

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 13 MARCH 2007, COMMENCING AT 6.30PM.

T17. OPENING OF MEETING

T17.1 Present

T18. WELCOME TO GALLERY

T19. APOLOGIES

T20. CONFIRMATION OF MINUTES

T20.1 Town Planning & Building Committee (Private Domain) – 10 October 2006

T21. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T22. REPORTS OF COMMITTEES

T23. REPORTS OF OFFICERS

T23.1 Receipt of Reports

T23.2 Order of Business

T23.3 Glyde Street No. 62 (Lot 157) – A & H Rogerson

T23.4 Dalgety Street No. 28 (Lot 113) – G McCann

T23.5 Bay Patch Street No. 20 (Lot 278) – D Strambolini

T23.6 Riverside Road No. 10 (Lot 7563) – Swan River Trust

T23.7 Hubble Street No. 27 (Lot 65) – Barbara Jarvis

T23.8 Wolsely Road No. 23 (Lot 2) – Mark Hamilton

T23.9 Riverside Road No. 5B (Lot 2) – Craig & Catherine Sims

T23.10 Riverside Road No. 61 (Zephyr Café) – Bravura Design

T23.11 Gill Street No. 44 (Lot 38) – One Stop Patio Shop

T23.12 Richmond Circus No. 51 (Lot 6) – Patio Living

T23.13 Sewell Street No. 57 (Lot 2) – Peter Packer

T23.14 Sewell Street No. 38 / George Street No. 78 (Lot 531) – B Beattie

T24. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)

T25. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T25.1 Jerrat Drive (Reserves 33997 & 7800) – East Fremantle Lacrosse Club

T25.2 Review of Town Planning Policies

T26. CLOSURE OF MEETING

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 13 MARCH 2007, COMMENCING AT 6.30PM.

PART I

T17. OPENING OF MEETING

T17.1

Present

Mayor James O'Neill
Cr Stefanie Dobro Presiding Member
Cr Alan Ferris
Cr Jennifer Harrington from 6.50pm
Cr David Martin
Cr Richard Olson
Cr Alex Wilson From 7.55pm
Ms Beryl Foster Acting Town Planner
Mr Chris Warrener Consultant Town Planner
Mrs Peta Cooper Minute Secretary

T18. WELCOME TO GALLERY

There were 3 members of the public in the gallery at the commencement of the meeting.

T19. APOLOGIES

An apology was submitted on behalf of Cr Alex Wilson who advised she would be arriving late due to her attendance at the Fremantle Ports Inner Harbour Community Liaison Group Meeting.

T20. CONFIRMATION OF MINUTES

T20.1 *Town Planning & Building Committee (Private Domain) – 10 October 2006*

Mayor O'Neill – Cr Martin

That the Town Planning & Building Committee (Private Domain) minutes dated 13 February 2007 as adopted at the Council meeting held on 20 February 2007 be confirmed. CARRIED

T21. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T22. REPORTS OF COMMITTEES

Nil.

T23. REPORTS OF OFFICERS

T23.1 *Receipt of Reports*

Cr Harrington – Cr Martin

That the Reports of Officers be received. CARRIED

T23.2 *Order of Business*

Cr Martin – Cr Ferris

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

T23.3

**Glyde Street No. 62 (Lot 157) – A & H Rogerson
(Application No. P12/2007)**

By Chris Warrener, Consultant Town Planner on 1 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for 2 storey additions at the rear of the single storey house at 62 Glyde Street East Fremantle comprising:

- Ground floor deck, family room, & library;
- Upstairs guest bedroom, en-suite and study;
- 11.2m long X 2.6m wide X 2.4m high curve roofed shade structure over the existing driveway;
- 4m wide X 5m long plunge pool with shade sail over.

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)

Attachments

Location map

Site visit photos

Documentation

Plans and relevant forms date stamp received on 22 January 2007

Date Application Received

22 January 2007

Additional Information Received

22 February 2007 Open space calculation provided by applicant.

Advertising

Adjoining land owners only

Date Advertised

5 February 2007

Close of Comment Period

19 February 2007

No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

- | | |
|-------------------|---|
| 30 November 2001 | Council grants special approval for a reduced setback for the erection of a single storey sitting room addition; |
| 19 September 1994 | Council grants approval to demolish the existing residence and erect a 2-storey residence on reduced setbacks; |
| 21 November 1994 | Council grants approval for demolition of the existing residence and reduced setbacks for the erection of a single storey residence and free standing shed; |
| 16 January 1995 | Demolition Licence issued for existing house; |
| 24 February 1995 | Council grants Planning Consent for a shed; |

CONSULTATION
Development Control Unit
31 January 2007

Public Submissions

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

Site Inspection

By Consultant Town Planner on 22 February 2007

REPORT

Issues

Boundary Wall

The additions include a wall along the south side boundary common with 64 Glyde Street. This wall is 9.57m long and varies in height from 3.2m at its western end to 3.7m at its eastern end.

