Owner & Applicant: A J Bence

Application No. P32/2010

Gemma Basley Town Planner on 4 April 2011

BACKGROUND

Description of Proposal

An Application to renew the Home Occupation Licence for Sports and Remedial Massage at No. 23 Walter Street, East Fremantle is the subject of this report.

This report recommends conditional approval.

Description of Site

The subject site is:

- 896m² in area;
- zoned Residential R12.5
- located in the Woodside Precinct; and
- developed with a single-storey single dwelling that is included on the Municipal Inventory.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy – Woodside Precinct (LPS)

Residential Design Codes (R-Codes)

Relevant Council Policies

Residential Development Policy (LPP 142)

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Date Application Received

23 March 2011

ADVERTISING

The application was not advertised for public comment on the basis that no complaints had been received over the last 12 months of the Home Occupation operating.

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

Nil.

REPORT

Issues

Home Occupation

The applicant is seeking to renew the approval for Home Occupation - Sports and Remedial Massage. The following information outlines the current and proposed use and hours of operation of the home occupation:

- The hours of operation proposed are;
 - 9.00am to 3.00pm - Monday to Friday
 - 5.00pm to 7.00pm - Monday, Tuesday & Thursday
 - 9.00am to 2.00pm - Saturday
- A 20m² area of the family/living room is the only room utilised for the massage; and
- Sufficient parking is provided on site (driveway area).

Home Occupation is a "D" use in the Residential zone, which means:

"that the use is not permitted unless the local government has exercised its discretion by granting planning approval." (TPS 3, sub-clause 5.3.2)

The following table provides compliance details in relation to Home Occupation use under Town Planning Scheme No.3:

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier's household.	Owner is only employee
Will not cause injury to or adversely affect the amenity of the neighbourhood.	No Impact on neighbourhood
Does not occupy an area greater than 20 square metres.	Family/living (20m ² area) to be used
Does not display a sign exceeding 0.2 square metres.	Condition applied
Does not involve the retail sale, display or hire of goods of any nature.	Condition applied
In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles.	There is ample parking on site
Does not involve the use of an essential service of greater capacity than normally required in the zone.	Complies

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Discussion

There is ample parking available in the driveway area for clients. The Home Occupation has been conditioned to have a maximum of one (1) client at any one time to avoid any potential parking problems arising.

The proposal is considered to be a relatively low key activity, which has a minimal impact (if any) on the amenity of adjoining or nearby properties or on the neighbourhood generally.

Over the last 12 months of the Home Occupation being operational there have been no concerns or complaints relating to the business lodged with Council. This indicates that the business is operating in accordance with the earlier approval and that is acceptable to renew the approval for a period of 24 months.

Given that the proposal meets all relevant acceptable development provisions and no discretionary decisions are required by Council, the home occupation renewal is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for the renewal of a Home Occupation (Sports and Remedial Massage) at No. 23 (Lot 47) Walter Street, East Fremantle, subject to the following conditions:

1. Hours of operation are limited from:
9.00am to 3.00pm - Monday to Friday
5.00pm to 7.00pm - Monday, Tuesday & Thursday
9.00am to 2.00pm - Saturday
2. No signage shall be displayed exceeding 0.2m².
3. The home occupation shall not involve the retail sale, display or hire of goods of any nature.
4. The home occupation shall not employ any person who is not a member of the occupier's household.
5. Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation.
6. The home occupation (Sports & Remedial Massage) approval is for 24 months only from the date of the "Approval to Commence Development". Continuation of this planning approval shall require a renewal before the expiration of the approval.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council exercise its discretion in granting approval for the renewal of a Home Occupation (Sports and Remedial Massage) at No. 23 (Lot 47) Walter Street, East Fremantle, subject to the following conditions:

1. **Hours of operation are limited from:**
9.00am to 3.00pm - Monday to Friday
5.00pm to 7.00pm - Monday, Tuesday & Thursday
9.00am to 2.00pm - Saturday
2. **No signage shall be displayed exceeding 0.2m².**
3. **The home occupation shall not involve the retail sale, display or hire of goods of any nature.**
4. **The home occupation shall not employ any person who is not a member of the occupier's household.**
5. **Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation.**
6. **The home occupation (Sports & Remedial Massage) approval is for 24 months only from the date of the "Approval to Commence Development".**

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Continuation of this planning approval shall require a renewal before the expiration of the approval.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

(a) an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.

