

13 February 2007

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PART III

T10.10 *Surbiton Road No. 10 (Lot 30) – Ashley Richards Architect
(Application No. P254/2007)
By Beryl Foster, Acting Town Planner on 7 January 2007*

BACKGROUND

Description of Proposal

Two storey alteration and additions to existing two storey dwelling.

Statutory Requirements

Town Planning Scheme No. 3 – R12.5
Local Planning Strategy – Riverside Precinct
Residential Design Codes

Relevant Council Policies

Local Planning Policy No. 142 – Residential Development
Council Policy No. 066 – Roofing

Documentation

Plans received 2 January 2007 and relevant forms

Date Application Received

2 January 2007

Additional Information Received

Amended plans received 23 January 2007

Advertising

Adjoining land owners & sign on site

Date Advertised

15 January 2007

Close of Comment Period

29 January 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

8 January 2008

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 January 2007 and the following comments were made:

- good street presentation
- appreciate tandem garage
- appreciate detail

Public Submissions

At the close of the comment period 2 written submissions were received and the main issues relating to the proposal are summarised as follows:

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- 4 Surbiton Road*
- Although the front setback is existing we would prefer a setback of 7.5m for future view corridors from No.4 Surbiton Road.
 - Despite the proposed residence at No. 8 Surbiton Road we prefer height compliance as our current views to the west may be impacted on.
 - We are concerned with the levels used to determine height and wish these to be confirmed.
 - Concerned with the bulk and scale of the proposal.
- 6 Bolton Street*
- We believe our property abuts the north-east rear of the subject site and the current balcony overlooks our property and the extensions will exacerbate this.
 - We expect height compliance
- Applicant Comment*
- The main comments made by the applicant are summarised as follows:
- The existing front setbacks are 7.3m (ground) and 9.1m (upper floor).
 - The proposed additions are well below conforming ridge height (in excess of 1m – see attached drawing).
 - Consultation with the owners at Nos. 6 and 8 Surbiton Road has occurred to ensure improved view corridors.
 - Natural ground levels are consistent with levels provided by the owners of No. 8 Surbiton Road and Water Corporation levels.
 - The scale of the development is not excessive in relation to lot size and location and the upper level footprint has been kept to a minimum to protect views across the rear of the property.
 - No. 6 Bolton Street is well away from the subject site (see attached photograph) and privacy screening is proposed for the eastern side of the balcony.

Site Inspection
22 January 2007

AMENDED PLANS - 23/1/2007

STATISTICS	Required	Proposed
Land Area		652m ²
Zoning		R12.5
Frontage		15.09m
Open space	55% (358.6m ²)	62% (408.05m ²) Acceptable
<u>Setbacks:</u>		
Front (south)		
<i>Garage</i>	7.50	17.70 Acceptable
<i>Ground</i>	7.50	7.30 existing
<i>Upper</i>	7.50	9.10

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			existing
Rear (north)	<i>Ground</i>	6.00	11.00 Acceptable
	<i>Upper</i>	7.50	9.50 Acceptable
Side (east)	<i>Ground</i>	1.50	Nil Discretion Required
		1.50	1.00 Discretion Required
		1.50	1.50 Acceptable
	<i>Upper</i>	1.30	Nil Discretion Required
		1.20	1.00 Discretion Required
	<i>Screened Balcony</i>	1.50	1.00 Discretion Required
Side (west)	<i>Ground</i>	3.00	Existing
		1.50	Nil Discretion Required
		1.50	9.50 Acceptable
	<i>Upper</i>	5.20	existing balcony
	<i>Balcony</i>	7.50	1.00 Discretion Required
	<i>Balcony</i>	7.50	9.00 Acceptable
<u>Car Parking:</u>		2	2
<u>Height:</u>			
Wall		5.60	6.10 Discretion Required
Building		8.10	8.10 Acceptable
<u>Parapet Wall:</u>	<u>Length required 9.00</u>		<u>Height required 3.00</u>
Western	10.00		4.30
	Discretion Required		Discretion Required
Eastern	10.00		7.60 + 3.60
	Discretion Required		Discretion Required
<u>Privacy/Overlooking:</u>		As discussed	
<u>Policies:</u>			
Roof		As discussed	
Solar Access & Shade		Acceptable	
Drainage		Standard Condition	
Views		as discussed	
Crossover		existing	

REPORT

Issues

Setbacks
Privacy
Wall Height
Boundary Walls
Roofing

Discussion

Approval is sought for rear alterations and additions to existing two storey dwelling, and is in accordance with planning provisions for shadow and open space.

Setbacks and Privacy

Side (east)

Discretion is sought for the ground floor eastern side setback be reduced from 1.5m to nil and 1m.

Discretion is sought for the upper floor eastern side setback be reduced from 1.3m to nil and 1.2m to 1m and the screened balcony setback be reduced from 1.5m to 1m.

Given that the proposed setbacks reflect existing setbacks and the submission of a proposed design with complementary setbacks from the adjoining eastern landowners (the subject of a separate report), the setbacks are considered not to have an undue adverse impact on the amenity of the adjoining property, and can be supported.

With regard to the details of the balcony screening, it is understood will be subject to discussion with adjoining owners in order to create a balance between the maintenance of privacy and retention of views. As such, a setback variation can be supported.

Side (west)

Discretion is sought for the ground floor western side setback be reduced from 1.5m to nil and upper floor balcony setback be reduced from 7.5m to 1m.

Given that the adjoining property to the west faces Angwin Street with rear access off Surbiton Road abutting the common boundary, it is considered that the boundary setback as proposed will not have an undue adverse impact on the amenity of the adjoining property, and can be supported.

With regard to privacy, the proposed balcony does not overlook active habitable spaces and outdoor living areas of the adjoining properties and is considered to meet the R Codes Performance Criteria, and can be supported.

Wall Height

Discretion is sought for the wall height at the north-western portion of the dwelling be increased from 5.6m to 6m.

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Applicant Justification

The main applicant justification is summarised as follows:

- The dwelling is generally height compliant and the area requiring a .5m concession is the north-west corner which has minimal impact on neighbouring views.

Comment

Given the site falls some 3m from south-east to the north-west, general building height compliance and the location of the portion of wall over the required height being not within a view corridor, the proposal is considered not to have an undue adverse impact on the amenity of the area with respect to views, and can be supported.

