

**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 II**

**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 <sup>2</sup> , 1 X 1389m <sup>2</sup> );
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;

## **CONSULTATION**

### **Public Submissions**

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

### **Site Inspection**

By Consultant Town Planner on 22 February 2006.

## **REPORT**

### **Issues**

*Boundary Setbacks*            The proposed garden shed is to be erected next to/set back 0m from the east side boundary common with 25 Wolsely Road.

The RDC recommend a 1m setback.

### **Discussion**

While the proposed garden shed is closer to a common boundary than recommended by the RDC, the affected land comprises a brick paved driveway into the adjoining property 25A Wolsely Road, and is not considered to negatively impact on its amenity.

The potentially affected property owner has not objected to the application.

## **RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 1m to 0m for the construction of a 4m long X 3.5m wide X 2.4m high garden shed next to the east side boundary behind an existing carport at No. 23 (Lot 304) Wolsely Road, East Fremantle in accordance with the plans date stamp received on 12 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 shed 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 Martin**

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 1m to 0m for the construction of a 4m long X 3.5m wide X 2.4m high garden shed next to the east side boundary behind an existing carport at No. 23 (Lot 304) Wolsely Road, East Fremantle in accordance with the plans date stamp received on 12 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 shed 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.

CARRIED

**T23.9**

**Riverside Road No. 5B (Lot 2) – Craig & Catherine Sims**  
**(Application No. P30/2007)**

*By Chris Warrener, Consultant Town Planner on 6 March 2007*

### **BACKGROUND**

#### **Description of Proposal**

An Application for Planning Approval for a 1025mm wide X 1145mm high window to match existing windows on the east facing wall of the "Glanville's Buildings" at 5B Riverside Road (36 Canning Highway).

The window will be a "Promaclear 120" Fire Rated Window, tested and approved to AS1530.4 for a fire rating of 2-hours. The glass is clear (with a slight bronze tint) and the framing system is steel tube.

#### **Statutory Requirements**

Town Planning Scheme No. 3 (TPS 3) – Residential R20/40  
Local Planning Strategy - Riverside Precinct (LPS)  
Residential Design Codes (RDC)

#### **Relevant Council Policies**

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

#### **Attachments**

Location map  
Applicant's covering letter  
Heritage Council advice  
Site visit photos  
Submissions X 1

#### **Documentation**

Plans and relevant forms date stamp received on 14 February 2007

**Date Application Received**

14 February 2007

**Advertising**

Adjoining land owner only

**Date Advertised**

21 February 2007

**Close of Comment Period**

6 March 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**

20 June 2006	Council grants approval for 2 double garages;
15 August 2006	Council grants approval fro replacement balconies;
21 November 2006	Council grants approval for landscaping works to the rear courtyard and internal renovations.

**CONSULTATION****Referral to Other Authorities**

Heritage Council of WA

**Public Submissions**

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

<i>7 Riverside Road</i>	Support window subject to there being no encroachment of our property
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**Site Inspection**

By Consultant Town Planner on 10 October 2006

**REPORT****Issues**

<i>Overlooking</i>	The proposed window is for a bedroom, which is set back 0m from the east side boundary, and overlooks a gate-housed rear entry to the adjoining property 7 Riverside Road off Canning Highway.
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The RDC recommend a 4.5m setback for bedroom windows.

<i>Heritage</i>	The subject property is on Council's Heritage List, and it is on the "State Register of Heritage Places".
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Council refers all applications for Planning Approval for property on Council's Heritage List to the Heritage Council for comment prior to determining these applications, and under Sections 11 (2) and 78 of the Heritage of Western Australia Act is required to refer any application for a Planning Approval, Building Licence, etc for a property on the State Register of Heritage Places to the Heritage Council (HC) for advice, and to subsequently determine the application based on any advice, and including any conditions required by the HC.

This application for the window was referred to the HC by the applicant in November 2005.

The HC advised that it supports the proposal subject to the following conditions:

1. The necessary works to create the new window shall be carefully undertaken to ensure minimal impact on the existing original building façade.
2. Should the proposal be modified to satisfy planning requirements, any amendments to the current proposal shall be forwarded to the Heritage Council for consideration prior to any works being undertaken.

The application now before Council is for works identical to the works considered by the HC in 2005, and was also referred for advice.