CARRIED

T35.12 Fortescue Street No. 42 (Lot 1) - Solar Panels
Owner & Applicant: Des and Nancy Yesberg
Application No. P37/2011
Gemma Basley Town Planner on 29 March 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the installation of solar panels on the west facing roof of the existing residence at No. 42 Fortescue Street, East Fremantle is the subject of this report. More specifically the application proposes to install 10 x 1.9kw panels in two rows on the roof facing Fortescue Street.

The subject property contains a residence which is included on Council's Municipal Heritage Inventory. As such the application has been assessed taking into account the streetscape impact of solar panels being placed on a heritage residence.

As will be detailed later in this report, the applicants acknowledge that locating solar panels to be visible from the street is undesirable and as such have advised that the solar panels can be positioned on the east facing roof where they will not be visible to the street. Based on this, the remainder of this report will assess the application for solar panels on the east facing roof of the residence at No. 42 Fortescue Street.

This report recommends conditional approval.

Statutory Requirements

Town Planning Scheme No. 3 – Residential R20 (TPS 3)
Local Planning Strategy - Woodside Precinct (LPS)
Residential Design Codes (RDC)
'C' Management Category on Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy for Solar Collectors

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Solar Panels on the west facing roof would be visible from Fortescue Street and would have a detrimental impact. The installation of solar panels on the east facing roof would not be visible from the street and would not have any impact on streetscape.

Documentation

Plans and relevant forms date stamp received on 14 March 2011

Date Application Received

14 March 2011

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

15 April 2008 Council grants conditional approval for alterations and additions at the rear of the residence

27 April 2009: Council grants Delegated Approval for a patio structure in the rear yard.

CONSULTATION

Advertising

The application is currently being advertised to adjoining neighbours for a two week period with the advertising period closing on the 8 April 2011. Thus far no submissions or objections have been received.

If any submissions are received that object to the proposal, the recommendation of this report may need to be reconsidered.

Town Planning Advisory Panel

The subject application was considered by the Town Planning Advisory Panel (TPAP) at its meeting of the 22 March wherein the following comments were made:

- Panel refers to the Town's 'Guidelines for Solar Collectors'
- Panel recommends the solar panels are not located fronting the streetscape.

In response to the Panels comments the applicants have advised that they are willing to locate the solar panels on the eastern side of the residence where they will not be visible from the street.

The location of the panels on the eastern side of the residence is acceptable and the application is therefore presented for approval.

ASSESSMENT

The application proposes the installation of 10 solar panels on the east facing roof of the residence at 42 Fortescue Street. The panels will not be visible from the street

The placement of solar panels is controlled via the R-Codes 2008 and Council's Local Planning Policy – Guidelines for Solar Collectors. The Policy identifies that an application is required if the property is included on the Municipal Heritage Inventory as is the subject property.

The Guidelines list the following Criteria for Determination of Planning Applications:

Policy Criteria	Assessment against Application
Unless it can be successfully integrated into the design of the building, every effort should be made to minimise the visibility of a solar collector from the street or public recreational reserve and limit its impact on significant heritage properties (properties included on the Municipal and/or State Heritage List).	The proposed solar panels will not be visible from the street. The property is included on the MI.
Solar collectors located on the main frontal roof plane addressing a public place are to be avoided where practical siting alternatives exist.	Not Applicable
Wherever practical, opportunities for concealment of solar collectors shall be utilised –such as 'hiding' them in <u>roof valleys</u> (refer Appendix A for an explanation of terms), on rear roof planes or behind parapets. Alternatives to solar hot water systems, such as <u>solar heat pumps</u> , should also be considered where necessary.	The solar panels will be positioned on the east facing roof plan which will conceal them from street view.
The historic fabric of a building should not	Not Applicable.