LPP 142 permits a wall on one side boundary provided it is no longer than 9m and/or higher than 3m.

Boundary Setbacks

Carport

The additions propose an 11.2m long X 2.6m wide X 2.4m high dome-roofed shade structure over the driveway adjacent to the north side boundary common with 60 Glyde Street.

The RDC recommend a 1.0m setback.

Deck

The additions at the rear include a reeded deck, which will replace a rear brick paved terrace that varies in height between 0.5m to approximately 1m above Natural Ground Level (NGL).

This deck is proposed to be set back 3.1m from the north side boundary common with 60 Glyde Street.

The RDC recommend a 7.5m setback.

Discussion

The upper level addition, which is proposed to contain a study, stairwell, and a guest bedroom, is set back 1.5m from the south side boundary common with 64 Glyde Street.

The stairwell and guest bedroom contain window openings, however sill height of the horizontal openings is 1.65m above finished floor level, and the vertical opening to the bedroom is less than 1m² in area, therefore based on the RDC there is not considered to be any overlooking of the property to the south.

Carport

The dome-roofed tandem carport is set back behind the main building line, and is designed to be unobtrusive yet attractive in appearance. The potentially affected adjoining landowner has not objected to this structure next to the common boundary.

Deck

Views north from the proposed deck (see Site visit photos) are of the tops of two vegetated fences, the roof of a shade structure at the rear of 60 Glyde Street, the roof and rear gable end of the single house at 60 Glyde Street, and hi-lite windows in a spandrel wall plus a red brick gable wall at 58 Glyde Street.

There is not considered to be any overlooking issues, and the potentially affected property owner has not objected to the application.

RECOMMENDATION

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

- (a) variation to wall height and length for a wall along the south side boundary pursuant to Local Planning Policy 142 from 9m long X 3m high to 9.57m long, and from 3.2m to 3.7m high;
- (b) variation to the setback from the north side boundary for a deck higher than 0.5m above natural ground level pursuant to the Residential Design Codes from 7.5m to 3.1m;
- (c) variation to the setback from the north side boundary for an 11.2m long X 2.6m wide X 2.4m high dome-roofed tandem carport pursuant to the Residential Design Codes from 1m to 0m;

for the construction of 2 storey additions at the rear of the single storey house at No. 62 (Lot 157) Glyde Street, East Fremantle comprising:

- ground floor deck, family room, & library;
- upstairs guest bedroom, en-suite and study;
- 11.2m long X 2.6m wide X 2.4m high curve roofed shade structure over the existing driveway;
- 4m wide X 5m long plunge pool with shade sail over.

in accordance with the plans date stamp received on 22 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 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. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
8. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
10. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
11. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
12. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
13. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
14. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
15. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.

16. 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.
17. 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.*

Mr Andrew Rogerson (applicant) chose not to address the meeting advising he was satisfied with the officer's recommendation.

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Ferris

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

- (a) **variation to wall height and length for a wall along the south side boundary pursuant to Local Planning Policy 142 from 9m long X 3m high to 9.57m long, and from 3.2m to 3.7m high;**
- (b) **variation to the setback from the north side boundary for a deck higher than 0.5m above natural ground level pursuant to the Residential Design Codes from 7.5m to 3.1m;**
- (c) **variation to the setback from the north side boundary for an 11.2m long X 2.6m wide X 2.4m high dome-roofed tandem carport pursuant to the Residential Design Codes from 1m to 0m;**

for the construction of 2 storey additions at the rear of the single storey house at No. 62 (Lot 157) Glyde Street, East Fremantle comprising:

- **ground floor deck, family room, & library;**
- **upstairs guest bedroom, en-suite and study;**
- **11.2m long X 2.6m wide X 2.4m high curve roofed shade structure over the existing driveway;**
- **4m wide X 5m long plunge pool with shade sail over.**

in accordance with the plans date stamp received on 22 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 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. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
8. the proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
10. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
11. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
12. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
13. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
14. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
15. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
16. 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.
17. 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.*

CARRIED

T23.4

***Dalgety Street No. 28 (Lot 113) – G McCann
(Application No. P14/2007)***

By Beryl Foster, Acting Town Planner on 26 February 2007

BACKGROUND

Description of Proposal

Rear single storey alterations and additions to existing single storey dwelling.