Boundary Walls

Side (west)

Discretion is sought for the western boundary wall height be increased from 3m to 4.3m and length from 9m to 10m.

As discussed above, the location of the boundary wall is to the rear of the adjacent property and the dimensions and location of this wall is considered not to have an undue adverse impact on the amenity of the adjoining western neighbour, and can be supported.

Side (east)

Discretion is sought for the eastern boundary wall height be increased from 3m to 7.6m and 3.6m and length from 9m to 10m.

Applicant Justification

The main applicant justification is summarised as follows:

- The adjacent eastern dwelling design accommodates the boundary wall and screens any impact from neighbouring sites.

Given that the subject boundary wall has been accommodated in the design of the adjacent eastern dwelling, the discretions sought are considered not to have an undue adverse impact on the amenity of the adjoining site, and can be supported.

Roofing

Discretion is sought for the roof pitch be reduced to less than 28°.

Given that the existing dwelling has a reduced roof pitch and the general variety of roof design within the immediate area, it is considered that the proposed roof pitch will not have an undue adverse impact on the amenity of the area, and can be 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 exercise its discretion in granting approval for the following:

- (a) the ground floor eastern side setback be reduced from 1.5m to nil and 1m;
- (b) the upper floor eastern side setback be reduced from 1.3m to nil and 1.2m to 1m and the screened balcony setback be reduced from 1.5m to 1m;
- (c) the ground floor western side setback be reduced from 1.5m to nil and upper floor balcony setback be reduced from 7.5m to 1m;
- (d) the wall height at the north-western portion of the dwelling be increased from 5.6m to 6.10m;
- (e) the western boundary wall height be increased from 3m to 4.3m and length from 9m to 10m;
- (f) the eastern boundary wall height be increased from 3m to 7.6m and 3.6m and length from 9m to 10m;

- (g) the roof pitch be reduced to less than 28°;
for the construction of two storey alterations and additions to existing two storey dwelling on Lot 30 (No. 10) Surbiton Road, East Fremantle, in accordance with plans received 23 January 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 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.
 4. all stormwater to be disposed of on site.
 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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Mr Phil Nolan (owner of 4 Surbiton Road) addressed the meeting and outlined his concerns.

Ms Samantha Mooney (owner) and Mr Ashley Richards (architect) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

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

- (a) the ground floor eastern side setback be reduced from 1.5m to nil and 1m;**
- (b) the upper floor eastern side setback be reduced from 1.3m to nil and 1.2m to 1m and the screened balcony setback be reduced from 1.5m to 1m;**
- (c) the ground floor western side setback be reduced from 1.5m to nil and upper floor balcony setback be reduced from 7.5m to 1m;**
- (d) the wall height at the north-western portion of the dwelling be increased from 5.6m to 6m;**
- (e) the western boundary wall height be increased from 3m to 4.3m and length from 9m to 10m;**
- (f) the eastern boundary wall height be increased from 3m to 7.6m and 3.6m and length from 9m to 10m;**
- (g) the roof pitch be reduced to less than 28°;**

for the construction of two storey alterations and additions to existing two storey dwelling on Lot 30 (No. 10) Surbiton Road, East Fremantle, in accordance with plans received 23 January 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 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.**
- 4. all stormwater to be disposed of on site.**
- 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.**

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

Footnote:

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

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

CARRIED

T10.11 *Preston Point Road No. 74A (Lot 14) – Ashley Richards Architect
(Application No. P255/2006)*

By Chris Warrener Consultant Town Planner on 6 February 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for two 3-level houses on a rear battleaxe lot at 74A Preston Point Road

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R30
Local Planning Strategy – Richmond Hill Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 2 January 2007

Date Application Received

2 January 2007

Additional Information Received

5 February 2007	Applicant's response to the submissions including additional supporting letter and endorsed plans from the owners of 11a Parker Street and 5 Parker Street;
6 February 2007	Letter from McMullen Nolan surveyors responding to the concerns raised in the submission from 9 Parker Street.

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Advertising

Adjoining land owners

Date Advertised

Original Application - 6 April 2006
Amended Plans – August 2006
Additional information – 7 November 2006
Fresh application – 15 January 2007

Close of Comment Period

Original Application – 21 April 2006
Amended Plans – August 2006
Fresh application – 29 January 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

16 May 2006	Council conditionally approves two 3-level houses;
25 August 2006	Demolition Licence issued for existing 2-storey house;
19 September 2006	Council conditionally approves amended plans for the two 3-level houses subject to compliance with 6.5m height limit pursuant to LPP 142;
21 November 2006	Council defers a decision to approve the amended plans.
4 December 2006	Applicant confirms by email request to withdraw the application.

CONSULTATION

Public Submissions

At the close of the comment period 3 submissions were received.

- | | |
|--------------------------|--|
| <i>7 Parker Street</i> | <ul style="list-style-type: none">- Concerned that building height complies with LPP 142.- Concerned that submitted plans accurately depict natural ground levels (NGL).- 2.4m side setback to angled screening to apply. |
| <i>9 Parker Street</i> | <ul style="list-style-type: none">- 6.5m height limit should apply.- NGLs should be those which resulted from the previous development and hence existed when the property was recently purchased.- Disputes applicant's interpretation of NGLs and heights above NGL. |
| <i>11C Parker Street</i> | <ul style="list-style-type: none">- Object to plans because they do not demonstrate building height compliance of 6.5m.- Development will adversely affect views from our property. |

STATISTICS	Required	Proposed
Land Area		1275.0m ²
	Effective Lot Area	1027.6m ²
Open Space	45%	67%
		Acceptable
Landscaping	50%	59%
		Acceptable

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SOUTHERN UNIT

Setbacks:

Front (west)		7.50		11.20 & 8.80 Acceptable
Rear (east)	<i>level one</i>	1.50		4.00 Acceptable
	<i>level two</i>	3.40 (4.5m Bedroom)	<i>Obscure Glass</i>	4.00 Acceptable
Side (north)	Attached to Adjoining Dwelling			
Side (south)	<i>basement</i>	1.00 & Nil	Cellar	1.00 & Nil Acceptable (belowground)
	<i>level one</i>	1.00 & 1.50		1.60 Acceptable
	<i>level two</i>	2.40		3.00 Acceptable
			Angled Screening	2.20 Discretion Required

Access:

Car Parking	Two	Three Acceptable
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Height:

Building	6.50	Concealed Roof	6.50 Acceptable
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NORTHERN UNIT

