

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 9 OCTOBER 2007, COMMENCING AT 6.35 PM.

PART II

T103.7 **Habgood Street No. 10 (Lot 5014)**
Applicant: Brooking Design
Owner: Maria Finocchiaro
Application No. P165/07
By Chris Warrener, Town Planner on 4 October 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for renovations including additions to the 2-level house at 10 Habgood Street comprising replacement of the current roof with a custom orb curved roof structure to accommodate in the new roof space an upper level balcony, alfresco area, kitchen, dining & living area, master bedroom and en-suite, and outdoor areas comprising an elevated rear deck and swimming pool.

Statutory Requirements

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

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)
Local Planning Policy No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 28 August 2007

Date Application Received

28 August 2007

Advertising

Adjoining land owners only

Date Advertised

3 September 2007

Close of Comment Period

18 September 2007

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

6 March 1997	Approval granted under delegated authority for a 6m wide X 5.5m deep double free standing carport at the rear;
16 March 1997	Approval granted under delegated authority for a pergola;
21 March 2000	Council grants special approval for a reduced setback on the northwest boundary from 7.5m to 3m for a swimming pool;
7 April 2000	Building Licence 17/2937 issued for swimming pool.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 25 September 2007 and the following comments were made:

- very interesting
- no overshadowing
- wall height is reasonable given design of the roof

- excellent design

Public Submissions

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

- 2 Chauncy Street*
- Renovations are substantial in height and will impair views;
 - Alterations will devalue property.

Site Inspection

By Town Planner on 6 September 2007.

STATISTICS	Required	Proposed
Land Area		740m ² Existing
Open Space	55%	70.2% Acceptable
Zoning		R12.5
<u>Setbacks:</u>		
Front (south west)		
<i>Ground</i> <i>Study</i>	7.50	7.70 Acceptable
<i>Entry</i>	7.50	10.00 Acceptable
<i>Bedrooms 3 & 4</i>	7.50	7.70 Acceptable

<i>Upper Bathroom</i>	7.50	7.70
		Acceptable
<i>Kitchen</i>	7.50	7.70
		Acceptable
Rear (north east)		
<i>Ground Pool</i>	1.50	1.50
		Acceptable
<i>Deck (behind pool)</i>	7.50	5.80
		Discretion Required
<i>Upper Alfresco</i>	7.50	13.90
		Acceptable
<i>Void</i>	6.00	19.20
		Acceptable
<i>Balcony</i>	7.50	13.90
		Acceptable
Side (north west)		
<i>Ground Pool Deck</i>	1.00	1.73
		Acceptable
<i>Deck</i>	1.50	6.10
		Acceptable
<i>Bedroom 2/Study</i>	1.00	2.60
		Acceptable
<i>Upper Balcony/Master</i>	1.90	2.60
		Acceptable
Side (south east)		
<i>Ground Bed 4/Lounge</i>	1.50	3.02
		Acceptable
<i>Deck</i>	1.00	3.50
		Acceptable
<i>Pool</i>	1.00	5.00
		Acceptable
<i>Upper Kitchen, Living & Alfresco</i>	1.90	3.02
		Acceptable
Height:		
Wall	5.60	5.60
		Acceptable
Building	8.10	8.10
		Acceptable

Overshadowing: 9.4% of No. 8 Habgood Street

Privacy/Overlooking: Upper floor balcony on north west side overlooks a portion of No. 12 Habgood Street and upper floor alfresco overlooks a portion of No. 8 Habgood Street.

REPORT

Issues

Overlooking/Privacy

An elevated pool deck (2.7m above NGL) overlooks a portion of the back yard of 13 Locke Crescent.

The deck behind the pool is set back 5.8m from the rear boundary common with 13 Locke Crescent, the RDC recommend a 7.5m setback for unscreened balconies/decks.

An upper floor balcony on the northwest side overlooks a portion of 12 Habgood Street.

The cone of vision setback from the boundary is 4m, the RDC recommend a 7.5m setback.

An upper floor alfresco area on the southeast side overlooks a portion of 8 Habgood Street.

The cone of vision setback from the boundary is 5.6m, the RDC recommend a 7.5m setback.