Statutory Requirements

Town Planning Scheme No. 3 – R12.5

Residential Design 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

Attachments

Location map

Place Record Form

Applicant's covering letter & photos

Submissions x 1

Applicant's response to submission

Documentation

Plans received 1 February 2007 and relevant forms

Date Application Received

23 January 2007

Additional Information Received

1 February 2007

Advertising

Adjoining land owners

Date Advertised

5 February 2007

Close of Comment Period

19 February 2007

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

29 April 2004 approval was granted for an alfresco structure and swimming pool on the subject land.

STATISTICS	Required		Proposed
Land Area			1011m ²
Frontage			Acceptable 20.12m
Landscaping	55% (556m ²)		Acceptable 74% (746.1m ²) Acceptable
<u>Setbacks:</u>			
Front (west)			Existing
Rear (east)	1.00	<i>Shed</i>	1.70
	1.50		Acceptable 20.00 Acceptable
Side (north)	1.50		1.10
	Nil/1.00		Discretion Required Nil Acceptable
Side (south)			Existing
<u>Height:</u>			
Parapet Wall Height	3.00		3.00 Acceptable
<u>Policies:</u>			
Roof	Acceptable		
Solar Access & Shade	Acceptable		
Drainage	Standard condition		
Views	Acceptable		
Crossover	Existing		

CONSULTATION**Development Control Unit**

31 January 2007

Town Planning Advisory Panel Comments

Not referred

Public Submissions

At the close of the comment period one submission was received and concern regarding the existing kitchen window being modified and privacy screening being removed was raised.

Applicant Comment

The applicant is prepared to provide appropriate privacy screening to the kitchen window.

Site Inspection

22 February 2007

REPORT

Issues

Setbacks

Privacy

Discussion

Approval is sought for rear alterations and additions to existing dining/family rooms to single storey dwelling including shed on boundary and the floor level of the existing TV room being raised to the same finished floor level as the remainder of the dwelling.

The proposal is in accordance with planning provisions for open space.

Setbacks and Privacy

The proposed setbacks on the northern elevation are to follow the line of the existing dwelling and setbacks on the southern elevation remain unchanged.

Discretion is sought for the northern side setback be reduced from 1.5m to 1.1m.

Given the applicant's undertaking to provide privacy screening to the kitchen window and the new bedroom window being considered a minor opening under the R Codes, the maintenance of the existing setback line is considered not to have an undue adverse impact on the amenity of the adjoining neighbour, 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 northern side setback be reduced from 1.5m to 1.1m for the construction of rear alterations and additions to existing dwelling on Lot 113 (No. 28) Dalgety Street, East Fremantle, in accordance with plans received on 1 February 2007, subject to the following conditions:

1. the kitchen window on the northern elevation shall be fixed obscure glazing to a minimum height of 1.6m above the 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, 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. compliance with all relevant engineering, building and health requirements.
7. 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.
8. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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 & Mrs Peter & Jennifer Healey (adjoining neighbours at 26 Dalgety) addressed the meeting expressing concern with the proposed kitchen window.

Cr Harrington entered the meeting at 6.50pm.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

That Council exercise its discretion in granting approval for the northern side setback be reduced from 1.5m to 1.1m for the construction of rear alterations and additions to existing dwelling on Lot 113 (No. 28) Dalgety Street, East Fremantle, in accordance with plans received on 1 February 2007, subject to the following conditions:

- 1. the kitchen window on the northern elevation shall be fixed obscure glazing to a minimum height of 1.8m above the 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, 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. compliance with all relevant engineering, building and health requirements.**
- 7. 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.**
- 8. that within two years of construction Council may request that the zincalume roofing be treated to reduce reflectivity, at the applicant/s expense.**
- 9. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) *this decision 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

T23.5

Bay Patch Street No. 20 (Lot 278) – D Strambolini
(Application No. P34/07)

By Chris Warrener, Consultant Town Planner on 1 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a front fence that is 1.8m high not visually permeable.

The proposed fence will be built in front of 2 windows and the main entry door of the house, the remainder of the property frontage containing a lawn area will remain exposed to street views.

Statutory Requirements

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

Relevant Council Policies

Local Planning Policy 064 Richmond Raceway Area 7 Design Guidelines Policy and Policy Plan (LPP 064)
Council Policy 143 – Fencing (CP 143)

Attachments

Location map
Site visit photos

Documentation

Plans and relevant forms date stamp received on 20 February 2007.

