

12 June 2007

MINUTES

PART I

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 12 JUNE 2007, COMMENCING AT 6.35PM.

T53. OPENING OF MEETING

T54. WELCOME TO GALLERY

T55. APOLOGIES

T56. CONFIRMATION OF MINUTES

T57. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T58. REPORTS OF COMMITTEES

T58.1 Town Planning Advisory Panel – 22 May 2007

T59. REPORTS OF OFFICERS

T59.1 Receipt of Reports

T59.2 Order of Business

T59.3 Philip Street No. 14 (Lot 1)

T59.4 Preston Point Road No. 122 (Lot 4961)

T59.5 Duke Street No. 51 (Lot 79)

T59.6 Duke Street 23 (Lot 480)

T59.7 Chauncy Street No. 11 (Lot 5044)

T59.8 Fraser Street No. 71A (Lot 1)

T59.9 Preston Point Road No. 19 (Lot 35)

T59.10 East Fremantle Yacht Club – Marina Development

T60. ADJOURNMENT

T61. RESUMPTION

T62. REPORT'S OF OFFICERS (Cont)

T62.1 Jerrat Drive – Reserve No's. 33997 & 7800

T62.2 Duke Street No. 84 (Lot 493)

T62.3 Windsor Road No. 44 (Lot 9)

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T62.4 ***Oakover Street No. 67 (Lot 297)***

T62.5 ***Angwin Street No. 17 (Lot 103)***

T62.6 ***Duke Street No. 25 (Lot 481)***

T62.7 ***Riverside Road No. 15 (Lot 1) The Left Bank***

T62.8 ***Reynolds Street No. 1 (Lot 2)***

T62.9 ***Oakover Street No. 81A (Lot 2)***

T63. **BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

T63.1 ***Town Planning Principles – Decreased Roof Pitch & Increased Wall Height***

T64. **CLOSURE OF MEETING**

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MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 12 JUNE 2007, COMMENCING AT 6.35PM.

T53. OPENING OF MEETING

T53.1

Present

Mayor James O'Neill

Cr Stefanie Dobro Presiding Member

Cr Alan Ferris

Cr David Martin

Cr Richard Olson

Cr Alex Wilson

Mr Chris Warrener Consultant Town Planner

Mrs Peta Cooper Minute Secretary

T54. WELCOME TO GALLERY

There were 18 members of the public in the gallery at the commencement of the meeting.

T55. APOLOGIES

An apology was submitted on behalf of Cr Jennifer Harrington.

T56. CONFIRMATION OF MINUTES

T56.1 *Town Planning & Building Committee (Private Domain) – 8 May 2007*

Cr Ferris – Cr Wilson

That the Town Planning & Building Committee (Private Domain) minutes dated 8 May 2007 as adopted at the Council meeting held on 15 May 2007 be confirmed.

CARRIED

T57. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil

T58. REPORTS OF COMMITTEES

T58.1 *Town Planning Advisory Panel – 22 May 2007*

Cr Ferris – Cr Martin

That the minutes of the Town Planning Advisory Panel meeting held on 22 May 2007 be received and each item considered when the relevant development application is being discussed.

CARRIED

T59. REPORTS OF OFFICERS

T59.1 *Receipt of Reports*

Cr Olson – Cr Ferris

That the Reports of Officers be received.

CARRIED

T59.2 *Order of Business*

Cr Olson – Cr Ferris

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

CARRIED

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T59.3 **Philip Street No. 14 (Lot 1)**
Applicant/Owner: Bruno Micalizzi
Application No. P99/07
By Chris Warrener Consultant Town Planner on 7 June 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4.8m long section of a masonry boundary fence 2.4m above natural ground level (NGL).