In a letter dated 1 March 2007 (copy attached) the HC confirmed that it supports the proposed works subject to:

*“1. The necessary works to create the new window shall be carefully undertaken to ensure minimal impact on the existing building fabric.”*

## **Discussion**

### *Overlooking*

R-Codes Advice Note – Part 3 Element 8 – Privacy states:

“A lesser need for privacy protection is identified in the performance criteria for front gardens and areas visible from the street.....”, and

“The acceptable development provisions are limited to protection of areas of any adjoining property *behind its street setback line, while the performance criteria recognise the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.* In the latter case, some discretion is involved, and consultation with the relevant adjoining property owners generally will be required to inform decision- making by the local government.”

The area overlooked comprises the setback area for the adjoining property facing Canning Highway.

### *Submission*

The potentially affected adjoining property owners support the installation of the window subject to there being no encroachment by it being opened out over 7 Riverside Road, or there being any external security grill which might similarly encroach this property.

## **RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 4.5m to 0m for the construction of a 1025mm wide X 1145mm high bedroom window to match existing windows on the east facing wall of the “Glanville’s Buildings” at No. 5B (Lot 2) Riverside Road (36 Canning Highway), East Fremantle in accordance with the plans date stamp received on 14 February 2007 subject to the following conditions:

1. There is to be no encroachment of the air space of the adjoining property 7 Riverside Road either by the window being opened or by any external security grill.
2. The necessary works to create the new window shall be carefully undertaken to ensure minimal impact on the existing original building façade.
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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. the proposed window 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.

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**

**Cr Martin – Mayor O’Neill**

That Council exercise its discretion in granting approval for a variation to the east side boundary setback pursuant to the Residential Design Codes from 4.5m to 0m for the construction of a 1025mm wide X 1145mm high bedroom window to match existing windows on the east facing wall of the “Glanville’s Buildings” at No. 5B (Lot 2) Riverside Road (36 Canning Highway), East Fremantle in accordance with the plans date stamp received on 14 February 2007 subject to the following conditions:

1. There is to be no encroachment of the air space of the adjoining property 7 Riverside Road either by the window being opened or by any external security grill.
2. The necessary works to create the new window shall be carefully undertaken to ensure minimal impact on the existing original building façade.
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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. the proposed window 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.
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

**T23.10**

**Riverside Road No. 61 (Zephyr Café) – Bravura Design  
(Application No. P20/07)**

A memo from the Chief Executive Officer requesting the withdrawal of this item from the agenda given the need to further consider related issues was tabled.

**Cr Dobro – Cr Martin**

That the application for additions to the Zephyr Café be withdrawn from tonight’s agenda by permission of the meeting.

CARRIED

**T23.11 Gill Street No. 44 (Lot 38) – One Stop Patio Shop**  
**(Application No. P16/07)**  
*By Chris Warrener, Consultant Town Planner on 1 March 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 9.25m long X 3.3m wide X 2.33m high classic cream trim-deck patio to the rear of the single house at 44 Gill Street 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

**Documentation**

Plans and relevant forms date stamp received on 25 January 2007

**Date Application Received**

25 January 2007

**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**

21 days

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

11 March 1987	Council decides to advise the State Planning Commission that it conditionally supports the subdivision of Lot 38 Fraser Street into 2 lots;
28 April 1987	State Planning Commission grants conditional approval to subdivide Lot 38 Fraser Street into 2 lots (1 X 450m <sup>2</sup> , 1 X 465m <sup>2</sup> );
3 November 1987	State Planning Commission endorses Survey Documents for the subdivision, creating 68 Fraser Street, and 44 Gill Street;
12 April 1988	Building Licence issued for a brick & tile residence at 44 Gill Street



## **CONSULTATION**

### **Public Submissions**

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

### **Site Inspection**

By Consultant Town Planner on 23 January 2007

## **REPORT**

### **Issues**

*Boundary Setbacks*      The proposed patio is set back 0.5m from the east side (rear) boundary common with 70 Fraser Street.

The RDC recommend a 6m rear setback for R12.5 coded property.

### **Discussion**

The subject land was originally part of a larger lot at the corner of Fraser Street and Gill Street. Its subdivision in 1987 resulted in the creation of 2 lots with the smaller of the 2 lots being the subject land.