Setbacks:

Front (west)		7.50		11.20 & 8.80 Acceptable
Rear (east)	<i>level one</i>	1.50		4.00 Acceptable
	<i>level two</i>	3.40 (4.5m Bedroom)	<i>Obscure Glass</i>	4.00 Acceptable
Side (south)	Attached to Adjoining Dwelling			
Side (north)	<i>basement</i>	1.00 & Nil	Cellar	1.00 & Nil Acceptable (belowground)
	<i>level one</i>	1.00 & 1.50		1.60 Acceptable
	<i>level two</i>	2.40		3.00 Acceptable
			Angled Screening	2.20 Discretion Required

Access:

Car Parking	Two	Three Acceptable
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Height:

Building	6.50	Concealed Roof	SW Cnr 7.20 Discretion Required
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<u>Privacy/Overlooking:</u>	Acceptable (screening provided)	
<u>Overshadowing</u>	35%	19% Acceptable
<u>Policies:</u>		
Roof	Refer Report	
Solar Access & Shade	Acceptable	
Drainage	Standard Conditions	
Views	Acceptable	

Site Inspection

By Consultant Town Planner on 23 August 2006, 1 December 2006, 6 December 2006, 10 January 2007, 17 January 2007, & 2 February 2007.

REPORT

Background Discussion – Previous Applications

At its meeting in May 2006 Council conditionally approved two 3-level houses at 74A Preston Point Road.

The two adjoining houses were planned (April 2006 application) to be on two different levels (i.e. the house to the north was to be on a higher plane than the house to the south).

The applicant subsequently determined that there would be significant earthworks and servicing costs to build the two houses on different levels in accordance with the approved plans, and submitted amended plans (date stamp received on 2 August 2006), which proposed that the house to the south be raised to match the level of the house to the north – a more “sustainable development” option.

Raising the level of the house to the south results in a small portion of its southwest wall and roof being above the 6.5m height limit recommended in LPP 142.

The property owners behind the proposed development at 7, 9 and 11C Parker Street objected to any height increase, and disputed the survey levels used by the applicant to calculate height above natural ground level (NGL).

In response to these objections the applicant submitted further amended plans (date stamp received on 30 August 2006) to lower the rear of the proposed houses by 0.5m, and prepared drawings to illustrate the impact of the proposed development on views from the neighbours’ houses.

This information was presented at the September 2006 Council meeting.

The purpose of amending the plans to lower wall height at the rear was to appease the concerns of the neighbours behind, and improve their views, rather than if a more compliant plan incorporating houses with 6.5m wall heights (at the rear) was proposed.

However lowering wall height at the rear continued to result in a portion (albeit a very small portion) of the house to the south in its south west corner exceeding the recommended height limit, and the property owners to the rear continued to object to any increase in height above the limit recommended in LPP 142.

In September 2006 Council conditionally approved two 3-level houses at 74A Preston Point Road subject to:

- “1. prior to the issue of a building licence amended plans shall be submitted and approved demonstrating building height compliance of 6.5m in accordance with Local Planning Policy – Residential Development (142).”*

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2. *this proposal is subject to the conditions of planning approval P52/006.*
3. *the Chief Executive Officer in consultation with relevant officers to provide further clarification in relation to natural ground levels and issues raised by the adjoining neighbour. Should this require the commissioning of a more detailed survey, it be carried out at the applicant's expense."*

The applicant engaged McMullen Nolan surveyors to verify the survey information, and the NGLs used to determine building height.

That information together with plans date stamp received on 14 November 2006 was tabled at the November 2006 Council meeting.

NGLs were determined by McMullen Nolan Licenced Surveyors as the levels, which existed in 1983 when the property was created as a result of an approved subdivision.

The RDC concur with this by stating:

"It has become common practice to provide level sites with boundary retaining walls at subdivision. In these cases, the levels so established at subdivision are deemed to be natural ground levels." (RDC, page 75)

Again the property owners at the rear disputed the survey information, and the calculation of NGL, and opposed any variation to height.

Unfortunately, the plan amendments, the tabling of plans at late notice, the apparent confusion regarding the comparison of survey information provided by both the applicant and the property owners at the rear, served to confuse the whole matter, and the Council made the following decision at its November 2006 meeting:

"That this matter be deferred to the Council Meeting on 5 December 2006 for a report by the Chief Executive Officer in consultation with relevant officers which would include an analysis of plans submitted on 30 August and 14 November 2006 and a recommendation to Council, including conditions, if applicable."

Put simply, the plans received on 14 November 2006 were more detailed working drawings based on the plans received on 30 August 2006 (both sets of plans are for the same development), and proposed that wall height at the rear be lowered a further 0.5m.

The applicant subsequently withdrew this application on 4 December 2006.

Current Application

The current application is for the same two houses, and proposes that building height at the rear be further reduced to 0.75m below the recommended 6.5m limit. This reduction will result in further improved view amenity for properties at the rear.

However the application continues to result in a small portion of the roof in the southwest corner being above the 6.5m height limit.

The surface area of the roof above the recommended height limit comprises approximately 20m² (total roof area = 399.75m²), which represents approximately 5% of the total surface area of the roof.

All other aspects of this current application are identical to the applications previously considered, and approved by Council.

With the exception of a very small portion in the southwest corner, the majority of the proposed development at 74A Preston Point Road incorporates wall heights well below the 6.5m limit recommended in LPP 142, and opens up views from the rear, which would

otherwise be obscured by a development, which takes advantage of the permissible wall height.

Submissions

Submissions from 7, 9 and 11c Parker Street continue to dispute the applicant's NGL calculation, and object to any increase in height above the limit recommended in LPP 142.

The applicant has responded to the submissions, and attached a supporting letter from the owner of 11a Parker Street, and endorsement of the plan with the proposed variation by the owner of 5 Parker Street. Views from these properties are also potentially affected by development on the subject site.

To provide a visual representation of the completed development the applicant submitted computer generated images, which illustrate its impact on the landscape.

Image 1 is the front (west side) view of the development.

Image 2 (rear – east side) illustrates the impact of the currently proposed development on views from 11C Parker Street (Mr Cormack).

Image 3 illustrates the impact of the development if built to the complying 6.5m height limit; the broken line "A" is the height proposed in the current application.

Image 4 illustrates the impact of the currently proposed development on views from 9 Parker Street (Mr & Mrs Greenacre).

