

9 September 2008

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 9 SEPTEMBER, 2008 COMMENCING AT 6.30PM.

T74. OPENING OF MEETING

T74.1 Present

Cr Stefanie Dobro	Presiding Member
Mayor Alan Ferris	
Cr Richard Olson	
Cr Maria Rico	
Mr Chris Warrener	Town Planner
Mrs Peta Cooper	Minute Secretary
Cr David Arnold	Observer
Cr Dean Nardi	Observer

T75. WELCOME TO GALLERY

There were 9 members of the public in the gallery at the commencement of the meeting.

T76. APOLOGIES

An apology was submitted on behalf of Cr Barry de Jong.

T77. CONFIRMATION OF MINUTES

T77.1 Town Planning & Building Committee (Private Domain) – 12 August 2008

Mayor Ferris – Cr Olson

That the Town Planning & Building Committee (Private Domain) minutes dated 12 August 2008 as adopted at the Council meeting held on 19 August 2008 be confirmed. CARRIED

T78. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T79. REPORTS OF COMMITTEES

T79.1 Town Planning Advisory Panel – 26 August 2008

Cr Olson – Mayor Ferris

That the minutes of the Town Planning Advisory Panel meeting held on 26 August 2008 be received and each item considered when the relevant development application is being discussed. CARRIED

T80. REPORTS OF OFFICERS

T80.1 Receipt of Reports

Mayor Ferris – Cr Rico

That the Reports of Officers be received. CARRIED

T80.2 Order of Business

Mayor Ferris – Cr Rico

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



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T80.3 **Alexandra Road No. 34 (Lot 61)**
Applicant & Owner: Noeleen & Darren Mackenzie
Application No. P139/2008
By Chris Warrener, Town Planner on 28 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions at the front of the single storey house at 34 Alexandra Road comprising:

- a 6.3m long x 3m wide belowground swimming pool;
- a 6m x 6m x 4.3m high 22.5° pitched colorbond roof carport;
- new piers to the front verandah;
- a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;
- a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;
- a front fence with limestone block piers varying up to 2.5m above natural ground level.

The infill between the fence piers is proposed to be black wrought iron similar to the adjoining property at 32 Alexandra Road.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)
Local Planning Policy No. 142 – Residential Development (LPP 142)
Local Planning Policy No. 143 – Fencing (LPP 143)

Documentation

Plans and relevant forms date stamp received on 21 July 2008

Date Application Received

21 July 2008

Advertising

Adjoining land owners only

Date Advertised

1 August 2008

Close of Comment Period

15 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

21 May 1984	Council grants approval for additions and alterations to the Nonareena Hospital at 34 Alexandra Road;
11 December 1984	Building Permit 014/84 issued for a brick & iron additions to nursing home;
20 September 1993	Council advises the owner that it is prepared to grant approval for an additional dwelling unit to the rear of 34 Alexandra Road subject to clarification on the future encumbrances on both lots providing 1.85m access to the subject dwelling;
30 May 1994	Council grants special approval for the erection of an additional dwelling unit to the rear of the existing residence;

- | | |
|------------------|--|
| 16 October 1995 | Council resolves to request the owner to submit a revised application for the erection of an additional dwelling unit to the rear of the existing residence; |
| 20 November 1995 | Council grants special approval for the erection of an additional dwelling unit to the rear of the existing residence; |
| 5 March 1996 | Building Permit 134BC/2383 approved for additional dwelling unit (duplex); |
| 19 December 2001 | Strata Plan 40696 registered for Pts 1 and 2, 34 Alexandra Road. |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- carport in front of house is not appropriate and should not be supported;
- nothing should be built in front of house;
- subdivision of original property should not give rise to approval of carport being built in front of the residence in accordance with Council policy;
- material proposed for fencing infill panels needs to be clarified – front fence to comply with Council policy;
- alfresco is fine as it is behind the building line;
- gatehouse needs more detail as it is out of character with the era of the house – concerned that a limestone gatehouse will be overbearing and inappropriate;
- would be pleasing to see the home restore.

Public Submissions

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

- | | |
|------------------------------|---------------------------------------|
| <i>J & L Di Virgilio</i> | - overlooking from alfresco and pool; |
| <i>32 Alexandra Road</i> | - request visual barrier. |

Site Inspection

By Town Planner on 29 August 2008

REPORT

Issues

Setbacks

The application proposes a gatehouse that adjoins the front boundary, and a carport that is set back 5.7m from the front boundary.

The RDC recommend a 7.5m front setback for R12.5 coded property.

In addition LPP 142 states (in relation to the position of the carport):

“Part 2 – Streetscape

- (i) Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
- (ii) Notwithstanding (i) above, garages and carports located at or behind the main building line for primary and secondary streets and in accordance with Table 1 – Minimum Setbacks of the Residential Design Codes.”*

Front Fence

The proposed front fence consists of an existing limestone block retaining wall above which it is proposed to erect limestone block piers with wrought iron infill.

The proposed piers vary in height from 1.7m to 2.5m above natural ground level (NGL).