The subject land has a frontage of 17.57m to Gill Street, and a depth of 21.36m to its rear boundary common with 70 Fraser Street. Single storey development of this property is constrained by its cadastral limitations.

The single storey house on the land was approved with a reduced rear setback of 3.3m; this is a variation that was permitted as a reflection of the limited size and depth of the property.

The potentially affected property owner of 70 Fraser Street has not objected to the proposed setback variation for the patio, which is considered not to have any negative impact on this property.

## **RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 0.5m for the construction of a 9.25m long X 3.3m wide X 2.33m high classic cream trim-deck patio to the rear of the single house at No. 44 Gill Street (Lot 38), East, Fremantle in accordance with the plans date stamp received on 25 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 Ferris**

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6m to 0.5m for the construction of a 9.25m long X 3.3m wide X 2.33m high classic cream trim-deck patio to the rear of the single house at No. 44 Gill Street (Lot 38), East, Fremantle in accordance with the plans date stamp received on 25 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

**T23.12**

***Richmond Circus No. 51 (Lot 6) – Patio Living  
(Application No. P17/2007)***

*By Beryl Foster, Acting Town Planner on 28 February 2007*

#### **BACKGROUND**

##### **Description of Proposal**

Proposed patio to rear of existing grouped dwelling.

##### **Statutory Requirements**

Town Planning Scheme No. 3 – R40

Residential Design Codes

##### **Relevant Council Policies**

Local Planning Policy No. 142 – Residential Development

Richmond Raceway Design Guidelines

##### **Attachments**

Location map

Neighbour at No. 49 advising that they had no problem with the proposal

##### **Documentation**

Plans received 25 January 2007 and relevant forms

**Date Application Received**

25 January 2007

**Additional Information Received**

Nil

**No. of Days Elapsed between Lodgement & Meeting Date**

46 days

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

Nil

**CONSULTATION****Development Control Unit**

31 January 2007

**Public Submissions**

On submission of this proposal written support from the Body Corporate and adjoining owner at No. 49 Richmond Circus were received.

**Site Inspection**

22 February 2007

**REPORT****Issues**

Setback

**Discussion**

Approval is sought for the southern side setback to the patio be reduced from 1.5m to .5m.

Given that the ground levels to the existing courtyard remains unchanged and the patio is providing cover for an existing outdoor living area, it is considered not to have an undue adverse impact on the amenity of the adjoining properties, 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 southern side setback to the patio be reduced from 1.5m to .5m for the construction of a patio on Lot 6 (No. 51) Richmond Circus, East Fremantle, in accordance with plans received 25 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 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. 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**

**Cr Ferris – Cr Olson**

**That Council exercise its discretion in granting approval for the southern side setback to the patio be reduced from 1.5m to .5m for the construction of a patio on Lot 6 (No. 51) Richmond Circus, East Fremantle, in accordance with plans received 25 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 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. 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

T23.13

**Sewell Street No. 57 (Lot 2) – Peter Packer  
(Application No. P25/2007)**

*By Chris Warrener, Consultant Town Planner on 6 March 2007*

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a single storey flat roofed addition to the rear of the single storey house at 57 Sewell Street comprising a lounge and meals area.

**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

**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**

14 February 2007

**Close of Comment Period**

28 February 2007

**No. of Days Elapsed between Lodgement & Meeting Date**

28 days

**CONSULTATION**

**Public Submissions**

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

**Site Inspection**

By Consultant Town Planner on 16 January 2007.

**REPORT**

**Issues**

Boundary Setbacks

*South Side Boundary*

*(common with 59 Sewell Street)*

The proposed addition is set back 1.035m from the south side boundary common with 59 Sewell Street.

The RDC recommend a 1.5m setback for walls with major openings.

*North Side Boundary*

*(common with 55 Sewell Street)*

The existing house is physically separated from the adjoining property on the north side by a 17.53m long X 4.6m up to 5.3m high limestone clad parapet wall on the boundary.

This wall is extended a further 13.2m X 3.9m to 4.6m high so that it abuts most of the north side boundary.

The proposed addition will be constructed immediately behind this wall, and as an extension to the existing house.

The RDC recommend a 1m setback.