Statutory Requirements

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

Relevant Council Policies

Local Planning Policy No. 143 – Fencing (LPP 143)

Documentation

Plans and relevant forms date stamp received on 4 May 2007

Date Application Received

4 May 2007

Advertising

Adjoining land owners only

Date Advertised

23 May 2007

Close of Comment Period

5 June 2007

No. of Days Elapsed between Lodgement & Meeting Date

39 days

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

22 December 2004	CEO advises the WAPC that an application to subdivide 14 Philip Street into 2 lots (1 X 544m ² , 1 X 569m ²) is not supported;
21 January 2005	WAPC conditionally approves the battleaxe subdivision of 14 Philip Street into 2 strata lots (1 X 544m ² , 1 X 445m ²), plus a common property lot (1 X 124m ²);
9 June 2005	Demolition Licence issued for fibro/weatherboard & tile house;
21 June 2005	Council grants conditional approval for a 2-storey house on the front strata lot;
11 August 2005	Building Licence issued for 2-storey house;
24 May 2006	WAPC endorses for final approval survey strata plan 49737 for the battleaxe subdivision of 14 Philip Street into 2 strata lots (1 X 544m ² , 1 X 445m ²), plus a common property lot (1 X 124m ²);
27 November 2006	Building Licence issued for below ground fibre glass swimming pool (Aqua Technics);
13 April 2007	CEO grants under delegated authority conditional approval for a belowground fibreglass swimming pool;
10 May 2007	Building Licence issued for below ground fibre glass swimming pool (Conceptual Pools).

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CONSULTATION

Public Submissions

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

- 12 Philip Street*
- ugly & inconsistent look;
 - potential to significantly impede view;
 - cause excess overshadowing;
 - create an eyesore on the streetscape.

Site Inspection

By Consultant Town Planner on 22 May 2007.

REPORT

Issues

Fence Height The application is for a short (4.8m long) section of a masonry/limestone boundary fence to be 2.4m above NGL.

LPP 143 states:

“3.1 Maximum Height

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

Submission The submission contends in the main that the proposed fence is ugly, it will potentially impede property views, it will cause overshadowing, and it will create an eyesore on the streetscape.

Discussion

The purpose of raising the subject section of fence above the limit recommended in LPP 143 is to provide added privacy for the family's back yard pool, which was approved under delegated authority by the CEO in April 2007.

14 Philip Street is a block which slopes downwards north of Philip Street, and the short section of fence panel above 1.8m will match the height of the fence panel immediately south of it, so it will in effect “blend” in and not be an obtrusive/unattractive structure on the boundary.

Submission The submission concern regarding overshadowing is not valid based on the overshadow calculation under the RDC because the fence is not on the north side of the supposedly affected property, and there is therefore no overshadow of 12 Philip Street on 21 June.

Second storey property views will be unimpeded by the proposed fence, and ground floor property views will remain unchanged even if the fence was at the recommended height of 1.8m. This objection is similarly considered invalid.

Aesthetics are considered a very personal opinion, and no comment is made in response to this issue. The portion of fence above 1.8m will match the height of the fence panel immediately south of it and will appear as a continuous fence from the street.

When the adjoining property at 12 Philip Street is developed this portion of fence will no longer be visible from the street.

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RECOMMENDATION

That Council exercise its discretion in granting approval a variation to fence height pursuant to Local Planning Policy 143 from 1.8m to 2.4m above natural ground level for the construction of a 4.8m long section of a masonry boundary fence at No. 14 (Lot 1) Philip Street, East Fremantle in accordance with the plans date stamp received on 4 May 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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Bruno Micalizzi (applicant/owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Martin

That Council exercise its discretion in granting approval a variation to fence height pursuant to Local Planning Policy 143 from 1.8m to 2.4m above natural ground level for the construction of a 4.8m long section of a masonry boundary fence at No. 14 (Lot 1) Philip Street, East Fremantle in accordance with the plans date stamp received on 4 May 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. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

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T59.4 **Preston Point Road No. 122 (Lot 4961)**
Applicant/Owner: A & S Donaldson
(Application No. P87/07)
By Beryl Foster, Acting Town Planner on 24 May 2007

BACKGROUND

Description of Proposal

Proposed alterations and additions including pool in front setback on the corner of Preston Point and Wauhop Roads.