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Policy Criteria	Assessment against Application
be unnecessarily disturbed or destroyed, in line with minimum intervention and reversibility principles – i.e. when a system is removed the building should be able to be fully restored.	
Solar panels tanks and other infrastructure should not display any form of private advertising or branding, visible from street level.	To be conditioned.
Avoid placing the system on or near the property boundary without first obtaining consent from the adjoining owner(s).	The application has been advertised to adjoining neighbours with no objections being raised.
To ensure operational effectiveness, all panels should be positioned to avoid existing shadows cast from nearby buildings, structures and trees.	No overshadowing will impact on the panels.
In order for units to be subservient to the building fabric, the extent of roofing material to be covered with solar collectors shall not exceed 20% for a visible roof plane.	The east facing roof is not visible to the street.

The application does not propose any structural alterations to the front of the residence or any other development that would detract from the residential character and amenity of the surrounding area or impact on the streetscape.

Given that the proposal meets all of the relevant acceptable development provisions of TPS3, the R-Codes and Council's Local Planning Policy-Guidelines for Solar Collectors and no discretionary decision is required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That Council exercise its discretion in granting approval for the installation of 10 x 1.9kw solar panels at 42 Fortescue Street, East Fremantle, in accordance with plans date stamp received on 14 March 2011, subject to the following conditions:

1. The solar panels are to be located on the eastern side of the house roof (east facing roof plane).
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a 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. 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).

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Nardi

That Council exercise its discretion in granting approval for the installation of 10 x 1.9kw solar panels at 42 Fortescue Street, East Fremantle, in accordance with plans date stamp received on 14 March 2011, subject to the following conditions:

1. The solar panels are to be located on the eastern side of the house roof (east facing roof plane).
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a 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. 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).***

CARRIED

**T35.13 Coolgardie Avenue No. 3 (Unit 3) - Home Occupation Renewal -Speech Pathology
Owner & Applicant: N Jones
Application No. P183/2009**

By Gemma Basley Town Planner on 4 April 2011

BACKGROUND

Description of Proposal

An Application to renew the Home Occupation Licence for Speech Pathology at No. 3 Coolgardie Avenue, East Fremantle is the subject of this report.

This report recommends conditional approval.

Description of Proposal

The subject site is:

- 340m² in area;
- zoned Residential R12.5
- located in the Richmond Precinct; and
- developed with a two-storey grouped dwelling that is not included on the Municipal Inventory.

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Statutory Considerations

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

Relevant Council Policies

Residential Development Policy (LPP 142)

Date Application Received

23rd March 2011

ADVERTISING

The application was not advertised for public comment on the basis that no complaints had been received over the last 12 months of the Home Occupation operating.

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

Nil.

REPORT

Issues

Home Occupation

The applicant is a Speech Pathologist Consultant who conducts a home occupation business from the residence at No. 3 Coolgardie Avenue. The applicant has provided the following information in relation to the current use and hours of operation of the home occupation;

- The hours of operation are 8.30am to 4.30pm, two to three days per week (Monday to Wednesday);
- Clients are children aged between 3 and 12 years of age;
- One child is seen at a time (plus a parent/guardian) for a period of 30 minutes to 60 minutes;
- There is at least a 15 minute break between each client;
- Up to 6 clients will be seen per day;
- The study is the only room utilised for the practice; and
- There is adequate parking available behind the double garage on the property.

Home Occupation is a “D” use in the Residential zone, which means:

“that the use is not permitted unless the local government has exercised its discretion by granting planning approval.” (TPS 3, sub-clause 5.3.2)

The following table provides compliance details in relation to Home Occupation use under Town Planning Scheme No.3:

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier's household	Owner is only employee
Will not cause injury to or adversely affect the amenity of the neighbourhood	No Impact on neighbourhood
Does not occupy an area greater than 20 square metres	Study (15.8m ² in area).
Does not display a sign exceeding 0.2 square metres	Condition applied
Does not involve the retail sale, display or hire of goods of any nature	Condition applied

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<p>In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;</p>	<p>There is ample parking on site.</p>
<p>Does not involve the use of an essential service of greater capacity than normally required in the zone;</p>	<p>Complies</p>

Discussion

There is available parking behind the double garage on the property which provides ample parking for clients. The Home Occupation is been conditioned to have a maximum of one (1) client at any one time to avoid any potential parking problems arising.