"Part 3 - Fence Design

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)*

3.1 Maximum Height

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

3.2 Materials

Applications for front fences made from materials not included within the following list of materials or of a design which does not accord with the principles or intent of the policy are considered to be unacceptable and will not be approved unless by consent of Council.

Acceptable materials for front fences and walls:

Solid Sections *limestone
masonry
brickwork
rendered finishes over concrete or masonry*

Infill Sections *visually permeable metal structures
visually permeable timber structures"*

The proposed fence satisfies the requirements for permeability however 4 of the piers exceed the maximum height.

Roof Pitch

The application proposes a gatehouse, carport, and alfresco with pitched roofs designed to match the pitch of the existing house at 22.5°.

LPP 066 states:

"dominant elements to be greater than 28°."

Open Space

The application if implemented will result in the provision of 54.81% open space.

The RDC specify 55% open space for R12.5 coded property.

Submission

The submission states concerns regarding overlooking and privacy.

While the application does not propose setbacks which would conflict with the privacy provisions of the RDC the owner/applicant has offered, in a response to the submission concern, to place a screening hedge as a visual barrier so Mr & Mrs Di Virgilio's master bedroom maintains its privacy.

Discussion

Setbacks Being in front of the main building line the carport contravenes LPP 142. The applicant has not provided any justification for varying from Council's policy, and given the comments of the panel, this aspect of the application is not supported.

The gatehouse is not considered to detract from the appearance of the property and is supported.

Front Fence Again, the comments of the panel are relevant and the fence should be built to comply with LPP 143, and the four piers that exceed 1.8m in height above NGL should be brought into compliance.

Roof Pitch The roof pitch of the proposed alfresco area matches the pitch of the existing house and is supported.

Open Space By removing the carport from the application the open space percentage now complies with the amount specified in the RDC, and Council's discretion would not be required to be exercised for this (as submitted) variation.

RECOMMENDATION

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

- (a) variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for a gatehouse;
- (b) variation to roof pitch for an alfresco pursuant to Local Planning Policy 066 from 28° to 22.5°;

for the construction of additions (excluding the carport) at the front of the single storey house at No. 34 (Lot 61) Alexandra Road, East Fremantle comprising:

- a 6.3m long x 3m wide belowground swimming pool;
- new piers to the front verandah;
- a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;
- a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;
- a front fence with limestone block piers varying up to 2.5m above natural ground level;

in accordance with the plans date stamp received on 21 July 2008 subject to the following conditions:

1. prior to the issue of a building licence a screening hedge is to be specified as an integral part of the proposed works to the satisfaction of the CEO in consultation with Council officers.
2. the works are 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 additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is 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. the proposed works for the swimming pool 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.



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7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
13. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
14. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include the proposed carport because this structure is forward of the main building line and therefore conflicts with Local Planning Policy 142.*
- (b) *acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the alfresco area may not be enclosed without the prior written consent of Council.*

Ms Noeleen Mackenzie (applicant) addressed the meeting in support of her application.

RECOMMENDATION TO COUNCIL

Cr Olson – Mayor Ferris

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

- (a) **variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for a gatehouse;**
- (b) **variation to roof pitch for an alfresco pursuant to Local Planning Policy 066 from 28° to 22.5°;**

for the construction of additions (excluding the carport) at the front of the single storey house at No. 34 (Lot 61) Alexandra Road, East Fremantle comprising:



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- a 6.3m long x 3m wide belowground swimming pool;
- new piers to the front verandah;
- a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;
- a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;
- a front fence with limestone block piers varying up to 2.5m above natural ground level;

in accordance with the plans date stamp received on 21 July 2008 subject to the following conditions:

1. prior to the issue of a building licence a screening hedge is to be specified as an integral part of the proposed works to the satisfaction of the CEO in consultation with Council officers.
2. the works are 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 additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is 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. the proposed works for the swimming pool 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
13. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

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

Footnote:

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

- (a) *this decision does not include the proposed carport because this structure is forward of the main building line and therefore conflicts with Local Planning Policy 142.*
- (b) *acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the alfresco area may not be enclosed without the prior written consent of Council.*

CARRIED

T80.4

View Terrace No. 64A (Lot 2)

Applicant: Perceptions – The Home Builder

Owner: Tony Radaich & Beth Colgate

Application No. P147/2008

By Chris Warrener, Town Planner on 1 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 64A View Terrace comprising:

- double garage & store, porch, entry, comp nook, 2 bedrooms, 1 bathroom, theatre and roofed alfresco on the ground floor;
- gallery, kitchen, dining, living room, study, master bedroom & en-suite, and balcony on the upper floor.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)

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

Documentation

Plans and relevant forms date stamp received on 30 July 2008

Date Application Received

30 July 2008

Additional information

Overshadow plan and plans specifying building height date stamp received on 15 August 2008.