Statutory Requirements

Town Planning Scheme No. 3 - R12.5

Residential Design Codes

Relevant Council Policies

Local Planning Policy No. 142 – Residential Development

Documentation

Plans received 20 April 2007 and relevant forms

Date Application Received

20 April 2007

Additional Information Received

Nil

Advertising

Adjoining land owners

Date Advertised

4 May 2007

Close of Comment Period

21 May 2007

No. of Days Elapsed between Lodgement & Meeting Date

53 days

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

Nil

CONSULTATION

Development Control Unit

27 April 2007

Town Planning Advisory Panel Comments

Not referred

Public Submissions

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

Site Inspection

14 May 2007

REPORT

Issues

Front Fencing

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Discussion

Approval is sought for internal alterations, extension to an existing rear pergola, new pool within the front setback area and solid front fence.

The proposed internal work and pergola is not considered to have an adverse impact on the amenity of the area and discretion is not sought.

Discretion is sought for the front fence height be increased to 1.8m.

The front setbacks along this portion of Preston Point Road generally are characterised by open style gardens and low visually permeable fencing.

Given the existing streetscape along this portion of Preston Point Road, the proposed solid front fence is considered inconsistent with this streetscape and is not supported.

Option(s)

1. Conditional approval; or
2. Approve subject to compliance with Scheme requirements.

Conclusion(s)

The proposal is considered acceptable, and can be supported subject to standard and appropriate conditions to reflect the above.

RECOMMENDATION

That Council approve the construction of alterations and additions including a swimming pool on Lot 4961 (No. 122) Preston Point Road, East Fremantle, in accordance with plans received 20 April 2007 subject to the following conditions:

1. prior to the issue of a building licence amended plans shall be submitted and approved demonstrating compliance with Policy 143 - Local Laws Relating to Front Fencing to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. 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.
3. the proposed works are not to be commenced until Council has received an application for a both building and swimming pool licence and the licences issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site.
6. compliance with all relevant engineering, building and health requirements.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

Mr Andrew Donaldson (applicant/owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Olson

That Council approve the construction of alterations and additions including a swimming pool on Lot 4961 (No. 122) Preston Point Road, East Fremantle, in accordance with plans received 20 April 2007 subject to the following conditions:

1. prior to the issue of a building licence amended plans shall be submitted and approved demonstrating compliance with Policy 143 - Local Laws Relating to Front Fencing to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. 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.
3. the proposed works are not to be commenced until Council has received an application for a both building and swimming pool licence and the licences issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site.
6. compliance with all relevant engineering, building and health requirements.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

T59.5

Duke Street No. 51 (Lot 79)

Applicant: Dale Alcock Home Improvement

Owner: Jonnie & Janine Morton

Application No. P89/07

By Chris Warrener, Consultant Town Planner on 24 May 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for 2-storey additions to the rear of the single storey house at 51 Duke Street comprising:

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- Ground floor kitchenette, family room, double carport, and alfresco;
- Upper floor main bedroom, built-in-robe, and en-suite.

The percentage of open space left at the property with the additions comprises 63.33%, roof pitch is at 32.5° to match existing.

Extent of overshadow of the adjoining property at 53 Duke Street is approximately 20%.

Statutory Requirements

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 23 April 2007

Date Application Received

23 April 2007

Additional Information Received

30 April 2007 Open space calculation, roof pitch & overshadow.

Advertising

Adjoining land owners only

Date Advertised

4 May 2007

Close of Comment Period

21 May 2007

No. of Days Elapsed between Lodgement & Meeting Date

50 days

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

18 May 1981	Council resolves to declare the premises at 51 Duke Street unfit for human habitation (Condemnation Order);
10 June 1981	Building Licence issued for single story weatherboard & iron house;
12 June 1981	Demolition Licence issued for weatherboard & iron house at 51 Duke Street;
19 October 1981	Council approves the construction of a fence/retaining wall with an average height of 1800 to be erected adjacent to the front boundary and measured from Council footpath;
9 June 1995	Council grants conditional special approval for the erection of additions incorporating a boundary wall to the south;
23 June 1995	Building Licence issued for additions;
4 November 2004	WAPC conditionally approves an adjustment to the common boundary between 49 & 51 Duke Street;

CONSULTATION

Development Control Unit

24 April 2007

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Public Submissions

At the close of the comment period no submissions were received however the adjoining landowner at 53 Duke Street met with the Consultant Town Planner on 30 May 2007 to express concern regarding the upper floor bathroom window.