The proposal is considered to be a relatively low key activity, which has minimal impact on the amenity of adjoining or nearby properties or on the neighbourhood generally.

Over the last 12 months of the Home Occupation being operational there have been no concerns or complaints relating to the business lodged with Council. This indicates that the business is operating in accordance with the earlier approval and that is acceptable to renew the approval for a period of 24 months.

Given that the proposal meets all relevant acceptable development provisions and no discretionary decisions are required by Council, the proposal is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for the renewal of Home Occupation (Speech Pathologist) at No. 3/3 (Lot 3) Coolgardie Avenue, East Fremantle, subject to the following conditions:

1. Hours of operation are limited from 8.30am to 5.00pm Monday to Friday;
2. The clients shall park in the driveway of No.3/3 Coolgardie Street and not in the visitor bays.
3. No signage shall be displayed exceeding 0.2 square metres.
4. The home occupation shall not involve the retail sale, display or hire of goods of any nature.
5. The home occupation shall not employ any person who is not a member of the occupier's household.
6. Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation.
7. This approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (a) *an Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*

RECOMMENDATION TO COUNCIL

Cr Nardi – Cr Collinson

That Council exercise its discretion in granting approval for the renewal of Home Occupation (Speech Pathologist) at No. 3/3 (Lot 3) Coolgardie Avenue, East Fremantle, subject to the following conditions:

- 1. Hours of operation are limited from 8.30am to 5.00pm Monday to Friday;**

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2. The clients shall park in the driveway of No.3/3 Coolgardie Street and not in the visitor bays.
3. No signage shall be displayed exceeding 0.2 square metres.
4. The home occupation shall not involve the retail sale, display or hire of goods of any nature.
5. The home occupation shall not employ any person who is not a member of the occupier's household.
6. Only one (1) client shall be seen at any one time and there shall be at least a fifteen (15) minute break between each consultation.
7. This approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

- (a) *An Annual Renewal Fee for this Home Occupation is required to be paid to enable continuation of the practice.*

CARRIED

Crs Wilson, Martin, de Jong, Nardi, Rico & Collinson made the following impartiality declaration in the matter of No. 10 Fortescue Street: "As a consequence of working with the Chief Executive Officer, Stuart Wearne, in our capacity as elected members of the Town, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T35.14 Fortescue Street No 10 (Lot 179) - Solar Panels
Owner & Applicant: Stuart Wearne and Raya Stanton
Application No. P52/2011
Gemma Basley Town Planner on 8 April 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the installation of solar panels on the east facing roof of the existing residence at No. 10 Fortescue Street, East Fremantle is the subject of this report. More specifically the application proposes to install 13 x 240 watt panels in rows on the east facing roof.

The subject property contains a residence which is included on Council's Municipal Heritage Inventory as a 'B+' Management Category. As such the application has been assessed taking into account the streetscape impact of solar panels being placed on a heritage residence.

This report recommends conditional approval.

Statutory Requirements

Town Planning Scheme No. 3 – Residential R20 (TPS 3)
Local Planning Strategy - Woodside Precinct (LPS)
Residential Design Codes (RDC)
'B+' Management Category on Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy for Solar Collectors

Impact on Public Domain

Tree in verge: No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape: No impact.

Documentation

Plans and relevant forms date stamp received on 7 April 2011

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Date Application Received

7 April 2011

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

- 30 March 1978: Building Permit 093/1259 approved for alterations & additions;
- 10 Oct 1984: Building Permit 117/861 approval for a garden shed;
- 16 March 1987: Council decides that a building licence be issued for works to the house at 10 Fortescue Street;
- 20 Feb 2001: Council grants approval for a workshop with a mezzanine subject to conditions;
- 30 April 2001: Building Licence 10/3050 approved for an outbuilding with a mezzanine floor;
- 27 August 2008: Delegated Planning Approval granted for the installation of 2 new timber windows in the northern kitchen wall at the rear of the residence.