Image 5 illustrates the impact of the development if built to the complying 6.5m height limit (see "B"); the broken line "A" is the currently proposed height.

At 6.5m the impact on views from 9 Parker Street would be quite significant in that a portion of its river view would be obstructed.

By lowering roof height at the rear to 5.75m, as is currently proposed, its river view is not affected.

These images illustrate that the proposed development will not obstruct present views of the Swan River, Fremantle Harbour, and the Indian Ocean from properties at the rear.

At a meeting with the Consultant Town Planner the author of the submission from 9 Parker Street questioned the accuracy of the computer generated images.

In response the Consultant Town Planner arranged, in consultation with the applicant, to depict building height with the use of 6.5m long staffs being positioned at the rear of the subject land in positions correlating with the positions of the two rear building corners.

The foot/base of the staffs were positioned at NGL based on the existing and 1983 contours, and held upright to ascertain the impact of the proposed development on property views at the rear, and to determine the accuracy or otherwise of the computer generated images.

It was clear to the Consultant Town Planner that views of the river, ocean, and harbour would be maintained from properties at the rear with the development being at 5.75m above NGL, and the computer generated images are a reasonably accurate representation of the proposed development.

In addition the applicant referred the submissions to McMullen Nolan Surveyors. The Director, Gerry Nolan, provided a response to the submission from 9 Parker Street.

In summary, the 1958 levels cannot be relied upon as the basis for determining height above NGL because there is insufficient level information.

The 1983 survey information shows contours and levels which had to be converted to the AHD, which is currently used. That is, the height numbers differ between the 1983 survey and the application site plan because 2 different height datums apply.

A conversion factor had to be applied to ensure that today's level information was accurately plotted based on the 1983 survey for this application.

Conclusion

To maintain floor and ceiling levels throughout the development, and allow for positive drainage from the proposed lower level garages, it is necessary for the application to involve a very minor variation to wall height in the southwest corner of the proposed development.

Wall height at the rear of the proposed development will be 5.75m above NGL; the minor wall height variation in the southwest corner will not impact on existing river, ocean or harbour views from properties at the rear (in any event, if the development were proposed with allowable wall height at the rear the "offending" portion of the building would be obscured).

The applicant has used all available means to demonstrate the validity of the submitted plans in regard to NGL, and building height. The submissions serve to confuse this matter however the applicant has demonstrated that the information used to determine NGL and building height is accurate, and this is verified by consulting surveyors McMullen Nolan.

This application continues to propose the minor side boundary setback variations, which have no impact on adjoining properties, and were approved by Council at its May and September 2006 meetings.

RECOMMENDATION

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

- (a) variation to the north and south side boundary setbacks for angled screening on the upper floor (level 2) pursuant to the Residential Design Codes from 2.4m to 2.2m for both dwellings;
- (b) variation to the upper floor setbacks and floor area pursuant to Local Planning Policy 142 for development on battleaxe lots;
- (c) variation to roof pitch pursuant to Council Policy 066 from 28° to 3°;
- (d) variation to wall height for a 5m² portion of the roof in the south west corner of the development pursuant to Local Planning Policy 142 from 6.5m to 7m;

for the construction of two 3-level houses on the rear battleaxe lot at No. 74A (Lot 14) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 2 January 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 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. 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 Ashley Richards (architect) and Mr Gerry Nolan (McMullenNolan Surveyors) addressed the meeting.

Mr Graham Greenacre (9 Parker Street) and Mr Wayne Cormack (11c Parker Street) addressed the meeting seeking clarification of ground levels and requesting compliance with height restrictions with regard to view corridors.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Martin

That the application for the construction of two 3-level houses on the rear battleaxe lot at No. 74A (Lot 14) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 2 January 2007 be deferred pending receipt of the following:

- 1. the Chief Executive Officer to obtain legal advice as to the verification of natural ground levels and that legal advice guide Council as to what natural ground level is on this site;**
- 2. photos, with the permission of adjoining neighbours, be taken from their properties.**

CARRIED

**T10.12 Hubble Street No. 42 (Lot 8) – G & S Mooney
(Application No. P251/2006)**

By Beryl Foster, Acting Town Planner and Stuart Wearne, Chief Executive Officer, on 8 February 2007

BACKGROUND

Description of Proposal

1. Modification of café seating arrangement to include outdoor seating.
2. Signage for the café.

Statutory Requirements

Town Planning Scheme No. 3 – Mixed Use

Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places

Relevant Council Policies

N/a

Documentation

Plans received 22 December 2006 and relevant forms

13 February 2007

MINUTES

Date Application Received

22 December 2006

Additional Information Received

Nil

Advertising

Adjoining land owners and sign on site

Date Advertised

15 January 2007

Close of Comment Period

29 January 2007

No. of Days Elapsed between Lodgement & Meeting Date

52

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

Council at its meeting held 21 November 2006 resolved the following:

That the application dated 11 October 2006 for the development of a café at 42 Hubble Street (Lot 8), East Fremantle and its use as a café together with associated kitchen, store, toilets etc be approved subject to the following conditions:

1. *Council exercise its discretion in granting its approval for the parking requirement as per TPS3 Parking Standards being reduced from 11 car bays to (4) car bays in accordance with the following provisions:
 - (i) 2 car bays on George Street adjacent to the subject site being applied to the proposal.
 - (ii) 2 on site staff bays being provided in the shed located at the eastern end of the property and accessed from the existing crossover.
 - (iii) nil parking bays to be subject to cash-in-lieu of parking.*
2. *seating shall be limited to 35 adult patrons at any one time.*
3. *the Applicant is to make application for any outside seating, which is to be approved by Council before any outside areas are used for outside seating or dining.*
4. *hours of operation are limited from 6am to 7pm.*
5. *signage is to be the subject of a separate application.*
6. *this planning approval to remain valid for a period of 24 months from date of this approval.*

Footnotes:

- (a) *The relaxation of parking requirements is made on the observation that no parking amenity concerns have been evident during the hours of operation of the business to date.*
- (b) *With respect to the approved trading hours, if the Applicant wishes to increase the hours of operation, a new application to increase trading hours must be made and the impact of the increased hours is to be assessed in conjunction with the other "late night" trading cafes/restaurants in the locality.*

CONSULTATION

Development Control Unit

8 January 2007

Town Planning Advisory Panel Comments

Not referred.