Site Inspection

By Consultant Town Planner on 3 May 2007

STATISTICS	Required	Proposed
Land Area		517.34m ² Existing
Open Space	50%	63.33% Acceptable
Zoning		R20
Heritage Listing		Not Listed
Setbacks:		
Rear (west)		
<i>Ground</i> <i>Carport</i>	1.00	6.00 Acceptable
<i>Alfresco</i>	1.50	7.50 Acceptable
<i>Upper</i> <i>Main Bedroom</i>	4.50	7.90 Acceptable
Side (north)		
<i>Ground</i> <i>Carport</i>	1.00	0.75 Discretion Required
<i>Upper</i> <i>Main Bedroom</i>	3.00	5.80 Acceptable
Side (south)		
<i>Ground</i> <i>Alfresco</i>	1.50	1.00 Discretion Required
<i>Family Room</i>	0.00	LPP142 0.00 Acceptable
<i>Upper</i> <i>Main Bedroom</i>	1.5	2.00 Acceptable
Height:		
Wall	6	5.8 Acceptable
Ridge	9	7.4 Complies
Privacy/Overlooking:		
	Bedroom window overlooks a very small area of backyard of 53 Duke Street	

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REPORT

Issues

Boundary Setbacks

Side (North)

Common with 49 Duke Street

A proposed 5.5m long X 5.5m wide double carport is setback 0.75m from the north side boundary.

The RDC recommend a 1m setback.

Side (South)

Common with 53 Duke Street

A proposed 4.3m long X 2.5m wide alfresco area is setback 1m from the south side boundary.

The RDC recommend a 1.5m setback.

Overlooking/Privacy

The upper floor addition includes a main bedroom window, which has a view line (cone of vision) setback 3.7m from the south side boundary common with 53 Duke Street.

The RDC recommend a 4.5m setback.

Discussion

Boundary Setbacks

The setback variation for the carport is considered minor and does not negatively impact on the amenity of the potentially affected property at 49 Duke Street.

The owner of 49 Duke Street has not objected to this variation.

Similarly, the setback variation for the alfresco area is considered minor, and given that it is behind a proposed 1.8m high masonry wall it is not considered to negatively impact on the amenity of the potentially affected adjoining property at 53 Duke Street.

The owner of 53 Duke Street has not objected to this variation.

Overlooking/Privacy

The applicant states in a cover letter regarding the variation to the setback for the upper floor main bedroom window:

"The cone of vision from the second storey main bedroom window marginally crosses the boundary. However, this portion of the neighbouring property is part of an extensive rear yard and there is also a large tree on our client's property that will provide effective screening. The extent of the overlooking is minimal and I request that if the neighbours have no objection to the location of the window the Council approve the variation."

The tree referred to in the applicant's cover letter has apparently since been removed.

The near neighbour met with the Consultant Town Planner on Wednesday 30 May to express concern regarding the size of the bathroom window and the fact that it will overlook the living room of the house at 53 Duke Street.

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While the RDC do not consider a bathroom to be a habitable room therefore not containing a wall with a "major opening", it is considered reasonable to require that this particular bathroom window be screened to 1.65m above finished floor level, or alternatively a highlight window installed as a replacement.

Draft RDG

The minutes of a Briefing Meeting held in the Council Chamber on Tuesday 24 April 2007 state:

"It was agreed that the Residential Design Guidelines would be 'tested out' in the June round of Council meetings."

This application has been further assessed having regard to the Acceptable Development Standards (ADS) and Performance Criteria (PC) proposed in the Draft RDG for property in the Plympton precinct.

This application is affected by the PC and ADS for Additions and Alterations.

The ADS under the Draft RDG state for additions in the Plympton Precinct:

"A1 Additions & Extensions

A1.1

In a predominantly single storey streetscape, new development is to be single storey at street frontage.