Date Application Received

20 February 2007

No. of Days Elapsed between Lodgement & Meeting Date

20 days

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

20 February 2001 Council grants special approval for reduced landscaping and a reduced rear setback for a single storey residence;
25 May 2001 Building Licence issued for a single storey residence;
31 January 2006 Building Licence issued for a front fence.

CONSULTATION

Site Inspection

By Consultant Town Planner on 21 February 2007.

REPORT

Issues

The proposed front fence is 1.8m high solid (visually impermeable) rendered.

CP 143 states: "Council requires front fences and walls above 1.2m to be visually permeable defined as:

Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open.

(Note: This differs from the 'R' Codes)"

The subject land is in the "Raceway" precinct, and is the subject of Local Planning Policy 064, which states in relation to fencing:

"Fences: *In front of setback line a height of 750mm maximum for solid walls, and 1800mm for open timber or iron grilling.*"

Discussion

On 31 January 2006 a Building Licence was issued for a masonry and picket-panelled front fence on the front boundary of 20 Bay Patch Street. This licence expired on 31 January 2007.

The owner/applicant has decided not to build the approved front fence, and proposes to build a section of fence, which does not comply with CP 143, or with the fencing style recommended in LPP 064.

Notwithstanding the proposed "non-compliance" LPP 064 states:

"Council may vary the requirements of the Design Guidelines Policy and Policy Plan where particular requirements of the lot illustrate that amenity consideration would be improved if concessions were made."

The applicant states:

"Our reasons for these changes are mainly to reduce the increasing traffic noise from Marmion Street and provide for privacy and security also.

The main change is that we now request a solid wall in front of the master bedroom and front door so it is fully enclosed at the same height of 1800mm."

20 Bay Patch Street is situated at the north corner of Colburn Way and Bay Patch Street.

Opposite the front of the property adjacent to the reserve for Bay Patch Street is Marmion Street, a relatively busy distributor road, which provides access between Fremantle and Melville.

The property effectively has two streets opposite its front door. The closest Marmion Street carriageway is less than 10m away.

Conclusion(s)

Based on the particular amenity circumstances confronting the subject land, the fact that a major proportion of the property frontage will not be fenced, and hence will be “open” to the street, this application is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the design of a front fence pursuant to Council Policy 143 – Fencing, and Local Planning Policy 064 Richmond Raceway Area 7 Design Guidelines Policy & Policy Plan for the construction of a 1800mm high fence at No. 20 (Lot 278) Bay Patch Street, East Fremantle in accordance with the plans date stamp received on 20 February 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 fence 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. 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 Martin

That the application for a variation to the design of a front fence at No. 20 (Lot 278) Bay Patch Street be deferred pending the receipt of more detailed drawings.

CARRIED

T23.6

Riverside Road No. 10 (Lot 7563) – Swan River Trust

By Chris Warrener, Consultant Town Planner on 28 February 2007

BACKGROUND

Description of Proposal

A referral for comment from the Swan River Trust (SRT) of an “Application for Approval of Development” for a softly lit pillar sign to the main entrance into Aquarama.

Statutory Requirements

Town Planning Scheme No. 3 (TPS 3)

Metropolitan Region Scheme Reserve –
Parks & Recreation

Local Planning Strategy

Richmond Hill Precinct (LPS)

Relevant Council Policies

Council Policy 022 - Council Policy on Signs (CP 022)

Attachments

Location map
Site visit photos
SRT referral

Date Application Received

28 February 2007

No. of Days Elapsed between Lodgement & Meeting Date

12 days

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

21 March 2006: Council decides to advise the Swan River Trust:

- “1. the proposal to comply with all existing previous Council approvals;
2. Council does not support an increase in painted signage to the east facing wall of the administration building which should be reduced from 3 signs to 2;
3. Council does not support Aquarama’s proposal to relocate flags and poles along the Riverside Road road reserve to the area of its lease between the road reserve and its carpark;
4. the remaining signage should be locational and provide a simple entry statement for Riviera Yacht Chandlers;
5. ‘lifestyle’ hoarding on the Aquarama boat lift facing Riverside Road is not supported;
6. signage associated with the Boardwalk Restaurant on the north and boardwalk south is acceptable;
7. public access along the foreshore currently marked with painted lines and signage to be maintained;
8. the proposal for fencing between the Public Open Space and the slipway area be delegated to the Chief Executive Officer in consultation with relevant officers.”