Referral to Other Authorities

N/a

13 February 2007

MINUTES

Public Submissions

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

Site Inspection

16 January 2007

REPORT

Outdoor Seating

Approval is sought for outdoor seating on the footpath in front of the café facing both George and Hubble Streets.

Such seating is subject to the Town of East Fremantle Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places.

Council has previously delegated authority to the Chief Executive Officer to deal with applications pursuant to this Local Law and accordingly this matter has now been referred to the Chief Executive Officer, together with the results of the advertising.

Signage

Approval is sought for two (2) signs:

Verandah fascia mounted sign – 3.3m x .6m

Prior to TPS3, sign applications were dealt with under the By-laws relating to Advertising Devices, Hoardings and Billpostings and were generally dealt with under delegated authority by the Chief Executive Officer in consultation with the Building Surveyor.

Since TPS3, sign applications are dealt with pursuant to provisions in this Scheme.

Council subsequently delegated to the Chief Executive Officer "Approval to Issue Sign Licences" pursuant to the Planning & Development Act, however, notwithstanding the intent appears to be to delegate the determination of signs applications to the Chief Executive Officer, has given as a condition of the delegation "Subject to planning approval". It is not clear what this means.

Taken literally, this would mean every sign application should be coming before the Town Planning Committee, with the Chief Executive Officer simply signing the licence, which would happen in any event and certainly not requiring a delegation.

This issue requires clarification and elected member direction – a recommendation which would have this effect is included as Recommendation 2 in this report.

The Chief Executive Officer has meanwhile requested that this particular application be dealt with by elected members, as the most prudent course of action.

Under the former By-laws relating to Advertising Devices, Hoardings and Billpostings the proposed sign is considered a sign on a verandah fascia and is within the maximum depth of 610mm allowed for such signs (no specific width is prescribed)

Notwithstanding a prohibition on roof signs and a particular concern for places of heritage value in the former By-Law, the proposed sign is not considered to have an undue adverse impact on the amenity of the George Street Precinct, and is supported.

Portable Sign

The proposed dimensions of the portable sign are 1.2m X .6m.

The statutory provisions relating to advertising signs on thoroughfares form part of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and, as per comments earlier in the report, has been referred to the Chief Executive Officer to be dealt with under the Chief Executive Officer's delegated authority.

Conclusion(s)

It has become clear from dealing with this application that the Town would benefit from introducing a Local Planning Policy which addresses signage.

It is the view of the Chief Executive Officer and Town Planner that the former Signs By-Laws – which operated successfully from 1987-2004 – would be an appropriate general basis for the Policy and could at this stage be used for advertising requirements pertaining to the adoption of Local Planning Policies.

A copy of the former Advertising Devices, Hoardings and Billpostings By-Laws is attached.

Following the 21 day advertising period a final Signs Local Planning Policy can be formulated, based on any submissions received and a further review of the former By-Laws.

Consideration could also be given at that time to the seeking of a Scheme Amendment, given an obvious disparity between Council's former Signs By-laws and certain provisions in TPS3 which were effectively been forced on Council via the relevant Model Scheme Text provisions, which Council was largely obliged by the Minister to adopt.

RECOMMENDATION

That

1. Council approve the sign on the verandah fascia on Lot 8 (No 42) Hubble Street East Fremantle in accordance with plans received 22 December 2006, subject to the following conditions:
 - (i) the works to be 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.
 - (ii) this planning approval to remain valid for a period of 24 months from date of this approval.

2. "Delegation D53 Approval to Issue Sign Licence" be clarified as follows:

Delegation	LGA Reference	Function	Conditions
D53 Approval to Determine Applications for Sign Licences	Section 5.42 LGA Clause 5.9 TPS3	Authority to determine applications for sign licence. Authority to determine licence fee in accordance with relevant legislation. Authority to issue a sign licence.	Consideration to be given to Signs Local Planning Policy.

3. Former Town of East Fremantle By-laws relating to Advertising Devices, Hoardings and Billpostings be approved as the basis for advertising purposes of a Signs Local Planning Policy – with a further report to be submitted to Council following such advertising. **Absolute Majority Resolution Required**

Ms Samantha Mooney (applicant) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Harrington

That

1. Council approve the sign on the verandah fascia on Lot 8 (No 42) Hubble Street East Fremantle in accordance with plans received 22 December 2006, subject to the following conditions:
 - (i) the works to be 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.

- (ii) this planning approval to remain valid for a period of 24 months from date of this approval.

2. "Delegation D53 Approval to Issue Sign Licence" be clarified as follows:

Delegation	LGA Reference	Function	Conditions
D53 Approval to Determine Applications for Sign Licences	Section 5.42 LGA Clause 5.9 TPS3	Authority to determine applications for sign licence. Authority to determine licence fee in accordance with relevant legislation. Authority to issue a sign licence.	Consideration to be given to Signs Local Planning Policy.

3. Former Town of East Fremantle By-laws relating to Advertising Devices, Hoardings and Billpostings be approved as the basis for advertising purposes of a Signs Local Planning Policy – with a further report to be submitted to Council following such advertising. CARRIED

ABSOLUTE MAJORITY RESOLUTION REQUIRED

T11. ADJOURNMENT

Cr Martin – Cr Dobro

That the meeting be adjourned at 9.10pm.

CARRIED

T12. RESUMPTION

Cr Dobro – Cr Olson

That the meeting be resumed at 9.22pm with all those present at the adjournment in attendance.

CARRIED

T13. REPORT'S OF OFFICERS (Cont)

**T13.1 Pier Street No. 4 (Lot 2) – Outdoor Centre Holdings P/L
(Application No. P81/2006)**

By Chris Warrener, Consultant Town Planner on 22 January 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for an 8.8m long X 3m wide X 2.57m high flat roofed patio next to the east side wall of the attached grouped dwelling at 4 Pier Street

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R30

Local Planning Strategy – Richmond Hill 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 15 January 2007

Date Application Received

15 January 2007

Advertising

Adjoining land owners only

Date Advertised

17 January 2007

13 February 2007

MINUTES

Close of Comment Period

29 January 2007

No. of Days Elapsed between Lodgement & Meeting Date

29 days

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

6 May 1987 Strata Title Certificate endorsed by Council for 2 and 4 Pier Street

CONSULTATION

Public Submissions

At the close of the comment period 3 submissions were received from the potentially affected property owners who were in support of the application.