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Advertising

Adjoining land owners only

Date Advertised

1 August 2008

Close of Comment Period

15 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

40 days

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

1 March 2006	WAPC approves Survey Strata Plan 49123 for the subdivision of 64 View Terrace into 2 survey-strata lots (1 X 541m ² , 1 X 429m ²);
December 1979	Council decides to advise the owner that the rear of the lot cannot be developed as the property is zoned single residential;
6 February 1987	Building Permit 110/1239 approved for a domestic garage;
16 November 1992	Building Permit 164/2012 approved for an extension to form a new laundry;
27 February 2002	Building Licence 037/3192 approved for a below ground swimming pool;
19 March 2002	Council grants approval for an upper floor balcony and stairs at the rear of the 3-level house at 64 View Terrace;
22 May 2002	Building Licence 34/3221 approved for balcony & stair;
16 November 2004	Council decides to advise the WAPC that it supports the battleaxe subdivision of 64 View Terrace into 2 lots (1 X 445m ² , 1 X 507m ²);
30 November 2004	WAPC grants conditional approval to the battleaxe subdivision;
15 July 2005	Demolition Licence 05/01 approved for brick garage & shed on proposed rear lot;
18 October 2005	Council grants approval for setback variations for a carport, fence & retaining wall at 64 View Terrace;
31 October 2005	Building Licence 05/92 approved for carport, fence & retaining wall;
12 June 2007	Building Licence 07/160 approved for a retaining wall at the rear of 64A View Terrace.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 26 August 2008 and the following comments were made:

- won't be seen from the street;
- small amount of detail which makes the house interesting;
- should be supported;
- should be height compliant.

Public Submissions

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

- | | |
|--|---|
| <i>Scott & Clare Morgan</i>
64 View Terrace | <ul style="list-style-type: none">- concern at negative impact on rear garden & main living areas;- size is out of scale for its location;- detrimental effect on quality of light;- impact on rear views;- concern over site levels. |
|--|---|

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| <i>Katy Kang</i>
15 Philip Street | Concern regarding overlooking from 1 st floor main bedroom & 1 st floor dining room windows. |
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| <i>Jeremy Warren</i>
<i>11 Philip Street</i> | <ul style="list-style-type: none"> - opposed to development in its current format; - impact of development on a subdivided block on neighbouring blocks; - building height; - setbacks may not comply. |
| <i>Alan Brims &</i>
<i>Lianne Jenke</i>
<i>13 Philip Street</i> | <ul style="list-style-type: none"> - loss of privacy – cone of vision; - proposed house too large for block; - large balcony – no buffer against noise; - overlooking of outdoor living area. |
| <i>Angelo Rutigliano</i>
<i>66 View Terrace</i> | <ul style="list-style-type: none"> - backfilling of block and raising of levels over a number of years; - upstairs windows remove element of privacy; - concerned with size of proposed development. |

Site Inspection

By Town Planner on 5 July 2007

STATISTICS	Required	Proposed
Land Area		429m ² Existing
Open Space	55%	59.55% Acceptable
Zoning		R12.5
Setbacks:		
Front (south)		
<i>Ground Theatre</i>	1.50	9.27 Acceptable
<i>Porch</i>	1.50	5.77 Acceptable
<i>Garage</i>	1.00 / Nil	<i>LPP142</i> Nil Acceptable
<i>Bedroom 3</i>	1.00	1.77 Acceptable
<i>Upper Diningroom</i>	6.00	9.27 Acceptable
<i>Kitchen</i>	4.00 LPP142	<i>(RDC 1.20)</i> 5.70 Acceptable
<i>Livingroom & Study</i>	4.00 LPP142	<i>(RDC 1.20)</i> 1.80 Discretion Required
Rear (north)		
<i>Ground Bedroom 2</i>	1.50	2.20 Acceptable
<i>Alfresco</i>	1.50	5.30 Acceptable
<i>Theatre</i>	1.00	2.20 Acceptable
<i>Upper Master Bedroom</i>	4.50	4.50 Acceptable
<i>Balcony</i>	7.50	7.60 Acceptable

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	<i>Diningroom</i>	6.00	4.50 Discretion Required
Side (east)			
<i>Ground</i>	<i>Laundry</i>	1.00	4.60 Acceptable
	<i>Bedroom 3</i>	1.50	1.60 Acceptable
	<i>Bedroom 2</i>	1.00	1.20 Acceptable
<i>Upper</i>	<i>Study</i>	4.00 LPP142	(RDC 1.20) 1.60 Discretion Required
	<i>Master Bedroom</i>	4.00 LPP142	(RDC 1.20) 1.20 Discretion Required
Side (west)			
<i>Ground</i>	<i>Theatre</i>	1.00	1.60 Acceptable
	<i>Porch</i>	1.50	3.60 Acceptable
	<i>Garage</i>	1.00	6.70 Acceptable
<i>Upper</i>	<i>Diningroom</i>	4.00 LPP142	(RDC 1.20) 1.60 Discretion Required
	<i>Kitchen</i>	4.00 LPP142	(RDC 1.20) 3.60 Discretion Required
	<i>Livingroom</i>	6.00	10.00 Acceptable
Height:			
Wall		5.60	5.60 Acceptable
Building		8.10	8.10 Acceptable
Parapet Wall Height		3.00	2.572 Acceptable
Overshadowing:		12.86%	