**Discussion**

57 Sewell Street is a long, narrow lot; its dimensions are 6.18m wide at the front, 6.401m wide at the rear and 41.53m long/deep.

The extent of any additions to the house on the property are somewhat constrained by its cadastral limitations therefore it is invariably not possible to 'comply' with the setbacks recommended in the RDC.

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

The proposal is for single storey additions not visible to either neighbour, nor to the street, and are considered to be acceptable notwithstanding their being at variance with RDC setbacks.

**RECOMMENDATION**

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

- (a) variation to the north side boundary pursuant to the Residential Design Codes from 1m to 0m;
- (b) variation to the south side boundary pursuant to the Residential Design Codes from 1.5m to 1.035m;

for the construction of a single storey flat roofed addition to the rear of the single storey house at No. 57 (Lot 2) Sewell Street, East Fremantle comprising a lounge and meals area in accordance with the plans date stamp received on 12 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 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.
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).*

**RECOMMENDATION TO COUNCIL**

**Mayor O'Neill – Cr Martin**

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

- (a) variation to the north side boundary pursuant to the Residential Design Codes from 1m to 0m;**
- (b) variation to the south side boundary pursuant to the Residential Design Codes from 1.5m to 1.035m;**

**for the construction of a single storey flat roofed addition to the rear of the single storey house at No. 57 (Lot 2) Sewell Street, East Fremantle comprising a lounge and meals area in accordance with the plans date stamp received on 12 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 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.**
- 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).*

CARRIED

**T23.14**

**Sewell Street No. 38 / George Street No. 78 (Lot 531) – B Beattie  
(Application No. P11/2007)**

*By Beryl Foster, Acting Town Planner on 8 March 2007*

**BACKGROUND**

**Description of Proposal**

Proposed mixed used development involving the conservation/restoration of existing dwelling and shop, extension to existing shop, construction of new ground floor office and upper floor dwelling.

**Statutory Requirements**

Town Planning Scheme No. 3 – Mixed Use  
George Street Precinct  
Residential Design Codes (R Codes)

**Relevant Council Policies**

Local Planning Policy No. 142 – Residential Development

**Attachments**

Location map  
Place Record Form  
Site visit photos  
Submissions x 1  
Correspondence from applicant'  
Structural Report

**Documentation**

Plans received 22 January 2007 and relevant forms

**Date Application Received**

22 January 2007

**Additional Information Received**

Nil

**Advertising**

Adjoining land owners & sign on site

**Date Advertised**

19 February 2007

**Close of Comment Period**

6 March 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**

Nil

**CONSULTATION**

**Development Control Unit**

31 January 2007



### **Town Planning Advisory Panel Comments**

This application was considered by the Town Planning Advisory Panel and members provided the following written comment in lieu of the scheduled meeting:

- It is positive and pleasing that the owner wants to do some conservation works to the original shop and adjacent house which are urgently required.
- "In principal" support is given to the concept of a development which includes parking if necessary at the rear. However, the proposed development is not appropriate to the heritage significance of the corner shop and house.
- While the proposal is appropriately of a contemporary nature, the design appears messy and does not reflect or is sympathetic to the rhythm and/or fabric of such a significant place.
- Further consideration and discussion are required with the owner/architect for the development to be an appropriate design.
- The drawings are minimal and do not show how the existing dwelling will relate to the courtyard and the upper unit is not planned.
- Unusual arrangement of spaces between the three units at ground level with the courtyard spaces being shared by all. This will not create a pleasant environment.
- The parking proposed on-site is configured such that a car bay will be lost on George Street to permit access to these new bays. The garage door will be unattractive.
- The upper floor unit/dwelling will overlook the rear yard of the property to the north
- The elevations of the scheme exhibit a strong distinction between the heritage listed façade and the proposed building. If not carefully designed this could be detrimental to the streetscape. Equally if handled well this could enhance the streetscape. Unfortunately the proposal appears to fall into the former category.
- The scheme does not investigate the potential to build above the existing façade, perhaps with a glazed element set back from the façade. This would enable the bulk of the building to be moved away from the neighbouring lot to the north.
- The scheme should be reconfigured to provide an urban wall along George Street. As shown the building at the upper level creates an overly large balcony to George Street.
- If the bulk of the upper level was to be located along George Street the development in bulk form blend in better with the streetscape and minimise the intrusion over the neighbours.
- The proposal is perhaps not as well considered as should be and is recommended that the proponent reconsider the proposal.
- Efforts to retain/restore heritage building is acknowledged and encouraged.
- "Selected" finishes to George Street wall and garage needs to be defined.
- Have not seen the w/c's but a pity they could not be creatively accommodated in the new plans.
- Triple garage façade on George Street is inappropriate, unsympathetic, offensive and needs rethinking.