Site Inspection

By Consultant Town Planner on 22 June 2006

REPORT

Issues

Boundary Setbacks

The proposed patio is set back 1.03m from the east side boundary common with 6 Pier Street. There are three grouped dwellings at 6 Pier Street.

The RDC recommend a 1.5m setback.

Discussion

While the proposed patio is closer to a common property boundary than recommended in the RDC, the potentially affected land at 6 Pier Street comprises the driveway access for the 3 grouped dwellings on that property.

Therefore the impact of the proposed variation is considered negligible.

The potentially affected property owners have endorsed submissions of support for the application.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the east side boundary pursuant to the Residential Design Codes from 1.5m to 1.03m for the construction of an 8.8m long X 3m wide X 2.57m high flat roofed patio next to the east side wall of the attached grouped dwelling at 4 Pier Street (Lot 2), East Fremantle in accordance with the plans date stamp received on 15 January 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 used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Olson

That Council exercise its discretion in granting approval for a variation to the east side boundary pursuant to the Residential Design Codes from 1.5m to 1.03m for the construction of an 8.8m long X 3m wide X 2.57m high flat roofed patio next to the east side wall of the attached grouped dwelling at 4 Pier Street (Lot 2), East Fremantle in accordance with the plans date stamp received on 15 January 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 used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 4. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

T13.2

Alexandra Road No. 12 (Lot 6) – Morag Soley
(Application No. P238/2006)

By Chris Warrener, Consultant Town Planner on 6 February 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a Family Day Care looking after 4 children under 5 years old at 12 Alexandra Road.

13 February 2007

MINUTES

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3) – Residential R12.5/40
Local Planning Strategy - Richmond Precinct (LPS)

Documentation

Plans and relevant forms date stamp received on 7 December 2006

Date Application Received

7 December 2006

Advertising

Adjoining land owners & sign on site

Date Advertised

15 January 2007

Close of Comment Period

29 January 2007

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

- | | |
|------------------|--|
| 19 August 1991 | Council grants conditional special approval for 8 units (4 X 2-storey, 4 X single storey) at 188 Canning Highway (cnr Alexandra Road); |
| 5 May 1992 | State Planning Commission endorses Strata Plan No 22884 to create 8 grouped dwellings; |
| 19 December 2006 | Council decides to require that the proposed Family Day Care use is advertised. |

Public Submissions

At the close of the comment period 2 submissions were received.

- | | |
|--------------------------|--|
| <i>27 Alexandra Road</i> | Opposed to application because: <ul style="list-style-type: none">.. Any such use in a residential home should be for no more than three children;.. The proposed premises is a villa unit which is not suitable as it does not have its own enclosed yard and is close to other units. |
| <i>20 Alexandra Road</i> | .. Out of character for the site being a small block of 267m ² with only 78m ² backyard; <ul style="list-style-type: none">.. Subject property is part of the Corporate Body of the Owners of 6 – 20 Alexandra Road, and the rules of the Body do not permit the carrying on of a business on the properties. |
| <i>16 Alexandra Road</i> | .. impact on resale value of nearby properties; <ul style="list-style-type: none">.. if the day care displays an advertising sign this will detract from the appearance of the property;.. concern that if property is sold will the business operating rights pass on to the new owners and would the same terms and conditions apply. |
| <i>14 Alexandra Road</i> | .. Visual pollution from a street sign advertising the Family Day Care; <ul style="list-style-type: none">.. Loss of property value;.. Parking and congestion problems;.. Noise problems. |

Site Inspection

By Consultant Town Planner on 8 and 13 December 2006

REPORT

Issues

Land Use

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

Sub-clause 4.3.2. states:

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

Discussion

At its Ordinary Meeting in December 2006 Council resolved:

"That Council pursuant to Clause 9.4 of Town Planning Scheme No 3 require that the proposal for a Family Day Care at 12 Alexandra Road be advertised in the following manner:

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

Footnote:

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

Submissions

At the expiry of the advertising period 4 submissions were received.

One of the submissions advises that the rules of the Body Corporate for the development, which comprises 6 – 20 Alexandra Road (including the subject property), do not permit the carrying on of a business.

The other submissions raise concerns regarding parking and congestion, noise issues, the suitability of the premises for the use, concerns regarding signage, and the potential for the use to devalue nearby property.

The subject property has direct frontage to Alexandra Road.

It is a grouped dwelling in a group of 8, four (4) of which are accessed via shared driveways to Alexandra Road.

Visitor parking to the subject property is available at the kerbside, one parking spot next to the kerb immediately in front of the subject property, and at least 3 other spaces between the subject property and the intersection of Alexandra Road and Canning Highway.

The concerns regarding parking and congestion are not considered valid in light of the available street parking, and the fact that the subject property directly fronts Alexandra Road (thereby obviating the need to obtain access via the shared driveways, which provide access to the other grouped dwellings).

Noise is not considered to be a valid concern given that there will only be four (4) children in care, which would be anticipated in a suburban family household.

13 February 2007

MINUTES

The submissions raised concerns regarding signage however the application does not propose any signage, and would need to be the subject of a separate application to Council.

The other concern suggested that property values would be affected by the use however there are no studies or evidence to suggest that this is or would be the case.

Conclusion

Family Day Care is a use that is increasingly needed in today's society, where both parents need to work to support their family and their mortgage.

It is a use that is considered to be a community benefit, is appropriate in a residential area, and is therefore supported.

RECOMMENDATION

That Council pursuant to sub-clause 4.3.2 of Town Planning Scheme No 3 grant Planning Approval for a Family Day Care looking after 4 children at No. 12 (Lot 6) Alexandra Road, East Fremantle subject to the following conditions:

1. agreement to the use by the Body Corporate.
2. hours of operation: 7:30am to 6:00pm.

Footnote:

The applicant is advised to liaise with the Body Corporate for 6 – 20 Alexandra Road in regard to the carrying on of a business.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Martin

That Council pursuant to sub-clause 4.3.2 of Town Planning Scheme No 3 grant Planning Approval for a Family Day Care looking after 4 children at No. 12 (Lot 6) Alexandra Road, East Fremantle subject to the following conditions:

1. agreement to the use by the Body Corporate.
2. hours of operation: 7:30am to 6:00pm.
3. this planning approval to remain valid for a period of (12) months from the date of Council's approval and should the applicant wish to continue the use beyond this period, a written request prior to the expiration of the approval should be submitted following which adjoining neighbour comment will be sought.