CONSULTATION

Advertising

The application has not been advertised to adjoining neighbours because it is assessed that the panels will not be visible beyond the property boundaries. This is because the panels are proposed to be installed at the rear of the residence and because of the significant vegetation on the property that restricts views into the site.

ASSESSMENT

The application proposes the installation of 13 solar panels on the east facing roof of the residence at No. 10 Fortescue Street. The east facing roof is a single storey pitched roof and the panels will not be visible from the street

The placement of solar panels is controlled via the R-Codes 2008 and Council's Local Planning Policy – Guidelines for Solar Collectors. The Policy identifies that an application is required if the property is included on the Municipal Heritage Inventory as is the subject property.

The Guidelines list the following Criteria for Determination of Planning Applications:

Policy Criteria	Assessment against Application
Unless it can be successfully integrated into the design of the building, every effort should be made to minimise the visibility of a solar collector from the street or public recreational reserve and limit its impact on significant heritage properties (properties included on the Municipal and/or State Heritage List).	The proposed solar panels will be installed on the east facing roof and will not be visible from the street. The property is included on the MI as B+ Management Category.
Solar collectors located on the main frontal roof plane addressing a public place are to be avoided where practical siting alternatives exist.	Not Applicable
Wherever practical, opportunities for concealment of solar collectors shall be utilised –such as 'hiding' them in <u>roof valleys</u> (refer Appendix A for an explanation of terms), on rear roof planes or behind parapets. Alternatives to solar hot water systems, such as <u>solar heat pumps</u> , should also be considered where necessary.	The solar panels will be positioned on the east facing roof plane which will conceal them from street view.
The historic fabric of a building should not be unnecessarily disturbed or destroyed, in	Not Applicable

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Policy Criteria	Assessment against Application
line with minimum intervention and reversibility principles – i.e. when a system is removed the building should be able to be fully restored.	
Solar panels tanks and other infrastructure should not display any form of private advertising or branding, visible from street level.	To be conditioned.
Avoid placing the system on or near the property boundary without first obtaining consent from the adjoining owner(s).	The panels will be positioned in the order of 24 metres from the eastern boundary and a minimum of 5 metres from the side boundaries.
To ensure operational effectiveness, all panels should be positioned to avoid existing shadows cast from nearby buildings, structures and trees.	No overshadowing will impact on the panels.
In order for units to be subservient to the building fabric, the extent of roofing material to be covered with solar collectors shall not exceed 20% for a visible roof plane.	The east facing roof is not visible to the street.

The application proposes to install 13 panels on a section of roof that is not visible to the street or to adjoining properties. The panels will be installed on an east facing pitch which is behind the main ridgeline of the roof and which is also concealed by a valley in the roof (southern side) and an additional ridge (northern side).

The application does not propose any structural alterations to the front of the residence or any other development that would detract from the residential character and amenity of the surrounding area or impact on the streetscape.

Given that the proposal meets all of the relevant acceptable development provisions of TPS3, the R-Codes and Council's Local Planning Policy-Guidelines for Solar Collectors and no discretionary decision is required by Council, the proposal is supported and recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the installation of 13 x 240 watt solar panels at No. 10 Fortescue Street, East Fremantle, in accordance with plans date stamp received on 7 April 2011, 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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

That Council exercise its discretion in granting approval for the installation of 13 x 240 watt solar panels at No. 10 Fortescue Street, East Fremantle, in accordance with plans date stamp received on 7 April 2011, 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. **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).*

CARRIED

T35.15 Dalgety Street No. 8 (Lot 1) - Solar Panels
Owner & Applicant: Tim Carter
Application No. P43/2011
Gemma Basley Town Planner on 8 April 2011

BACKGROUND

Purpose of this Report

An Application for Planning Approval for the installation of solar panels on a section of a north facing roof of the existing residence at No. 8 Dalgety Street, East Fremantle is the subject of this report. More specifically the application proposes to install 8 x 1.9kw panels on the north facing roof of the property. The panels are proposed to be 1.58 metres long and 0.8 metres wide and with a depth of 35mm.