### **Referral to Other Authorities**

Heritage Council of WA - to date comment from the Heritage Council has not been received.

### **Public Submissions**

At the close of the comment period one written submission was received and privacy concerns were raised by the adjoining neighbour to the north.

### **Site Inspection**

7 March 2007

#### **REPORT**

##### **Issues**

Parking  
Heritage  
Design  
Privacy  
Density

##### **Discussion**

Approval is sought for conservation work to the existing dwelling and shop on the corner of Sewell and George Streets including the extension of the existing shop and

construction of a new mixed use development comprising of Office on the ground floor and residential on the upper floor.

The subject site is located within the George Street Precinct and as such included in the Town of East Fremantle Heritage List.

TPS 3 (clause 7.5) makes provisions for variation to Scheme requirements should a proposal facilitate the conservation of a heritage place listed in the Heritage List.  
*... "the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2."*

The proposal appears conceptual given the sketchy details provided however, sufficient information is submitted to provide comment and direction to the applicant on matters relating to parking, density and design.

Parking

Parking Compliance Table:

Land Use	Proposed Parking	Required Parking per square metre	Required Parking minimum standard
Shop (47m <sup>2</sup> )		1 car bay/20m <sup>2</sup> = 2.35 car bays	4 car bays
Office (36m <sup>2</sup> )		1 car bay/30m <sup>2</sup> = 1.2 car bays	3 car bays
Dwellings x 2		1 per dwelling = 2 car bays	2 car bays
<b>Totals</b>	4 car bays on site  2 car bays adjacent site =  <b>6 car bays</b>	2.35 + 1.2 = 3.55 (4 car bays) + 2 =  <b>6 car bays</b>	      <b>9 car bays</b>

The numbers of car bays proposed in this case rely heavily on the design and heritage issues being acceptable.

In discussing car parking provisions in general terms TPS3 provisions are standard under the Model Scheme Text and are applicable to a range of commercial centres within the State. The 'minimum' number of car bays would be considered more applicable to a suburban shopping centre with expansive car parking areas and less applicable to George Street with existing small scale commercial development abutting residential.

It is recommended that given the nature of George Street (notwithstanding the inclusion on the Town's Heritage List) consideration is given to the size and scale of the commercial component rather than basic minimum car bay requirements.

Heritage

The subject proposal is pending comment from the Heritage Council and the submission by the applicant of a Heritage Assessment of the place.

### Design

Discretion is sought for the crossover width be increased from 3m to 7.856m.

The proposed crossover and garage width is considered to create a dominant garage along George Street and will have an adverse impact on the amenity of George Street, and is not supported.

Given the comments made by the Town Planning Advisory Panel there is in principal support for a mixed use development involving a contemporary design on the subject site. The subject proposal, in particular the new additions, however are considered not to contribute to George Street and to the existing shop and dwelling on site.

### Privacy

The adjoining neighbour concern is noted. The plans submitted do not include a northern elevation and the applicant is advised to consider privacy provisions under the R Codes should amended plans be submitted.

### Density

Discretion is sought for an additional dwelling on the subject site.

The 339m<sup>2</sup> site is zoned Mixed Use with a residential density of R40 (220m<sup>2</sup> per dwelling) and variation to this being dependant on conservation works. As such, it is considered that should Council be satisfied with design and conservation works the potential exists for an additional dwelling on this corner site.

### **Option(s)**

1. Conditional approval;
2. Approve subject to compliance with Scheme requirements; or
3. Defer to enable applicant to further consider comments and feedback arisen in the assessment of this application.

### **Conclusion(s)**

The subject proposal is considered a starting point for clarification of design issues and a demonstration of the intended conservation works. In principal the mixed use proposal has potential of contributing to the amenity of George Street and the immediate area subject to the provision of amended plans being submitted that give regard to matters raised by the Town Planning Advisory Panel.