Footnote:

The applicant is advised to liaise with the Body Corporate for 6 – 20 Alexandra Road in regard to the carrying on of a business.

CARRIED

T13.3

East Street No. 48 (Lot 96) – Bjorn Madsen
(Application No. P256/2006)

By Chris Warrener, Consultant Town Planner on 6 February 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for an upper level addition to the single storey house at 48 East Street comprising a loft room and a balcony.

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)

13 February 2007

MINUTES

Documentation

Plans and relevant forms date stamp received on 4 January 2007

Date Application Received

4 January 2007

Advertising

Adjoining land owners only

Date Advertised

15 January 2007

Close of Comment Period

29 January 2007

No. of Days Elapsed between Lodgement & Meeting Date

40 days

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

11 February 1982	Building Permit issued for renovation of existing garage;
15 October 2003	Town Planner Kelvin Oliver conditionally approves under delegated authority the addition of a zincalume roof to the rear including an extension to the verandah;
30 October 2003	Building Licence issued for zincalume roof and verandah extension;
15 June 2006	Building Licence re-issued for additions & alterations;

CONSULTATION

Development Control Unit

9 January 2007

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 January 2007 and the following comments were made:

- if approved screen should be erected and permanently remain as important feature
- some concern whether screen was necessary. May look odd.
- questioned whether Council should approve screening – note different screen heights in plans

Public Submissions

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

Site Inspection

By Consultant Town Planner on 5 January 2007

REPORT

Issues

Boundary Setbacks The proposed upper level addition with the screened balcony is set back 0.9m from the north side boundary common with 46 East Street.

The RDC recommend a 1.2m setback.

Discussion

The addition comprises a simple room/loft essentially under the main roof, accessed via a spiral staircase from the ground floor.

13 February 2007

MINUTES

It is proposed to extend the house roof 'dormer' style to provide cover for the proposed balcony. The roof extension is proposed to be pitched and built in materials to match the existing house, so as not to detract from its historic appearance.

The area nearest the addition comprises a parking area for the multiple dwelling development at 46 East Street.

The variation to the setback for the addition is not considered to negatively impact on this property, as the balcony is proposed to be screened there will be no overlooking.

TPAP Comments TPAP's concerns regard the appearance of the screen which might appear as an odd addition to the existing parapet wall.

Because the area overlooked by the proposed balcony comprises a car-park, and is further than 7.5m (approximately 20m) from the multiple dwelling development at 46 East Street it is not considered essential for the balcony to be screened.

Removal of the screen is considered to improve the appearance of the proposed additions.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side boundary setback for an upper level addition pursuant to the Residential Design Codes from 1.2m to 0.9m for the construction of an upper level addition to the single storey house at No. 48 (Lot 96) East Street, East Fremantle comprising a loft room and a balcony in accordance with the plans date stamp received on 4 January 2007 subject to the following conditions:

1. the "new metal privacy screen 1500AFL" as shown on the applicant's plans is to be removed.
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 addition is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Harrington

That Council exercise its discretion in granting approval for a variation to the north side boundary setback for an upper level addition pursuant to the Residential Design Codes from 1.2m to 0.9m for the construction of an upper level addition to the single storey house at No. 48 (Lot 96) East Street, East Fremantle comprising a loft room and a balcony in accordance with the plans date stamp received on 4 January 2007 subject to the following conditions:

1. the "new metal privacy screen 1500AFL" as shown on the applicant's plans is to be removed.
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 addition is not to be used until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

CARRIED

**T13.4 Petra Street No. 27A (Lot 8) – Ross Griffin Homes
(Application No. P248/2006)**

By Chris Warrener, Consultant Town Planner on 6 February 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a single storey house comprising 3-bedrooms and an en-suite, living, dining, kitchen, laundry, bathroom, and study, at 27A Petra Street.

Statutory Requirements

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 20 December 2006

13 February 2007

MINUTES

Date Application Received

20 December 2006

Advertising

Adjoining land owners only

Date Advertised

15 January 2007

Close of Comment Period

29 January 2007

No. of Days Elapsed between Lodgement & Meeting Date

55 days

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

17 February 2004 Council decides to advise the WAPC that it conditionally supports the subdivision of 27 Petra Street into 2 lots;
8 March 2004 WAPC grants conditional approval to subdivide 27 Petra Street into 2 lots;
1 June 2004 Demolition Licence issued for the single storey house at 27 Petra Street;
15 November 2005 Council grants conditional approval for a single storey dwelling on reduced north and south side setbacks at 27A Petra Street.

CONSULTATION

Development Control Unit

9 January 2007

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 January 2007 and the following comments were made:

- concern no garage in application and may be a subsequent application
- would not support structure in front setback – could be a footnote on approval
- consider awning over two front windows to study
- well proportioned – fits in with Petra Street

Public Submissions

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

Site Inspection

By Consultant Town Planner on 21 December 2006

STATISTICS

Land Area

Required

Proposed

494m²

Zoning

R12.5

Open space

67.3%

Setbacks:

Front (east)

*Ground
Study*

7.50

8.50

Acceptable

Entry & Bed 1 7.50

10.1

Acceptable

13 February 2007

MINUTES

Rear (west)	<i>Ground</i> <i>Alfresco</i>	6.00	13.5 Acceptable
Side (north)	<i>Ground</i> <i>Bed 1</i>	1.00	Nil Acceptable (LPP 142)
	<i>Bath/Din</i>	1.50	1.00 Discretion Required
	<i>Alfresco</i>	1.50	1.00 Discretion Required
Side (south)	<i>Ground</i> <i>Living</i>	1.00	1.00 Acceptable
	<i>Laundry/</i> <i>Bed 2 & 3</i>	1.50	1.50 Acceptable
	<i>Study</i>	1.00	1.00 Acceptable
Wall Height			
Side (north)		3.00	3.20 Discretion Required

REPORT

Issues

Boundary Setbacks

North Side Boundary Common with 27B Petra Street

The wall for Bedroom 1 and an En-suite is 3.2m high X 7.1m long on the boundary.

LPP 142 allows for a boundary wall no higher than 3m and 9m long along one side boundary.

A Dining room, and an Alfresco area are set back 1m from the north side boundary.

The RDC recommend a 1.5m setback.

Discussion

The proposed variations are considered relatively minor having no impact on the amenity of adjoining or nearby properties, and are supported. The potentially affected property owner at 27B Petra Street has not objected to the variation.