Submission

The owner of 2 Chauncy Street objects to the application because it will significantly impair views down towards Blackwall Reach.

Discussion

Lodging the proposal the applicant states:

“The proposed renovation will essentially transform the current residence from a single storey, rendered brick, hip style red clay roofed bungalow (prevalent throughout the surrounding community), into a two storey, rendered brick, curved custom orb roofed residence (which will be in keeping with the more modern trend in the surrounding area). This represents a transformation which normally would require the complete demolition of an existing building. The proposed design modifications would retain not only the footprint of the existing building shell itself, preserving the amenity and views currently enjoyed by neighbouring residences.”

Overlooking/Privacy

The deck behind the pool overlooks a garage and vegetated garden areas not considered by the RDC to comprise outdoor living spaces.

The deck next to the pool is proposed to be screened as are the ground floor terrace and first floor balcony.

The overlooking setback variations are relatively minor, do not impact on outdoor living areas or habitable rooms, and can be supported.

It is worth noting that the new upper floor addition setbacks at the rear are similar to the setback of the existing upper floor verandah/deck.

The potentially affected property owners have not objected to the proposed variations.

Submission

The Town Planner met with the author of the submission to ascertain the extent of the impact on views by the development.

A portion of the view (between Camp Waller Sea Scouts and the East Fremantle Yacht Club) available to the rear of 2 Chauncy Street will be obscured by the development however the major portion of the view will not be affected (views up Blackwall Reach to the city).

Conclusion

This application will result in a unique development which generally complies with the RDC, the height limits recommended by LPP 142, and introduces another new house design into the Richmond Hill precinct.

There are a number of similarly unique houses in the area and nearby, notably 4, 6 and 12 Habgood Street, 16 Woodhouse Road, and 2 Chauncy Street.

RECOMMENDATION

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

- (a) variation to the northeast side cone of vision setback for a deck pursuant to the Residential Design Codes from 7.5m to 5.8m;
- (b) variation to the northwest side cone of vision setback for a balcony pursuant to the Residential Design Codes from 7.5m to 4m;

(c) variation to the southeast side cone of vision setback for an upper floor alfresco area pursuant to the Residential Design Codes from 7.5m to 5.6m;
for renovations including additions to the 2-level house at No. 10 (Lot 5014) Habgood Street, East Fremantle comprising replacement of the current roof with a custom orb curved roof structure to accommodate in the new roof space an upper level balcony, alfresco area, kitchen, dining & living area, master bedroom and en-suite, and outdoor areas comprising an elevated rear deck and swimming pool in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:

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

Footnote:

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

- (a) *this decision 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 Robert Weir (Brooking Design) & Mr Sam La Macchia (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Wilson

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

- (a) **variation to the northeast side cone of vision setback for a deck pursuant to the Residential Design Codes from 7.5m to 5.8m;**
- (b) **variation to the northwest side cone of vision setback for a balcony pursuant to the Residential Design Codes from 7.5m to 4m;**
- (c) **variation to the southeast side cone of vision setback for an upper floor alfresco area pursuant to the Residential Design Codes from 7.5m to 5.6m;**

for renovations including additions to the 2-level house at No. 10 (Lot 5014) Habgood Street, East Fremantle comprising replacement of the current roof with a custom orb curved roof structure to accommodate in the new roof space an upper level balcony, alfresco area, kitchen, dining & living area, master bedroom and en-suite, and outdoor areas comprising an elevated rear deck and swimming pool in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:

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

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

Footnote:

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

- (a) this decision 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

T103.8 ***Preston Point Road No. 162 (Lot 4)***

Applicant: Dolphin Design

Owner: Arthur Marshall

Application No. P170/07

By Chris Warrener, Town Planner on 5 October 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 3-level house, and a 2-level house at the southeast corner of Preston Point Road, and Gordon Street.

Statutory Considerations

Town Planning Scheme No. 3 – sub-Clause 5.3.1 Density Bonus for Corner Lots
Local Planning Strategy - Richmond Hill Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)
Local Planning Policy No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 4 September 2007

Date Application Received

4 September 2007

Additional information

Amended plans date stamp received on 14 September 2007 illustrating compliance with building height.