CONSULTATION**Site Inspection**

By Consultant Town Planner on 28 February 2007

REPORT**Issues***Sign Policy*

The subject land is an A-Class reserve therefore any application for signage is subject to CP 022 which states:

That is be Council's Policy to prohibit any permanent trade advertising in and facing (ie. adjacent to) Council's A-Class Reserves, particularly on the river foreshore, and that short-term (ie. generally no more than 7 days) temporary trade advertising be strictly limited to those occasions which have some sort of community benefit.

Discussion

The subject land is leased and used as a marina, a boat chandlery, a boat storage business (known as Aquarama), and incorporates a restaurant – Boardwalk Restaurant.

Signage has traditionally been an integral part of the facilities on the site, and the current application is for a sign to replace the pole mounted sign, and the sandwich board sign that presently occupy the subject sign site (see site visit photos).

The proposed sign is considered to be an aesthetic improvement on the current entry signage and is supported.

RECOMMENDATION

That Council advise the Swan River Trust that notwithstanding Council Policy 022 it supports the installation of the pillar sign as proposed subject to removal of the current pole mounted and sandwich board signs presently on the subject sign site at 10 Riverside Road (Reserve 28785 / Lot 7563) in accordance with the plans date stamp received on 28 February 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 Sign Licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

Amendment

Mayor O'Neill – Cr Olson

That the proposed sign be no higher than the sign that currently exists.

CARRIED

Amendment

Cr Martin – Cr Harrington

That the existing neon 'restaurant' sign be removed.

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

RECOMMENDATION TO COUNCIL

Mayor O'Neill – Cr Olson

That Council advise the Swan River Trust that notwithstanding Council Policy 022 it supports the installation of the pillar sign as proposed subject to removal of the current pole mounted and sandwich board signs presently on the subject sign site at 10 Riverside Road (Reserve 28785 / Lot 7563) in accordance with the plans date stamp received on 28 February 2007 subject to the following conditions:

1. the proposed sign be no higher than the sign that currently exists.
2. the existing neon 'restaurant' sign be removed.
3. 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.
4. the proposed works are not to be commenced until Council has received an application for a Sign Licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

T23.7

Hubble Street No. 27 (Lot 65) – Barbara Jarvis

(Application No. P26/07)

By Chris Warrener, Consultant Town Planner on 1 March 2007

BACKGROUND

Description of Proposal

A request for an extension of the term of the Planning Approval granted by Council in May 2004 for a shed/studio in the rear yard of 27 Hubble Street.

Statutory Requirements

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

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Attachments

Location map
Applicant's request for extension
Committee & Council Minutes May 2004

Documentation

Plans and relevant forms date stamp received on 28 April 2004

Date Application Received

28 April 2004 Application
12 February 2007 Request for extension of Planning Approval.

No. of Days Elapsed between Lodgement & Meeting Date

28 days

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

18 May 2004 Council grants conditional special approval for a nil setback to both the west and south boundaries, for a shed/studio in the rear yard of 27 Hubble Street.

CONSULTATION**Site Inspection**

By Consultant Town Planner on 16 November 2006

REPORT**Issues***Delegation*

Council has delegated to the Chief Executive Officer (CEO) the authority to process and issue new planning consent where it is brought to Council's attention that a development is not completed within the time specified in the planning consent and that a current building licence exists and that in the opinion of the Chief Executive Officer, the development has substantially commenced.

A Building Licence has not been issued for the shed and studio at 27 Hubble Street therefore Full Council approval is required to be obtained for the extension request.

Discussion

The applicant/owner advised the Consultant Town Planner that her son-in-law is the builder however for a variety of reasons has been unable to commence the approved development.

The proposed development is not considered to be a significant project, it will not have an adverse impact on adjoining or nearby property, and it will not be visible from Hubble Street.

The following recommendation includes the special conditions which Council imposed in its May 2004 approval (NB Wall height).

RECOMMENDATION

That Council grant an extension to the special approval for a nil setback to both the west and south boundaries, for a shed/studio in the rear yard of No. 27 (Lot 65) Hubble Street in accordance with the plans date stamp received on 28 March 2004 for a further two (2) years subject to the following conditions:

1. the height of the wall on the south and west boundaries be reduced from 4m to 3.5m.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.