TPAP Comments

By and large TPAP supported this application but suggested the addition of an awning over the front study windows and expressed concern regarding car-parking.

The officer's recommendation below includes a footnote which suggests that the applicant consider the addition of the awning.

Regarding car parking for single house development the RDC recommend:

"Two spaces, which may be in tandem;" (RDC, page 66)

The application does not propose undercover parking; the site plan of the proposed house illustrates a brick paved driveway with turning area space sufficient to accommodate 2 motor vehicles therefore the application 'complies' with the access and parking recommended for single house development.

RECOMMENDATION

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

- (a) variation to the height of a north side boundary wall pursuant to Local Planning Policy 142 from 3m to 3.2m above natural ground level;
- (b) variation to the north side boundary setback for a dining room and an alfresco area pursuant to the Residential Design Codes from 1.5m to 1m;
- (c) variation to the north side boundary for the height of a parapet wall to bedroom (1) pursuant to LPP 142 from 3.0m to 3.2m;

for the construction of a single storey house comprising living, dining and kitchen, laundry, bathroom, study, 3-bedrooms and an en-suite at No. 27A Petra Street (Lot 8), East Fremantle in accordance with the plans date stamp received on 20 December 2006 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.
- 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) *the applicant/owner is advised that Council Policy 142 recommends against the provision of a carport or garage in front of the main building line.*
- (b) *it is suggested that the applicant/owner consider providing an awning over the two windows to the study.*

- (c) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (d) *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.*
- (e) *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.*
- (f) *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).*
- (g) *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.*
- (h) *the developer is required to contact Council's Work's Supervisor regarding the crossover.*

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Martin

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

- (a) **variation to the height of a north side boundary wall pursuant to Local Planning Policy 142 from 3m to 3.2m above natural ground level;**
- (b) **variation to the north side boundary setback for a dining room and an alfresco area pursuant to the Residential Design Codes from 1.5m to 1m;**
- (c) **variation to the north side boundary for the height of a parapet wall to bedroom (1) pursuant to LPP 142 from 3.0m to 3.2m;**

for the construction of a single storey house comprising living, dining and kitchen, laundry, bathroom, study, 3-bedrooms and an en-suite at No. 27A Petra Street (Lot 8), East Fremantle in accordance with the plans date stamp received on 20 December 2006 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.**
- 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) *the applicant/owner is advised that Council Policy 142 recommends against the provision of a carport or garage in front of the main building line.*
- (b) *it is suggested that the applicant/owner consider providing an awning over the two windows to the study.*
- (c) *this decision of Council does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (d) *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.*
- (e) *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.*
- (f) *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).*
- (g) *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.*
- (h) *the developer is required to contact Council's Work's Supervisor regarding the crossover.*

CARRIED

T13.5

***Gill Street No. 39 (Lot 17) – J Bird
(Application No. P9/2007)***

By Beryl Foster, Acting Town Planner on 8 February 2007

BACKGROUND

Description of Proposal

Alterations and additions to existing dwelling, involving garage on northern boundary, rear outdoor living area, spa and sauna.

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 18 January 2007 and relevant forms

Date Application Received

18 January 2007

Additional Information Received

Nil

13 February 2007

MINUTES

Advertising

Adjoining land owners

Date Advertised

18 January 2007

Close of Comment Period

2 February 2007

No. of Days Elapsed between Lodgement & Meeting Date

26 days

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

Included on the Town of East Fremantle Draft Municipal Inventory.

CONSULTATION

Development Control Unit

Not referred

Town Planning Advisory Panel Comments

Not referred

Public Submissions

Comment of support from the adjoining neighbour to the north was received on submission of the proposal.

Site Inspection

23 January 2007

STATISTICS

	<i>Required</i>	<i>Proposed</i>
Land Area		911m ²
Zoning		R12.5
Open space	55% (501m ²)	70% (643.9m ²) Acceptable
Covered Area		267.53m ²

Setbacks:

Front (east)	<i>Ground</i>	7.50	12.00
	<i>Garage</i>		Acceptable
Rear (west)	<i>Ground</i>	1.00	2.50
		1.50	Acceptable
			10.30
			Acceptable
Side (north)	<i>Ground</i>	1.50	1.00
		1.00/NIL	Discretion Required
			Nil
			Acceptable
Side (south)	<i>Ground</i>	1.50	6.00
			Acceptable

Height:

Wall Single Storey

13 February 2007

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Parapet Wall Height

4.00 to 4.50
Discretion Required

Privacy: As discussed

Overshadowing: Acceptable

Policies:

Solar Access & Shade	Acceptable
Drainage	Standard Condition
Views	Acceptable
Crossover	Existing

REPORT

Issues

Setbacks

Discussion

Approval is sought for alterations and additions to existing single storey dwelling, including a boundary wall, alfresco, spa and sauna.

The boundary wall is in accordance with policy provisions.

Setbacks

Discretion is sought for the northern boundary setback to the spa and sauna be reduced from 1.5m to 1m.

Notwithstanding affected neighbour support, there is potential overlooking into the adjacent northern backyard given the proposed finished level of the decking to the spa and sauna, as such, appropriate screening is required.

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 approve the construction of alterations and additions on Lot 17 (No. 39) Gill Street, East Fremantle, in accordance with plans received 18 January 2007, subject to the following conditions:

1. prior to the issue of a building licence, details shall be submitted and approved demonstrating privacy screening on the northern elevation to the sauna and spa decking to a minimum height of 1.6m above each finished floor level.
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 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.

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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. compliance with all relevant engineering, building and health requirements, in particular regarding the spa.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr Olson – Mayor O'Neill

That Council approve the construction of alterations and additions on Lot 17 (No. 39) Gill Street, East Fremantle, in accordance with plans received 18 January 2007, subject to the following conditions:

1. **prior to the issue of a building licence, details shall be submitted and approved demonstrating privacy screening on the northern elevation to the sauna and spa decking to a minimum height of 1.6m above each finished floor level.**
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 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. **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. **compliance with all relevant engineering, building and health requirements, in particular regarding the spa.**
8. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

T14. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)

Nil.

T15. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T16. CLOSURE OF MEETING

There being no further business the meeting closed at 9.35pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **13 February 2007**, Minute Book reference **T1. to T16.** were confirmed at the meeting of the Committee on*

.....

Presiding Member