The subject property contains a residence which is included on Council's Municipal Heritage Inventory. As such the application has been assessed taking into account the streetscape impact of solar panels being placed on a heritage residence.

This report recommends conditional approval.

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Statutory Requirements

Town Planning Scheme No. 3 – Residential R20 (TPS 3)
Local Planning Strategy - Woodside Precinct (LPS)
Residential Design Codes (RDC)
'B^' Management Category on Municipal Heritage Inventory

Relevant Council Policies

Local Planning Policy for Solar Collectors

Impact on Public Domain

Tree in verge: No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Solar Panels on the north facing roof and behind the front ridge will not be visible from Dalgety Street or Canning Highway and will not impact on the streetscape.

Documentation

Plans and relevant forms date stamp received on 24 March 2011

Date Application Received

24 March 2011

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

Nil

CONSULTATION

Advertising

The application was not advertised for public comment because it was considered that it did not have any impacts on surrounding properties.

ASSESSMENT

The application proposes the installation of 8 solar panels on the north facing roof of the residence at No. 8 Dalgety Street, East Fremantle. The panels will not be visible from the street because of them being positioned behind a ridge and not being placed on the main frontal roof plane. The application proposes to place the inverter in the garage.

The placement of solar panels is controlled via the R-Codes 2008 and Council's Local Planning Policy – Guidelines for Solar Collectors. The Policy identifies that an application is required if the property is included on the Municipal Heritage Inventory as is the subject property.

The Guidelines list the following Criteria for Determination of Planning Applications:

Policy Criteria	Assessment against Application
Unless it can be successfully integrated into the design of the building, every effort should be made to minimise the visibility of a solar collector from the street or public recreational reserve and limit its impact on significant heritage properties (properties included on the Municipal and/or State Heritage List).	The proposed solar panels will not be visible from the street. The property is included on the MI.
Solar collectors located on the main frontal roof plane addressing a public place are to be avoided where practical siting alternatives exist.	Not Applicable

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Wherever practical, opportunities for concealment of solar collectors shall be utilised –such as ‘hiding’ them in <u>roof valleys</u> (refer Appendix A for an explanation of terms), on rear roof planes or behind parapets. Alternatives to solar hot water systems, such as <u>solar heat pumps</u> , should also be considered where necessary.	The solar panels will be positioned on the north facing roof plan behind a ridge which will conceal them from street view.
The historic fabric of a building should not be unnecessarily disturbed or destroyed, in line with minimum intervention and reversibility principles – i.e. when a system is removed the building should be able to be fully restored.	Not Applicable.
Solar panels tanks and other infrastructure should not display any form of private advertising or branding, visible from street level.	Not applicable
Avoid placing the system on or near the property boundary without first obtaining consent from the adjoining owner(s).	Not applicable
To ensure operational effectiveness, all panels should be positioned to avoid existing shadows cast from nearby buildings, structures and trees.	No overshadowing will impact on the panels.
In order for units to be subservient to the building fabric, the extent of roofing material to be covered with solar collectors shall not exceed 20% for a visible roof plane.	The north facing roof is not visible to the street.

The application does not propose any structural alterations to the front of the residence or any other development that would detract from the residential character and amenity of the surrounding area or impact on the streetscape.

Given that the proposal meets all of the relevant acceptable development provisions of TPS3, the R-Codes and Council’s Local Planning Policy-Guidelines for Solar Collectors and no discretionary decision is required by Council, the proposal is supported under delegated authority.

RECOMMENDATION

That Council exercise its discretion in granting approval for the installation of 8 x 1.9kw solar panels at No.8 Dalgety Street, East Fremantle, in accordance with plans date stamp received on 24 March 2011, 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. 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).*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council exercise its discretion in granting approval for the installation of 8 x 1.9kw solar panels at No.8 Dalgety Street, East Fremantle, in accordance with plans date stamp received on 24 March 2011, 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.
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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).*

CARRIED

T36. REPORTS OF OFFICERS – STRATEGIC PLANNING

T36.1 Planning for the Revitalisation of the Town Centre

By Jamie Douglas, Manager Planning Services on 8 April 2011

At its meeting on 15 March 2011 Council considered a report outlining a course of action for community consultation and the completion of a planning framework to guide future development and achieve strategic planning objectives for the revitalisation of the Town Centre. This report provides an update on progress being undertaken in respect to this project.