REPORT

Issues

Assessment

Being situated in the Richmond Hill precinct of East Fremantle north of Pier Street, and on a rear battleaxe block, assessment of this application is subject to the following LPP 142 provisions:

- “(ii) Category ‘B’ provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the ‘Acceptable Development’ standards, except in localities where views are an important part of the amenity of the area then the maximum building height are as follows:
 - 8.1m to the top of the pitched roof;
 - 5.6m to the top of the external wall; and
 - 6.5m to the top of an external wall (concealed roof).
- (iii) Category ‘A’ provisions as set out within Table 3 – Maximum Building Heights of the Residential Design Codes are applicable as the ‘Acceptable Development’ standards for development on battleaxe lots.

Where upper level portions are nonetheless applied for, Council shall only give consideration to relaxation of height Category 'A' scheme where the following are strictly observed:

- The proposal demonstrates design, bulk and scale that responds to the established character or other site specific circumstances;
- The provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped;
- Subject to the provisions of Residential Design Codes – Element 9 – Design for Climate and Element 8 – Privacy;
- A maximum of 30% of the ground floor area (including garages and roofed areas enclosed on three sides) being contained in all upper level portions of the dwelling; and
- Setbacks to the second storey being a minimum of 4m from all boundaries unless it is demonstrated to Council's satisfaction that a lesser setback will not adversely impact on amenity."

The statistics table includes reference to both Residential Design Codes and LPP142 recommended setbacks.

Boundary Setbacks/Privacy Requirements

*North Side Boundary
common with
13 Philip Street*

The wall for the upper floor dining room, which contains a major opening, is set back 4.5m from the north side boundary common with 13 Philip Street.

The acceptable development provisions under the RDC regarding 6.8 Privacy Requirements state:

"A1 Major openings and unenclosed outdoor active habitable spaces (balconies, verandahs, terraces or other outdoor living areas) which have a floor level more than 0.5 m above natural ground level and which overlook any part of any other residential property behind its street setback line, to comply with the following:

- i Are setback, in direct line of sight within the cone of vision, from the boundary a minimum of:*
 - 4.5 m in the case of bedrooms and studies;
 - 6 m in the case of habitable rooms other than bedrooms and studies; and
 - 7.5 m in the case of unenclosed outdoor active habitable spaces; or
- ii Are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space; or*
- iii Are provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining property if closer than 25 m to the opening or equivalent."*

The setback for the upper floor dining room should be 6m.

The relevant performance criteria under the RDC states:

P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor

active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.

*South Side Boundary
common with
64 View Terrace*

The upper floor wall for a living room and study is set back 1.8m from the south side boundary. This wall is 8.5m long.

Pursuant to LPP 142 the setback is recommended to be 4.5m.

*East Side Boundary
common with
66 View Terrace*

The upper floor wall for a study and en-suite is set back 1.6m, and the upper floor wall for a master bedroom and built-in-robe is setback 1.2m from the east side boundary.

Pursuant to LPP 142 the setback is recommended to be 4.5m.

*West Side Boundary
common with
62 View Terrace*

The upper floor wall for a dining room is set back 1.6m, and the upper floor wall for a kitchen is set back 3.6m from the west side boundary.

Pursuant to LPP 142 the setback is recommended to be 4.5m.

Submissions

All of the submissions oppose the application stating concerns regarding overlooking, view impacts, and size of the proposed building.

Discussion

The applicant has submitted an explanation/justification letter for the proposed upper floor setback variations (attached).

In summary the proposed house will be situated in an area typified by 2-storey and 3 and 4-level housing development.

The policy provisions relating to battleaxe block development is aimed primarily at areas in which the predominant housing form is single storey.

The upper floor setback variations are considered not to detrimentally impact on the amenity of adjoining properties, the impacts are not to any habitable indoor or outdoor living areas, and can be supported.

The overall size of the proposed house is relatively modest with nearly 60% open space, considering the size of other housing developments nearby, and considering the size of the subject property this application will not result in the development of a house that could be considered to be "too big for its context".

RECOMMENDATION

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

- (a) variation to the upper floor north side boundary setback pursuant to the Residential Design Codes for a dining room from 6m to 4.5m;



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- (b) variation to the upper floor south side boundary setback pursuant to Local Planning Policy 142 for a living room and study from 4m to 1.8m;
 - (c) variation to the upper floor east side boundary setback pursuant to Local Planning Policy 142 for a study and en-suite, and a master bedroom and built-in-robe from 4m to 1.6m, and 1.2m respectively;
 - (d) variation to the upper floor west side boundary setback pursuant to Local Planning Policy 142 for a dining room and kitchen from 4m to 1.6m, and 3.6m respectively;
- for the construction of a 2-storey house at No. 64A (Lot 2) View Terrace, East Fremantle comprising:

- double garage & store, porch, entry, comp nook, 2 bedrooms, 1 bathroom, theatre and roofed alfresco on the ground floor;
- gallery, kitchen, dining, living room, study, master bedroom & en-suite, and balcony on the upper floor;

in accordance with the plans date stamp received on 30 July and 15 August 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls are 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. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (g) the alfresco may not be enclosed without the prior written consent of Council.
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

Adjoining neighbours, Scott & Clare Morgan, Angelo Rutigliano and Alan Brims & Lianne Jenke addressed the meeting on their concerns with the proposed development.