If the extension involves an upper floor addition to the existing single storey house where the streetscape is predominantly single storey, the addition should be contained within the existing roof space, with light and ventilation being provided by the insertion of roof lights and/or dormer windows. Dormer windows are not to be visible from the street.

For any upper storey addition relating to a dwelling recognised as being worthy of retention, which cannot be contained within the existing roof space, it shall be in the form a two storey addition built at the rear of the existing house, that is, a minimum of 4 metres behind the ridge line, such that its visual streetscape impact is minimised."

The application is for second storey additions which are 15.3m behind the ridge line.

Properties either side of 51 Duke Street contain 2-storey development. The house at 53 Duke Street is 2-storey at street frontage, and the weatherboard and iron house at 49 Duke Street is single storey at the street frontage and 2-storey at the rear.

The application is considered to conform with the above-referred RDG statements.

P1 Additions & Extensions

Second storey additions or new buildings incorporating a second storey which is sufficiently setback so as not to have a detrimental impact on the streetscape or detract from the predominant architectural style and character of the original building or the locality.

The proposed additions to the single storey house at 51 Duke Street set back 24.3m from the front boundary are considered

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not to have a detrimental impact on the streetscape or detract from the architectural style and character of adjoining properties.

RECOMMENDATION

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

- (a) variation to the north side boundary setback for a carport pursuant to the Residential Design Codes from 1m to 0.75m;
- (b) variation to the south side boundary setback for an alfresco area pursuant to the Residential Design Codes from 1.5m to 1m;
- (c) variation to the cone of vision setback for an upper floor main bedroom window from the south side boundary pursuant to the Residential Design Codes from 4.5m to 3.7m;

for the construction of 2-storey additions to the rear of the single storey house at No. 51 (Lot 79) Duke Street, East Fremantle comprising:

- ground floor kitchenette, family room, double carport, and alfresco;
- upper floor main bedroom, built-in-robe, and en-suite;

in accordance with the plans date stamp received on 23 April 2007 subject to the following conditions:

1. prior to the issue of a Building Licence the applicant is to submit plans which clearly show that the upper floor bathroom window on the south side is screened to a height of 1.65m above Finished Floor Level to the satisfaction of the Chief Executive Officer in consultation with relevant Council officers.
2. 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.
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. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. 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.
6. 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.
7. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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mutually agreed standard of finish.

Adjoining owners Mr Charles MacLean and Ms Elizabeth Pippet & Mr Martyn Casey addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Olson

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

- (a) variation to the north side boundary setback for a carport pursuant to the Residential Design Codes from 1m to 0.75m;**
- (b) variation to the south side boundary setback for an alfresco area pursuant to the Residential Design Codes from 1.5m to 1m;**
- (c) variation to the cone of vision setback for an upper floor main bedroom window from the south side boundary pursuant to the Residential Design Codes from 4.5m to 3.7m;**

for the construction of 2-storey additions to the rear of the single storey house at No. 51 (Lot 79) Duke Street, East Fremantle comprising:

- ground floor kitchenette, family room, double carport, and alfresco;**
- upper floor main bedroom, built-in-robe, and en-suite;**

in accordance with the plans date stamp received on 23 April 2007 subject to the following conditions:

- 1. prior to the issue of a Building Licence the applicant is to submit plans which clearly show that the upper floor bathroom window on the south side is an obscure glazed highlight window to the satisfaction of the Chief Executive Officer in consultation with relevant Council officers.**
- 2. 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.**
- 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. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. 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.**
- 6. 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.**
- 7. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote (1):

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

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

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- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*

Footnote (2):

Prior to the Council meeting the applicant to provide clarification on any encumbrances on the title given the concern expressed by the adjoining neighbour at 49 Duke Street over access to a drainage pipe.

CARRIED

T59.6

Duke Street 23 (Lot 480)

Applicant/Owner: M & D Dutry

(Application No. P95/07)

By Beryl Foster, Acting Town Planner on 24 May 2007

BACKGROUND

Description of Proposal

Proposed two storey dwelling on vacant lot.