COMMUNITY CONSULTATION

As previously reported it has been necessary to revise the Consultation Program and further changes have been incorporated following the last report to Council to incorporate the feedback from Councillors. A revised program outline from the consultation consultant Warren Giddings forms Attachment 1 to this report. In summary the program now comprises the following;

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- Two advertisements in the Gazette and Herald (refer Attachment 2) and a media release inviting expressions of interest from the general public to attend two workshops.
- Letters to 50 community groups inviting expressions of interest to attend two workshops.
- Letters to business operators inviting expressions of interest to attend two workshops.
- A total of 50 people (including 12 business operators) are confirmed to attend a Community Values Workshop at 6PM on Wednesday 13 April. The purpose of this workshop is to ascertain the community values or what they hold dear or consider important in relation to the Town Centre.
- A meeting with developers will nominally be held on Monday 18 April
- A Community Preferences Workshop will be held on Wednesday 20 April. The workshop will identify preferences in relation to Traffic, Architecture, Density, Landuse and landscape within the Town Centre.
- Community Forum will nominally be held in May 2011 to present feedback to the public on the consultation exercise and proposals for planning guidelines.

DETAILED AREA PLAN AND DEVELOPMENT GUIDELINES

As previously reported, the preliminary objectives and concept plan prepared by Malcolm Mackay (Mackay Urbandesign) are high level, general in nature and need to be translated into a more detailed and comprehensive guideline to provide the Town with a meaningful planning document which will achieve the desired vision. A Project Brief for the next stage of works has been prepared and submitted to Mackay Urbandesign on 17 March 2011. A copy of the Project Brief forms Attachment 3 to this report.

The following extract from the provides a brief summary of the work required and the contents of the Project Brief:

The purpose of this project is to translate and apply outcomes from the initial concept plan generation and consultation into a draft Local Planning Policy suitable for adoption by Council pursuant with Section 2 of the Town of East Fremantle Town Planning Scheme No 3. The LPP will comprise;

- *Detailed Area Plan which describes the development vision and Council's strategic and statutory planning objectives and requirements and integrates public and private sector development,*
- *Development Guidelines to influence design outcomes and provide a basis for determination of development proposals.*

The Project Brief defines the following:

- *Project purpose*
- *Project Objectives*
- *Statutory and Strategic Planning References*
- *Scope of Works*
- *Project management*
- *Project timeline*
- *Required Outcomes and Deliverables*
- *Submission Requirements*

Mackay Urbandesign response to the Project Brief forms Attachment 4 to this report. The response confirms that the required deliverables can be achieved within the nominated timeline for a cost of \$6,250 plus GST. It is considered the response is acceptable and the appointment of Mackay Urbandesign for the stage 2 works should be confirmed.

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RECOMMENDATION

It is recommended that the report be received and that the actions identified for the progression of the public consultation and planning guidelines for the revitalisation of the Town Centre be endorsed.

The Presiding Member commended the Manager Planning Services on his comprehensive report.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Wilson

The report be received and the actions identified for the progression of the public consultation and planning guidelines for the revitalisation of the Town Centre be endorsed.

CARRIED

T37. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T37.1 Royal George Hotel Update

Cr Martin sought a verbal update from the Manager Planning Services on the Royal George Hotel issue and requested that the CEO prepare a report setting out the current situation be presented to the next meeting of Council.

The Manager Planning Services briefed elected members on the current situation.

T38. CLOSURE OF MEETING

There being no further business the meeting closed at 8.12pm.

*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 **12 April 2011**, Minute Book reference **T27. to T38.** were confirmed at the meeting of the Committee on*

.....

Presiding Member