Mr Jordan Ennis (consultant – Greg Rowe & Associates) and Ms Beth Colgate (owner) addressed the meeting.

RECOMMENDATION TO COUNCIL

Cr Dobro – Mayor Ferris

That the application for a two storey residence on Lot 2 (No. 64A) View Terrace, East Fremantle be deferred pending the following:

- (a) the applicant providing information obtained from the Western Australian Planning Commission on existing ground levels at time of subdivision in 2004.
- (b) a site visit be conducted on Saturday 13 September at 10.00am with a view to ascertaining the impact the proposed development will have on adjoining properties ie setbacks, overlooking, overshadowing and bulk and scale.

CARRIED

T80.5

Preston Point Road No. 93 (Lot 502)

Applicant: Wrightfeldhusen Architects

Owner: Mark & Sue Newbold

Application No. P144/2008

By Chris Warrener, Town Planner on 1 September 2008

BACKGROUND

Description of Proposal

An application to the Western Australian Planning Commission (WAPC) for approval for a 2-storey house at 93 Preston Point Road comprising:

- bunk room, play room, kitchen, lounge, 2 bedrooms, 2 bathrooms, lift well, barbeque area and terrace on the lower floor;
- double garage & store, cellar, bedroom 1 with dressing room & en-suite, study/library, gym and lift well on the upper floor.

Statutory Considerations

- .. Town Planning Scheme No. 3 – Residential R12.5, Metropolitan Region Scheme Reserve for Parks & Recreation (TPS 3 & MRS)

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- .. Swan River Trust Act & Swan River Trust Development Control Procedures for land affected by the Swan River Trust Development Control Area
- .. Local Planning Strategy - Riverside Precinct (LPS)
- .. Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)

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

Documentation

Plans and relevant forms date stamp received on 23 July 2008

Date Application Received

23 July 2008

Additional information

Amended plans date stamp received on 12 August 2008

Advertising

Adjoining land owners only

Adjoining landowners and sign on site

Date Advertised

1 August 2008

Close of Comment Period

15 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

12 May 1992 State Planning Commission approves subdivision;

10 October 2002 Building Licence 93/3306 approved for balconies to Units 6, 7, 8, 9 & 10.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- contemporary 60's look appropriate to the area;
- height variation supported for subject property.

Other agency/authority

Western Australian Planning Commission (WAPC)

Swan River Trust (SRT)

Public Submissions

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

*Mr B & Dr M Butterworth
91 Preston Point Road*

- concerned at vibration from earthworks for retaining walls;
- obscure glaze upper floor bedroom window;
- colorbond south wall to be non-reflective;
- work hours.

Site Inspection

By Town Planner on 22 May 2007

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STATISTICS		<i>Required</i>	<i>Proposed</i>
Land Area			1425m ² Existing
Open Space		55%	60% Acceptable
Zoning			R12.5 & Parks & Recreation
<u>Setbacks:</u>			
Front (east)			
Ground	<i>Bunkroom</i>	7.50	13.10 Acceptable
	<i>Bathroom</i>	7.50	11.50 Acceptable
Upper	<i>Garage</i>	7.50	13.00 Acceptable
	<i>Entry</i>	7.50	15.00 Acceptable
	<i>Gym</i>	7.50	11.80 Acceptable
Rear (west)			
Ground	<i>Terrace</i>	6.00	15.50 Acceptable
	<i>BBQ Area</i>	6.00	16.50 Acceptable
Upper	<i>Study</i>	6.00	18.00 Acceptable
	<i>Bedroom 1</i>	6.00	16.00 Acceptable
Side (north)			
Ground	<i>Bedroom & Bathroom</i>	1.00	1.50 Acceptable
	<i>Hallway</i>	1.00	9.10 Acceptable
	<i>Loungeroom & Diningroom</i>	1.50	1.70 Acceptable
	<i>Terrace</i>	1.00	1.70 Acceptable
Upper	<i>Gym & Study</i>	1.50	1.50 Acceptable
	<i>Hallway</i>	1.20	7.00 Acceptable
	<i>Void</i>	1.20	1.70 Acceptable
	<i>Study</i>	1.20	1.70 Acceptable
Side (south)			
Ground	<i>BBQ Area</i>	1.00	1.975 Acceptable
	<i>Kitchen</i>	1.00	1.975 Acceptable
	<i>Shower</i>	1.00	3.34 Acceptable
	<i>Playroom & Bunk</i>	1.00	1.72 Acceptable

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<i>Upper</i>	<i>Bedroom 1</i>	1.20	1.975
			Acceptable
	<i>Ensuite</i>	1.20	1.20
			Acceptable
	<i>Dressingroom</i>	1.20	2.18
			Acceptable
	<i>Lift</i>	1.20	3.32
			Acceptable
	<i>Garage</i>	1.50	1.72
			Acceptable
Height:			
	Wall	6.50	5.70 to 7.20
			Discretion Required
	Building	N/a	Concealed Roof
Overshadowing:			
		23% (RDC = 25%)	

REPORT

A portion of this property contains a rocky hillside slope down to Riverside Road, which is reserved for "Parks and Recreation" under the Metropolitan Region Scheme (MRS).