Advertising

Adjoining landowners and sign on site

Date Advertised

20 September 2007

Close of Comment Period

3 October 2007

No. of Days Elapsed between Lodgement & Meeting Date

25 days (revised)

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

15 October 2002 Council decides to advise the WAPC that it does not support an application to subdivide 162 Preston Point Road into 2 lots (1 X 489m², 1 X 490m²);
1 November 2002 WAPC refuses the application for subdivision;
30 August 2007 WAPC conditionally approves the subdivision of 162 Preston Point Road into 2 lots (1 X 500m², 1 X 479m²).

CONSULTATION**Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel at its meeting on 25 September 2005 and the following comments were made:

Unit (1)

- sloping block
- large north glass needs detail to balance the house
- large house
- concern re wall height
- schedule of materials / finishes to be provided

Unit (2)

- sloping block
- large house
- schedule of materials / finishes to be provided

Public Submissions

At the close of the comment period 1 submission was received.

Submission from Owner of 164A Preston Point RoadUnit (1)

- Concern regarding front setback
- Concern regarding height and view impacts

Unit (2)

Concern regarding overlooking & impact on privacy

General

- Concern regarding northern boundary wall
- Concern regarding rear boundary

Site Inspection

By Consultant Town Planner on 6 September 2007

UNIT (1) THREE LEVEL RESIDENCE - CNR PRESTON POINT ROAD & GORDON STREET

STATISTICS

Required

Proposed

Land Area				539m ² Existing
Open Space		55%		66.3% Acceptable
Zoning				R12.5
<u>Setbacks:</u>				
Front (north)				
	<i>Undercroft</i>	<i>Entertainment</i>	6.00	9.00 Acceptable
		<i>Bedroom (2)</i>	6.00	9.00 Acceptable
	<i>Ground</i>	<i>Living</i>	6.00	9.00 Acceptable
		<i>Balcony</i>	6.00	6.162 Acceptable
	<i>Upper</i>	<i>Balcony</i>	6.00	18.50 Acceptable
		<i>Study</i>	6.00	6.162 Acceptable
Rear (south)				
	<i>Undercroft</i>	<i>Bedroom (3)</i>	1.00	5.80 Acceptable
		<i>Stairs</i>	1.00	8.30 Acceptable
	<i>Ground</i>	<i>Garage</i>	Nil	LPP 142 Nil Acceptable
		<i>Laundry</i>	1.00	3.00 Acceptable
	<i>Upper</i>	<i>Studio</i>	1.20	6.20 Acceptable
		<i>Lift Well</i>	3.50	6.20 Acceptable
Side (west)				
	<i>Undercroft</i>	<i>Bedrooms (2) & (3)</i>	3.00	6.90 Acceptable
	<i>Ground</i>	<i>Balcony</i>	3.00	3.00 Acceptable
		<i>Dining</i>	3.00	7.00 Acceptable
		<i>Porch</i>	3.00	4.50 Acceptable
		<i>Garage</i>	3.00	5.30 Acceptable
	<i>Upper</i>	<i>Balcony</i>	3.00	7.00 Acceptable
		<i>Bedroom (1)</i>	3.00	7.00 Acceptable
		<i>Balcony</i>	3.00	4.50 Acceptable
		<i>Studio</i>	3.00	7.00 Acceptable

Side (east)			
<i>Undercroft</i>	<i>Stairs</i>	1.00	3.50 Acceptable
	<i>Entertainment</i>	1.50	1.50 Acceptable
<i>Ground</i>	<i>Study</i>	1.50	2.20 Acceptable
	<i>Stairs</i>	1.10	3.50 Acceptable
	<i>Living</i>	2.00	1.537 Discretion Required
	<i>Balcony</i>	1.50	6.70 Acceptable
<i>Upper</i>	<i>Stairs</i>	1.10	3.50 Acceptable
	<i>Balcony</i>	2.80	6.70 Acceptable
Height:			
Wall		5.60 & 6.50	6.50, 6.60, 6.70 & 7.40 Discretion Required
Building		8.10	8.10 Acceptable