Statutory Requirements

Town Planning Scheme No. 3 – R12.5

Residential Design Codes (R Codes)

Relevant Council Policies

Local Planning Policy No. 142 – Residential Development

Council Policy No. 066 – Roofing

Council Policy No. 023 – Use of Reflective Metal Roofing Material

Documentation

Plans stamp dated 1 May 2007 and relevant forms

Date Application Received

1 May 2007

Additional Information Received

Nil

Advertising

Adjoining land owners

Date Advertised

4 May 2007

Close of Comment Period

21 May 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

Nil

CONSULTATION

Development Control Unit

Not referred

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Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 22 May 2007 and the following comment was made:

- proposed house well proportioned and a desirable design (traditional design)

Public Submissions

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

Site Inspection

9 May 2007

STATISTICS	Required	Proposed
Land Area		486m ² Existing
Frontage		13.00 Existing
Open Space	50% (243m ²)	55% (272m ²) Acceptable
Zoning		R12.5
Heritage Listing		Vacant Land
<u>Setbacks:</u>		
Front (east)	6.00	4.00 Discretion Required 6.30 Acceptable
Rear (west)	1.00	1.50 Acceptable
Side (north) <i>Carport</i>	Nil/1.00	Nil Acceptable
	1.50	3.50 & 4.00 Acceptable
Side (south)	1.50	2.50 Acceptable
	1.50	2.00 Acceptable
<u>Height:</u>		
Wall	6.00	4.50 Acceptable
Building	9.00	7.17 Acceptable
<u>Car parking</u>	2.00	2.00
<u>Privacy/Overlooking:</u>	Acceptable	
<u>Policies:</u>		
Roof	Acceptable	
Solar Access & Shade	Acceptable	
Drainage	Standard condition	

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Views
Crossover

Acceptable
To Comply

REPORT

Issues

Front setback

Discussion

Approval is sought for a two storey dwelling on the subject site and is in accordance with Scheme provisions for privacy, open space and height.

Discretion is sought for the front setback be reduced to a portion of the dwelling from 6m to 4m.

In accordance with Policy 142 the proposed front setback is consistent with setbacks along this portion of Duke Street and is considered not to have an undue adverse impact on the amenity of the streetscape and is supportable.

Draft RDG

In considering this proposal against the Draft Residential Guidelines it is noted that the subject proposal meets the Guidelines' Performance Criteria for Primary and Secondary Streets in the Plympton Precinct.

The proposal meets the Acceptable Criteria with respect to location of carport however the strict application of '5 adjacent properties' is not possible given the proximity to the end of the street and road design.

In this case the proposed front setback is considered acceptable on a performance basis not on a prescriptive basis.

In general this proposal meets the provisions of the Draft Residential Design Guidelines in relation to fencing, carport location, relationship with adjoining dwellings, building design, energy efficiency, solar access, solar reflectivity, buildings on the boundary and building height.

Option(s)

Conditional approval;

Conclusion(s)

The proposal is considered acceptable, and can be supported subject to standard and appropriate conditions to reflect the above.

RECOMMENDATION

That Council exercise its discretion in granting approval for a portion of the front setback be reduced from 6m to 4m for the construction of a two storey dwelling on Lot 480 (No 23) Duke Street, East Fremantle, in accordance with plans received 1 May 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 dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

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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. compliance with all relevant engineering, building and health requirements.
10. at the time of submitting an application for building licence the plans must accord with and be accompanied by appropriate documentation to satisfy the Energy Efficiency Provisions of the Building Code of Australia.
11. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Martin Dutry (applicant/owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Olson – Cr Martin

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- compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed dwelling 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.
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- (d) *all noise levels produced by the construction of the development are to comply with the provisions*

CARRIED

Cr Olson made the following impartiality declaration in the matter of No. 11 Chauncy Street: "As a consequence of my having worked in the past with Ms Lisa Engelbrecht who submitted comment on the proposal on behalf of Webb & Brown-Neaves 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.