This portion of the property is also within the "Development Control Area" under the Swan and Canning Rivers Management Act 2006 (SCRM Act 2006).

Pursuant to the SCRM Act 2006 this application is required to be determined by the WAPC with advice from the SRT, and comments from the relevant local government.

The applicant had originally submitted the application under cover of the Schedule 6 Application for Planning Approval to the Town of East Fremantle however the applicant was advised that pursuant to the SCRM Act 2006 the application should have been submitted to the WAPC under cover of an MRS Form 1. The applicant has subsequently submitted the MRS Form 1, and the application has been forwarded to the WAPC.

In the meantime this application has been assessed by the Town Planner, and is herein submitted to Council for its consideration for the purposes of providing comment to the WAPC (it is anticipated that Council will receive the WAPC referral in due course).

Issues

Building Height At the rear a 3m long portion of the upper floor wall for a bedroom on the south side, and a study on the north side is 7.2m above natural ground level (NGL).

LPP 142 limits building height in this area of East Fremantle to 6.5m for a flat/concealed roof house.

Discussion

Building Height In regard to the wall height variation at the rear this is considered to be a very minor variation which does not impact on any adjoining or nearby property views and can be supported. The only submission received does not object to this variation.

Submission The issue regarding earthworks disturbance is referred in a footnote to the officer's recommendation regarding the preparation of a "Dilapidation Report", and work hours are subject to the statutory conditions of a building licence.



The applicant advises that the translucent film specified to be applied to the bedroom window on the south side cannot be readily 'seen through', and in any event this method of screening is acceptable under the RDC (see Explanatory Guidelines, page 29)

RECOMMENDATION

That Council advises the Western Australian Planning Commission that it supports the construction of a 2-storey house at No. 93 (Lot 502) Preston Point Road, East Fremantle comprising:

- bunk room, play room, kitchen, lounge, 2 bedrooms, 2 bathrooms, lift well, barbeque area and terrace on the lower floor;
- double garage & store, cellar, bedroom 1 with dressing room & en-suite, study/library, gym and lift well on the upper floor;

in accordance with the plans date stamp received on 12 August 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
7. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *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*



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- condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *with regard to construction of the crossover the applicant/builders is to contact Council's Works Supervisor.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Ms Rachel Feldhusen (architect) addressed the meeting in support of the proposed development.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Olson

That Council advises the Western Australian Planning Commission that it supports the construction of a 2-storey house at No. 93 (Lot 502) Preston Point Road, East Fremantle comprising:

- bunk room, play room, kitchen, lounge, 2 bedrooms, 2 bathrooms, lift well, barbeque area and terrace on the lower floor;
- double garage & store, cellar, bedroom 1 with dressing room & en-suite, study/library, gym and lift well on the upper floor;

in accordance with the plans date stamp received on 12 August 2008 subject to the following conditions:

1. **the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
2. **the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
3. **the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
4. **all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
5. **all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
6. **where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.**
7. **any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.**

8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T80.6

King Street No. 13 (Lot 428)

Applicant & Owner: G Young

Application No. P141/2008

By Chris Warrener, Town Planner on 1 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a front fence at 13 King Street ('King House'), which comprises a bagged brickwork wall up to 1.35m above natural ground level (NGL), and wrought iron inserts between bagged brick piers 6m apart up to 1.8m above NGL.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 21 July 2008

Date Application Received

21 July 2008

Advertising

Adjoining land owners only

Date Advertised

1 August 2008

Close of Comment Period

15 August 2008

9 September 2008

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No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