Privacy/Overlooking: All balconies overlook the public domain

UNIT (2) TWO LEVEL RESIDENCE FACING GORDON STREET

STATISTICS		Required	Proposed
Land Area			440m ² Existing
Open Space		55%	61.0% Acceptable
Zoning			R12.5
Setbacks:			
Front (west)			
<i>Ground</i>	<i>Garage</i>	6.00	5.30 Discretion Required
	<i>Porch</i>	6.00	4.20 Discretion Required
	<i>Entertainment</i>	6.00	6.80 Acceptable
	<i>Bedroom (3)</i>	6.00	4.69 Discretion Required
<i>Upper</i>	<i>Balcony</i>	6.00	5.30 Discretion Required
	<i>Bedroom (1)</i>	6.00	4.69 Discretion Required
Rear (east)			
<i>Ground</i>	<i>Bedroom (4)</i>	1.50	5.037 Acceptable
	<i>Entertainment</i>	1.50	7.50 Acceptable
	<i>Stairs</i>	1.00	5.037 Acceptable
	<i>Laundry</i>	1.00	1.237 Acceptable
<i>Upper</i>	<i>Studio</i>	2.90	5.037 Acceptable

	<i>Kitchen</i>	1.20	1.237
			Acceptable
Side (north)			
<i>Ground</i>	<i>Garage & Guest Bedroom</i>	1.50	2.40
			Acceptable
<i>Upper</i>	<i>Kitchen / Dining</i>	2.80	2.40
			Discretion Required
	<i>Balcony</i>	2.80	2.40
			Discretion Required
Side (south)			
<i>Ground</i>	<i>Bedroom (3) & (4)</i>	1.00	1.00
			Acceptable
	<i>Bedroom (1) & Ensuite</i>	1.10	1.00
			Discretion Required
Height:			
Wall		5.60	6.00
			Discretion Required
Building		8.10	8.09
			Acceptable

REPORT

Assessment

This application is for the development of a corner lot to build two houses, one a 3-level residence at the corner of Preston Point Road and Gordon Street, and the other a 2-level residence facing Gordon Street.

TPS 3 allows for the R20 development of corner lots. It states:

"5.3.1 Density Bonus for Corner Lots: In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development."

Therefore the individual assessments of setbacks, etc for the two houses are based on applying the R20 code.

The WAPC has granted conditional approval to subdivide the subject land. Condition No. 1 of the approval states:

"Prior to the commencement of subdivision works to satisfy the conditions of this approval, Planning Approval shall be obtained from the Town of East Fremantle pursuant to the provisions of the Town of East Fremantle's Local Planning Scheme No. 3 (specifically sub clause 5.3.1) for the construction of a single house on each of the proposed lots. (Local Government)"

It is noted that the lot areas proposed in this planning application differ from the lot areas for which the WAPC's subdivision approval was granted.

The WAPC approval is for a 500m² lot, and a 479m² lot.

This planning application proposes a 539m² lot and a 440m² lot.

In this case the design of the two new houses has dictated the need to adjust the areas of the proposed new lots (the corner lot has been enlarged to accommodate more generous front boundary (Preston Point Road) setbacks).

The lot size variation is relatively minor, and both lots satisfy the minimum requirement for R20, which is 440². In any event all plans of subdivision are "subject to survey", and invariably there are differences in area calculations and dimensions between an approved plan and the survey plan.

If Council decides to approve this planning application it will be necessary to similarly advise the WAPC noting in particular the proposed lot area variation.

Unit 1 (facing Preston Point Road, with vehicle access off Gordon Street)

Issues

Roof Pitch

The application proposes that the roof of Unit 1 be pitched at 24°.

LPP 066 states:

“dominant elements to be greater than 28°.”

Wall Height

The height above natural ground level (NGL) of the upper floor balcony to the front (north side) is 6.7m.

The height above NGL of the upper floor wall for Bedroom 1 on the west side is 6.5m.

The height above NGL of the upper floor balcony on the east side (rear) is 6.6m.

LPP 142 recommends a wall height limit of 5.6m.