3. the proposed works are not to be commenced until Council has received an application for a demolition licence for the existing sheds and the demolition licence issued in compliance with the conditions of this planning consent unless otherwise amended by Council.
4. 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 consent unless otherwise amended by Council.
5. the proposed shed/studio is not to be occupied for residential purposes.
6. all stormwater to be disposed of on site, an interceptor channel provided 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.
7. all parapet walls to the adjacent properties to be faced by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning consent is not valid.
9. all asbestos materials are to be removed and disposed of in accordance with the requirements of the Occupational Safety & Health Regulations 1996, Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001.

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.*

Additional Report

The following additional report prepared by Chris Warrener, Council's Consultant Town Planner, on 12 March 2007 was tabled.

This application is for a shed/studio which has a boundary wall that is proposed to be allowed to be 3.5m high.

Under TPS 2 (when the original application was determined) this was permitted development however under TPS 3 LPP 142 limits boundary wall height to 3m.

Therefore allowing the proposed boundary wall to be 3.5m constitutes a variation for which Council discretion is required to be exercised, and should be referred to in the officer's recommendation.

The increased wall height does not negatively impact on adjoining property and does not result in overshadow of the property to the south greater than allowed under the Residential Design Codes.

The recommendation should be reworded as follows:

That Council grant an extension to the special approval for a nil setback to both the west and south boundaries, with a variation to wall height pursuant to Local Planning Policy 142 from 3m to 3.5m for a shed/studio in the rear yard of No. 27 (Lot 65) Hubble Street in accordance with the plans date stamp received on 28 March 2004 for a further two (2) years subject to the following conditions:

1. the height of the wall on the south and west boundaries be reduced from 4m to 3.5m.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence for the existing sheds and the demolition licence issued in compliance with the conditions of this planning consent unless otherwise amended by Council.
4. 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 consent unless otherwise amended by Council.
5. the proposed shed/studio is not to be occupied for residential purposes.
6. all stormwater to be disposed of on site, an interceptor channel provided 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.
7. all parapet walls to the adjacent properties to be faced by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning consent is not valid.
9. all asbestos materials are to be removed and disposed of in accordance with the requirements of the Occupational Safety & Health Regulations 1996, Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001.

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.*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Ferris

That Council grant an extension to the special approval for a nil setback to both the west and south boundaries, with a variation to wall height pursuant to Local Planning Policy 142 from 3m to 3.5m for a shed/studio in the rear yard of No. 27 (Lot 65) Hubble Street in accordance with the plans date stamp received on 28 March 2004 for a further two (2) years subject to the following conditions:

1. the height of the wall on the south and west boundaries be reduced from 4m to 3.5m.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning consent other than where varied in compliance with the special approvals, conditions of this planning consent or with Council's further consent.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence for the existing sheds and the demolition licence issued in compliance with the conditions of this planning consent unless otherwise amended by Council.
4. 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 consent unless otherwise amended by Council.
5. the proposed shed/studio is not to be occupied for residential purposes.
6. all stormwater to be disposed of on site, an interceptor channel provided 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.
7. all parapet walls to the adjacent properties to be faced by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning consent is not valid.
9. all asbestos materials are to be removed and disposed of in accordance with the requirements of the Occupational Safety & Health Regulations 1996, Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001.

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.*
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- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *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

T23.8

Wolsely Road No. 23 (Lot 2) – Mark Hamilton

(Application No. P21/07)

By Chris Warrener, Consultant Town Planner on 1 March 2007

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4m long X 3.5m wide X 2.4m high garden shed next to the east side boundary behind an existing carport at 23 Wolsely Road, East Fremantle.

Statutory Requirements

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

Relevant Council Policies

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

Attachments

Location map
Site visit photos

Documentation

Plans and relevant forms date stamp received on 12 February 2007

Date Application Received

12 February 2007

Advertising

Adjoining land owners only

Date Advertised

13 February 2007

Close of Comment Period

27 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

19 January 1976	Swimming Pool built at rear of 23 Wolsely Road;
11 March 1981	Building Licence issued for a garage and a workshop;
23 April 1981	Council decides to advise the Town Planning Board that it supports the subdivision of 23 Wolsely Road into 2 lots;
11 May 1981	Town Planning Board conditionally approves the subdivision of 23 Wolsely Road into 2 lots (1 X 1051m ² , 1 X 1389m ²);
15 December 1986	Council grants approval for the conversion of a garage into an isolated games room;
15 September 1987	Building Licence issued for conversion of a garage to a games room;
16 February 1999	Council grants conditional special approval for the demolition of a laundry and erection of a granny flat on a reduced east side setback and 19.5° roof pitch;
14 November 2000	Building Licence issued for an extension to an outbuilding/studio;