10 October 1982	State Planning Commission purchases 13 King Street;
1 December 1987	1-year lease of 13 King Street between State Planning Commission & Town of East Fremantle commenced for its use and development as accommodation for homeless youth, a 'drop-in' centre for youth, and cleaning up and restoration under council's supervision by unemployed youth within the district;
1 September 1990	5-year lease of 13 King Street between State Planning Commission & Town of East Fremantle commenced for its use and development as accommodation for homeless youth, a 'drop-in' centre for youth, and cleaning up and restoration under council's supervision by unemployed youth within the district;
14 February 1992	DPI advises Council that it has no objections to the alteration of use to homeless persons;
18 May 1992	Lease of 13 King Street between State Planning Commission & Town of East Fremantle stamped for its use and development as accommodation for homeless persons, a 'drop-in' centre for youth, and cleaning up and restoration under council's supervision by unemployed youth within the district;
16 May 1994	12 month lease made between the Town of East Fremantle & Angelo & Carolina Pais;
9 June 1997	Ministry for Planning advises Council that the Commission is prepared to renew the lease and Council can continue to lease the property on a monthly basis or enter into a new lease for 3-years;
29 March 1999	CEO advises Fremantle Housing Association that Council is agreeable to this organisation taking over management;
21 September 1999	Council decides to advise the Ministry of Planning that it no longer wishes to be involved in the day-to-day management of 13 King Street;
24 February 2000	Ministry for Planning advises Council that the property is no longer reserved in the MRS & will be disposed of by way of an appropriate public purpose;
3 April 2000	Ministry for Planning advises Council that the termination notice issued requiring vacant possession of the property by 31 August 2000 will remain in force;
16 May 2000	Heritage Council provides Heritage Assessment and advises Council that the place is not considered to be of State significance.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- solid masonry wall is not in character with the streetscape;
- proportions of brickwork and wrought iron are awkward;
- alternative solutions could include (i) pillars with wrought iron inserts with a green hedge growing between the pillars or (ii) planting of vegetation in the front yard.

Public Submissions

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

Site Inspection

By Town Planner on 30 Oct. 2007



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REPORT

Issues

Front fence

This application is for a front fence that is visually impermeable up to 1.35m above NGL.

LPP 143 states:

“Part 3 - Fence Design 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)”

Discussion

The applicant in his covering letter refers to Parts 4.1 and 4.2 of LPP 143 as reasons for seeking a variation to the height of the impermeable portion of the proposed front fence – noise attenuation, and to reduce headlight glare.

Irrespective of the permeability or height of the fence there is no evidence to suggest that noise from trucks travelling along the Stirling Highway extension would be attenuated.

In regard to headlight glare the suggestions from the Town Planning Advisory Panel to incorporate vegetation screening together with a ‘complying’ front fence that incorporates wrought iron between masonry piers is considered more acceptable in terms of its appearance, impact on the local streetscape, and ability to address the concerns raised by the owner.

RECOMMENDATION

That Council refuse to grant approval for the construction of a front fence at No. 13 (Lot 428) King Street (‘King House’), East Fremantle, which comprises a bagged brickwork wall up to 1.35m above natural ground level (NGL), and wrought iron inserts between bagged brick piers 6m apart up to 1.8m above NGL in accordance with the plans date stamp received on 21 July 2008 for the following reasons:

1. The proposed fence does not comply with Local Planning Policy 143 – Fencing, and TPS 3, Part 10, sub-clause 10.2 (g).
2. The proposed fence is considered to detract from the appearance of the property and the local streetscape in conflict with Town Planning Scheme No 3, Part 10, sub-clauses (j), and (o).

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

.. The applicant is advised that Council considers that a fence which complies with Local Planning Policy 143 could be designed and built to address the concern regarding headlight glare.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Rico

That Council refuse to grant approval for the construction of a front fence at No. 13 (Lot 428) King Street (‘King House’), East Fremantle, which comprises a bagged brickwork wall up to 1.35m above natural ground level (NGL), and wrought iron inserts between bagged brick piers 6m apart up to 1.8m above NGL in accordance with the plans date stamp received on 21 July 2008 for the following reasons:

1. **The proposed fence does not comply with Local Planning Policy 143 – Fencing, and TPS 3, Part 10, sub-clause 10.2 (g).**
2. **The proposed fence is considered to detract from the appearance of the property and the local streetscape in conflict with Town Planning Scheme No 3, Part 10, sub-clauses (j), and (o).**

Footnote:

The following is not a condition but a note of advice to the applicant/owner:

.. The applicant is advised that Council considers that a fence which complies with Local Planning Policy 143 could be designed and built to address the concern regarding headlight glare.

CARRIED

T80.7

Philip Street No. 8A (Lot 2)

Applicant: Patio Living

Owner: Barry & Mary Jenkins

Application No. P127/2008

By Chris Warrener, Town Planner on 25 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 7.3m long x 4m wide x 3m high curved roof patio next to the east side boundary of 8A Philip Street

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 2 July 2008

Date Application Received

2 July 2008

Advertising

Adjoining land owners only

Date Advertised

9 July 2008

Close of Comment Period

23 July 2008

No. of Days Elapsed between Lodgement & Meeting Date

68 days

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

27 December 2000 Council decides to advise the WAPC that it does not support the battleaxe subdivision of 8 Philip Street into 2 lots;

7 February 2001 WAPC conditionally approves the battleaxe subdivision application;

17 April 2001 Council grants approval to demolish the garage;

27 April 2001 Demolition Licence issued for garage;

20 November 2001 Council defers consideration of an application for 2-storey house at 8A Philip Street;

19 February 2002 Council grants special approval for reduced north, south & west side boundary setbacks for a 2-storey house at 8A Philip Street;

12 July 2002 Building Licence 178/2001 issued for 2-storey house at 8A Philip Street;

25 September 2002 WAPC endorses for final approval the survey strata plan 42375 for the battleaxe subdivision of 8 Philip Street;

21 October 2003 Council decides to order that the windows on the upper floor east side wall of the 2-storey house at 8A Philip Street be obscure glazed.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- patio will not be seen from Philip Street.