The height above NGL of the upper floor lift well on the south side (rear) is 7.4m.

The roof of the lift well is flat (concealed). LPP 142 recommends a height limit of 6.5m for a concealed roof in this precinct.

Discussion

Roof Pitch

Being situated in the Richmond Hill precinct roof pitch is not considered to be a built element that has to be uniform because the majority of properties in this precinct have been developed with a wide variety of roof pitches, and roof shapes.

This variation is considered minor not impacting on local streetscape or neighbourhood amenity, and is supported.

Wall Height

All the height variations proposed are located near the front boundary facing Preston Point Road.

There is a 4m height difference in ground levels across the site sloping upwards away from Preston Point Road.

To build a 2-storey house on the block at the front has to involve some variation to wall height to maintain a level upper floor.

Being at the front these variations have no impact on adjoining or nearby property views.

The applicant redesigned the development following consultation with Council's planner to ensure that roof height is within the recommended limit. The lift well was reduced in height while it remains higher than recommended it is well below the recommended pitched roof height limit, and has no impact on surrounding property views.

Unit 2 (facing Gordon Street)

Issues

Boundary Setbacks

Front (west)

A double garage is set back 5.3m, a porch is set back 4.2m, bedroom 3 is set back 4.69m, an upper floor balcony is set back 5.3m, and upper floor bedroom 1 is set back 4.69m from the front boundary.

Pursuant to sub-clause 5.3.1 to TPS 3 this application has been assessed based on a density code of R20 applying.

The recommended front setback for an R20 coded property is 6m.

Side (north)

Common with Unit 1

On the upper floor a kitchen, dining room, and a balcony are set back 2.4m from the north side boundary.

The RDC recommend a 2.8m setback.

Side (south)

Common with 2 Philip Street

An upper floor bedroom and en-suite are setback 1m from the south side boundary.

The RDC recommend a 1.1m setback.

Roof Pitch

The application proposes that the roof of Unit 2 be pitched at 24°.

LPP 066 states:

“dominant elements to be greater than 28°.”

Wall Height

The upper floor wall for a kitchen/dining room and a balcony is 6m above NGL.

LPP 142 recommends a 5.6m wall height limit.

Discussion

Boundary Setbacks

The majority of houses along Gordon Street are on corner lots, and their setbacks to this street are less than 6m. Many are within 2m of Gordon Street.

Examples are found at 1 and 2 Philip Street (corner Gordon Street), 49 Woodhouse Road (corner Gordon Street), 10 Gordon Street, and 160 Preston Point Road (corner Gordon Street).

Based on the setbacks of houses along Gordon Street, the proposed front setback variations for Unit 2 are not considered to negatively impact on local streetscape amenity.

The reduced setback to the front has meant that the designer has been able to provide more useable private outdoor living space to the east side, resulting in more generous setbacks from the neighbour at 164A Preston Point Road.

The front setback variation ranges between 0.7m and 1.8m, and is considered a relatively minor deviation from the recommended setback, and the “articulated” frontage is considered to make a positive contribution to the local streetscape.

Roof Pitch Again, being situated in the Richmond Hill precinct roof pitch is not considered to be a built element that has to be uniform because the majority of properties in this precinct have been developed with a wide variety of roof pitches, and roof shapes.

This variation is considered minor not impacting on local streetscape or neighbourhood amenity it matches the proposed 3-level house to the front, and is supported.

Wall Height The variation to wall height is again necessary to retain a level upper floor on a sloping site. The variation is relatively minor and has no impact on property views.

Roof height is under the limit recommended in LPP 142.

Conclusion

This application if approved and implemented will result in the construction of two modern open style houses, which comply in most respects with the RDC and LPP 142, are considered to make a positive contribution to the local streetscape, more attractive in appearance than the existing house.

The author of the submission was contacted to discuss the concerns raised, and it is suggested that in an effort to increase privacy separation between the new development and 162A Preston Point Road that the common boundary fence be of masonry construction (preferably limestone) up to 2m high.

The following recommendation includes a footnote suggesting that the boundary fence between 162 and 164A Preston Point Road be of masonry construction up to 2m high by agreement between the two property owners.