Comment made by the Heritage Council and a Heritage Assessment will contribute to the assessment of amended plans.

### **RECOMMENDATION**

That Council defer its decision to allow the applicant further opportunity to consider design matters and comments made by the Town Planning Advisory Panel for the mixed used development involving the conservation/restoration of existing dwelling and shop, extension to existing shop, construction of new ground floor office and upper floor dwelling on Lot 531 (38) Sewell Street (Cnr George Street), East Fremantle, in accordance with plans received 22 January 2007.

### **RECOMMENDATION TO COUNCIL**

#### **Cr Ferris – Cr Dobro**

**That Council defer its decision to allow the applicant further opportunity to consider design matters and comments made by the Town Planning Advisory Panel for the mixed used development involving the conservation/restoration of existing dwelling and shop, extension to existing shop, construction of new ground floor office and upper floor dwelling on Lot 531 (38) Sewell Street (Cnr George Street), East Fremantle, in accordance with plans received 22 January 2007.**

CARRIED

## **T24. REFERRED BUSINESS (NOT INCLUDED ELSEWHERE)**

Nil.

## **T25.. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

*Cr Alex Wilson entered the meeting at 7.55pm.*

### **T25.1 Jerrat Drive (Reserves 33997 & 7800) – East Fremantle Lacrosse Club** *By Chris Warrener Consultant Town Planner on 13 March 2007*

#### **BACKGROUND**

##### **Description of Proposal**

An Application for Approval of Development pursuant to the Swan River Trust Act 1988 for a 7m long X 4m wide X 2.5m high storage shed on the east side of the cricket nets on Reserve 7800 Jerrat Drive.

##### **Statutory Requirements**

Town Planning Scheme No. 3 (TPS 3) -  
Metropolitan Region Scheme Reserve – Parks and Recreation  
Local Planning Strategy – Preston Point Precinct (LPS)

##### **Attachments**

Location map  
Site visit photos  
SRT Form 1  
Memo from Paul McGinty  
Location diagram & shed design

##### **Documentation**

Plans and relevant forms date stamp received on 13 March 2007

##### **Date Application Received**

12 March 2007

#### **CONSULTATION**

##### **Referral to Other Authorities**

Swan River Trust

##### **Site Inspection**

By Consultant Town Planner on 12 March 2007

#### **REPORT**

##### **Issues**

*View Impacts*                      The location of the proposed shed is on a grassed reserve adjacent to the Swan River which is a prominent view for properties on the south side of Preston Point Road.

##### **Discussion**

The proposed shed is to be erected adjacent to the east side of the cricket nets, which are situated at the bottom of a grassed embankment next to Preston Point Road.

The roof of the shed will be visible to roadside views however the bulk of the structure will be well hidden by the grassed embankment, and is considered not to negatively impact on view amenity.

The application does not specify the materials or colour to be applied.

It is considered that it should be green colorbond to reduce its potential view impact.

##### **RECOMMENDATION**

That Council advise the Swan River Trust that it supports the erection of a 7m long X 4m wide X 2.5m high storage shed on the east side of the cricket nets on Reserve 7800

Jerrat Drive by the East Fremantle Lacrosse Club in accordance with the plans date stamp received on 13 March 2007 subject to the following conditions:

1. the shed is to be constructed in green colorbond to reduce its visual impact on Reserve 7800 and views from Preston Point Road
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 storage shed 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.

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.*

**RECOMMENDATION TO COUNCIL**

**Mayor O'Neill – Cr Harrington**

**That the application for a storage shed to be located to the east side of the cricket nets on Reserve 7800 Jerrat Drive be deferred and the applicants be requested to look at a smaller storage facility at an alternative location.** CARRIED

**T25.2**      ***Review of Town Planning Policies***

Cr Dobro raised the matter of a review of Town Planning Policies.

The Consultant Town Planner advised that this would be undertaken in the preparation of the Residential Design Guidelines.

**T26.**      **CLOSURE OF MEETING**

There being no further business the meeting closed at 8.05pm.

*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 March 2007**, Minute Book reference **T17. to T26.** were confirmed at the meeting of the Committee on*

.....

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**Presiding Member**