In regard to the other concerns the property boundaries and building heights shown on the submitted plans were clarified to the satisfaction of the author of the submission. The concern regarding view impacts will largely be overcome by the removal of the large eucalypt presently in the front setback of the subject land.

RECOMMENDATION

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

Unit 1

- (a) variation to wall height pursuant to Local Planning Policy 142 from 5.6m to 6.7m for an upper floor balcony on the north side;
- (b) variation to wall height pursuant to Local Planning Policy 142 from 5.6m to 6.5m for an upper floor bedroom on the west side;
- (c) variation to wall height pursuant to Local Planning Policy 142 from 5.6m to 6.6m for the upper floor balcony on the east side;
- (d) variation to wall height pursuant to Local Planning Policy 142 from 6.5m to 7.4m for an upper floor lift well on the south side;

Unit 2

- (a) variation to the west side (front) setback for a garage, porch, bedroom 3, and upper floor bedroom 1 pursuant to the Residential Design Codes from 6m to 5.3m, 4.2m, 4.69m, 5.3m, and 4.69m respectively;
- (b) variation to the north side boundary setback pursuant to the Residential Design Codes from 2.8m to 2.4m for an upper floor kitchen/dining room and balcony;
- (c) variation to the south side setback pursuant to the Residential Design Codes from 1.1m to 1m for upper floor bedroom 1 and en-suite;
- (d) variation to wall height on the east side pursuant to Local Planning Policy 142 from 5.6m to 6m for an upper floor kitchen and balcony;

for the construction of a 3-level house and a 2-level house at the southeast corner of Preston Point Road and Gordon Street (Lot 4) in accordance with the plans date stamp received on 14 September 2007 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.

2. the proposed works are not to be commenced until Council has received an application for a 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. the proposed dwellings are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossovers the applicant/builder is to contact Council's Works Supervisor.*
- (g) *it is recommended that the boundary fence between 162 and 164A Preston Point Road be of masonry construction up to 2m high by agreement between the respective property owners*

Mr & Mrs Mullins (adjoining neighbours) and Mr Arthur Marshall (applicant) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Harrington

That this matter be deferred to the October meeting of Council to allow the applicant the opportunity to submit more detailed information on the wall height relaxation for the upper floor lift well of Unit (1) and the impact this would have for other viewing corridors in the vicinity.

CARRIED

T104. EN BLOC RECOMMENDATION TO COUNCIL

Cr Martin – Cr Olson

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee meeting of 9 October 2007 in respect to Items MB Ref: T104.1 to T104.5.

CARRIED

T104.1

King Street Pt. Lot 423

Applicant: Main Roads WA

Owner: A B Hamilton (Estate)

By Chris Warrener, Town Planner on 10 September 2007

BACKGROUND

Description of Proposal

A request from Main Roads WA for Council to request that the Minister for Lands close a right of carriageway (ROC) by way of an Acquisition Order via s52 of the Land Administration Act 1997.

Statutory Considerations

Land Administration Act 1997

Attachments

Correspondence & location map

Documentation

Correspondence date stamp received on 7 September 2007

No. of Days Elapsed between Lodgement & Meeting Date

32 days

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

1901 ROC created as part of the original subdivision of Swan Location 71;

1921 ROC land transferred to Amy Blanche Hamilton;

1956 AB Hamilton deceased and no probate recorded.

CONSULTATION

Site Inspection

By Town Planner on 8 June 2006

REPORT

Discussion

Pursuant to s52 of the Land Administration Act to close a private road, in this case the subject land, has to be by way of a request from the local government to the Minister for Lands.

The subject land is currently vacant.

Main Roads WA intends to amalgamate it with its adjoining property Lot 803 (6 Sewell Street) for the purposes of development.

Presently Lot 803 is bisected by the ROC (Pt Lot 423).

Under the subject land is the Fremantle Sewer which Main Roads proposes to divert to create a "more attractive development site."

The Town of East Fremantle does not have any long term plans, or infrastructure, which might be affected by this proposal by Main Roads.

RECOMMENDATION

That Council resolves to request that the Minister for Lands close the private right of carriageway (Pt Lot 423) pursuant to section 52 of the Land Administration Act 1997.

RECOMMENDATION TO COUNCIL

That Council resolves to request that the Minister for Lands close the private right of carriageway (Pt Lot 423) pursuant to section 52 of the Land Administration Act 1997.

T104.2

Silas Street Lot 17

Applicant: Guidice Surveys

Owner: The Owners of the East Fremantle Shopping Centre West on SP 8618

By Chris Warrener, Town Planner on 4 October 2007

BACKGROUND

Description of Proposal

A referral by the WAPC to Council of an application to amalgamate Lots 14 and 17 (147 Canning Highway), cnr Silas Street & Canning Highway.

Statutory Considerations

Town Planning Scheme No. 3 – Town Centre

Local Planning Strategy – Town Centre Precinct (LPS)

Attachments

Location map

Documentation

WAPC referral letter and Form 1A Application date stamp received on 2 October 2007

Date Application Received

By WAPC on 21 September 2007

No. of Days Elapsed between Lodgement & Meeting Date

13 days

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

21 October 1985 Council approves redevelopment of the Acton Supermarket into a food market and pizza shop;

REPORT

Discussion

This proposal is a referral from the WAPC of an application to amalgamate the two lots which comprise 147 Canning Highway. The WAPC requires Council comments and/or conditions by 7 November 2007.

The application does not result in any impacts on or require changes to the development already on the subject land.

RECOMMENDATION

That Council advises the Western Australian Planning Commission that it supports the amalgamation of Lots 14 and 17 (cnr Silas Street & Canning Highway).

RECOMMENDATION TO COUNCIL

That Council advises the Western Australian Planning Commission that it supports the amalgamation of Lots 14 and 17 (cnr Silas Street & Canning Highway).

T104.3

Clayton Street No. 39 (Lot 119)

Applicant: Patio Living

Owner: Wendy Calnan

Application No. P180/2007

By Chris Warrener, Town Planner on 19 September 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 7.55m long X 4.93m wide X 3.542m high gable roofed patio at the rear of the single storey house at 39 Clayton Street.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Plans and relevant forms date stamp received on 17 September 2007

Date Application Received

17 September 2007

Advertising

The potentially affected adjoining property owner has endorsed the proposed setback variation in accordance with the format prescribed in the RDC.

No. of Days Elapsed between Lodgement & Meeting Date

22 days

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

6 August 1997 Shire Clerk endorses Form 7 for a Strata Plan to create 3 strata lots.

REPORT

Issues

Boundary Setbacks

The application proposes a patio which will be set back 0.5m from the west side boundary common with 85 Fraser Street.

The RDC recommend a 1.5m setback.

Discussion

The potentially affected adjoining owner of 85 Fraser Street has completed the standard RDC form "Adjoining property owner comment on proposed variation to the Residential Design Codes", stating:

"To the proposed patio erected to 500mm of my boundary. I have viewed the plans and have no objection to the development. There will be no shadow line."

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the west side boundary setback pursuant to the Residential Design Codes for a patio from 1.5m to 0.5m for the construction of a 7.55m long X 4.93m wide X 3.542m high gable roofed patio at the rear of the single storey house at No. 39 Clayton Street (Lot 119), East Fremantle in accordance with the plans date stamp received on 17 September 2007 subject to the following conditions:

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

Footnote:

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

- (a) *this decision 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

That Council exercise its discretion in granting approval for a variation to the west side boundary setback pursuant to the Residential Design Codes for a patio from 1.5m to 0.5m for the construction of a 7.55m long X 4.93m wide X 3.542m high gable roofed patio at the rear of the single storey house at No. 39 Clayton Street (Lot 119), East Fremantle in accordance with the plans date stamp received on 17 September 2007 subject to the following conditions:

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

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

Footnote:

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

- (a) *this decision 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).*

T104.4

Sewell Street No. 9 (Lot 222)

Applicant & Owner: Robin Taylor

Application No. P166/07

By Chris Warrener, Town Planner on 27 September 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a ground floor addition at the rear of the single storey house at 9 Sewell Street, and internal renovations comprising an en-suite and built in robe, bathroom, laundry, kitchen, dining & living room.

Statutory Requirements

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

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)
Local Planning Policy No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 28 August 2007

Date Application Received

28 August 2007

Advertising

Adjoining land owners only

Date Advertised

3 September 2007

Close of Comment Period

18 September 2007

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

May 1999 Heritage Assessment undertaken by Ministry for Planning;
29 June 2000 WAPC disposes of property, transferred to Robin John Taylor;

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 25 September 2007 and the following comments were made:

- very modest
- commendable
- sustainable

- boundary walls next to southern neighbour's driveway

Public Submissions

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

Site Inspection

By Town Planner on 16 January 2007

STATISTICS	Required	Proposed
Land Area		509m ² Existing
Open Space	50%	70.2% Acceptable
Zoning		R20

Setbacks:

Front (east)

Not applicable - Addition is to rear of existing residence

Rear (west)	<i>Dining</i>	6.00	20.00 Acceptable
Side (north)	<i>Dining</i>	1.50	1.50 Acceptable
Side (south)	<i>Living</i>	1.50	0.90 Discretion Required
	<i>Ensuite</i>	1.00	Nil Discretion Required

Height:

Wall	6.00	4.20 Acceptable
Building	9.00	5.50 Acceptable

Overshadowing: 19%

REPORT

Issues

Boundary Wall Height

The application proposes two parapet walls next to the south side boundary common with 11 Sewell Street.

A 4.6m high X 10.2m long parapet wall set is back 0.9m from the south side boundary.

Being situated less than 1m from the boundary this wall is considered in the same manner as a boundary wall.

In addition the application proposes a boundary wall for an en-suite and built in robe. This wall is 4.5m long X 3.6m high

Under LPP 142 Council permits a boundary wall no longer than 3m or higher than 9m along one side boundary.

Roof Pitch

The application proposes that the overhanging flat roof on the addition be pitched at 7°.

LPP 066 states:

“dominant elements to be greater than 28°.”

Discussion

This application will result in the retention and restoration of the existing single storey house at 9 Sewell Street. While this house has only a Category C rating in the Draft MI it is considered to positively contribute to the local streetscape and heritage value of property in the Plympton precinct, and should be retained.

The addition is to the rear of this house and will not be readily visible from Sewell Street therefore not detracting from the appearance of the property.

Boundary Wall Height

The proposed boundary walls are close to and abut the driveway next to the house at 11 Sewell Street.

The floor level of the house at 11 Sewell Street (to the south of 9 Sewell Street) is 1.5m higher than natural ground level (NGL) at the common boundary.

The increased boundary wall heights are intended to provide acoustic privacy for the owner of 9 Sewell Street.

The extent of overshadow of the boundary walls combined with the existing house amounts to 19%. The RDC recommend a 25% limit therefore the application complies.

Given the difference in levels between the two properties 9 and 11 Sewell Street the height of the boundary walls is not considered to impact negatively on the amenity of 11 Sewell Street, and can be supported.

Roof Pitch

The proposed addition will not be readily visible from Sewell Street, the dominant roof form element will remain the roof on the existing house to the front therefore this variation can be supported.

RECOMMENDATION

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

- (a) variation to the height of two parapet walls next to and abutting the south side boundary pursuant to Local Planning Policy 142 from 3m to 4.6m and 3.6m respectively;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 7°; for the construction of a ground floor addition at the rear of the single storey house at No. 9 (Lot 222) Sewell Street, East Fremantle and internal renovations comprising an en-suite and built in robe, bathroom, laundry, kitchen, dining & living room in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:
 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. the proposed addition is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 5. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

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

- (a) variation to the height of two parapet walls next to and abutting the south side boundary pursuant to Local Planning Policy 142 from 3m to 4.6m and 3.6m respectively;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 7°; for the construction of a ground floor addition at the rear of the single storey house at No. 9 (Lot 222) Sewell Street, East Fremantle and internal renovations comprising an en-suite and built in robe, bathroom, laundry, kitchen, dining & living room in accordance with the plans date stamp received on 28 August 2007 subject to the following conditions:
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