Public Submissions

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

REPORT

Issues

Boundary Setbacks

The proposed patio is set back 0.5m from the east side boundary common with 10 Philip Street.

The RDC recommend a 1m setback.

Discussion

The landowner potentially affected by the variation to the setback for the patio has endorsed support for the application.

The patio is not considered to detrimentally impact on the amenity of the potentially affected property, and the application is supported.

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 0.5m for the construction of a 7.3m long x 4m wide x 3m high curved roof patio next to the east side boundary of No. 8A (Lot 2) Philip Street, East Fremantle in accordance with the plans date stamp received on 2 July 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) the patio may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr Olson – Mayor Ferris

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 0.5m for the construction of a 7.3m long x 4m wide x 3m high curved roof patio next to the east side boundary of No. 8A (Lot 2) Philip Street, East Fremantle in accordance with the plans date stamp received on 2 July 2008 subject to the following conditions:

- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 6. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on*

adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the patio may not be enclosed without the prior written consent of Council.*

CARRIED

T80.8 **Marine Education Boatshed (Reserve 48325)**
Applicant: Department for Planning & Infrastructure
Owner: Swan River Trust
Application No. P/2008
By Chris Warrener, Town Planner on 2 September 2008

BACKGROUND

Description of Proposal

A referral of an application for approval to the Swan River Trust for two floating pontoons and removal of a finger jetty at the Marine Education Boatshed adjacent to Riverside Road.

Statutory Considerations

Town Planning Scheme No. 3 – Waterways

Documentation

Plans and relevant forms date stamp received on 13 August 2008

Date Application Received

13 August 2008

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 January 1984	Boatshed, jetty and ramp vested in Minister for Transport;
May 1984	Lease to Education Department for marine education programmes;
21 March 1994	Council grants approval for the erection of a timber pergola;
26 July 1994	Building Permit 47A/2192 approved for a timber pergola;
20 November 1995	Council resolves to advise the Swan River Trust that it supports the erection of an addition to the boatshed subject to the deletion of the hardiplank and walls being sheeted with weatherboard as per the existing;
19 March 1996	Minister for the Environment approves an application for a new toilet block addition;
3 November 2004	CEO acting under delegated authority grants approval for internal changes to the Marine Education Boatshed.

CONSULTATION

Site Inspection

By Town Planner on 24 April 2007

REPORT

Discussion

This application proposes to replace an old timber deck finger jetty with two permanent floating pontoons adjacent to the boatshed slipway.

The two pontoons are being installed to address identified OH & S concerns at the facility. Once positioned, the pontoons will provide platforms for training and educational programmes to operate in a safer and more efficient manner.

Pontoon 1 will replace an existing finger jetty that runs parallel to the slipway and have a pivoting gangway adjoining it to allow disabled access.

Pontoon 2 will be placed parallel to the slipway on the eastern aspect and will require the removal of some small rail piles and the driving of new piles into the same holes to allow the pontoon to be affixed.

There are no implications for the local road system or for the adjacent foreshore land; the application is supported.

RECOMMENDATION

That Council advise the Swan River Trust that it raises no objections to the application for approval for two floating pontoons and removal of a finger jetty at the Marine Education Boatshed (Reserve No. 48325) adjacent to Riverside Road.

RECOMMENDATION TO COUNCIL

Cr Olson – Cr Rico

That Council advise the Swan River Trust that it raises no objections to the application for approval for two floating pontoons and removal of a finger jetty at the Marine Education Boatshed (Reserve No. 48325) adjacent to Riverside Road.

CARRIED

Cr Dobro made the following impartiality declaration in the matter of 19 Glyde Street: "As a consequence of my close friendship with the applicant, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

T80.9 **Glyde Street No. 19 (Lot 27)**
Applicant/Owner: Lynndy Young
Application No. P207/2006
By Chris Warrener Town Planner on 1 September 2008

BACKGROUND

Description of Proposal

A request for an extension of the planning approval for a further 12 months for works to 19 Glyde Street comprising:

- Carport with a 7.2m long parapet wall up to 2.75m high on the north side boundary;
- Retaining walls at the rear along the north, west, and south side boundaries varying up to 0.675m above natural ground level;
- Boundary walls along the north, west and south sides at the rear higher than 1.8m (varying up to 2.475m above natural ground level);
- A 10m long X 5m wide below ground swimming pool;
- Alfresco area with a 4m long parapet wall adjacent to the south side boundary varying in height between 2.75m and 3.2m.

Statutory Requirements

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

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Council Policy 143 – Fencing (CP 143)

Documentation

Letter request for extension date stamp received on 29 August 2008.



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Application Received

29 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

10 days

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

20 January 1991 Building Licence issued for additions including a new garage at 19 Glyde Street;

20 January 1992 Building Licence issued for a bedroom and bathroom addition;

19 February 1996 Council grants special approval for upper floor extensions to the house at 19 Glyde Street;

16 June 1998 Council grants approval for three Juliette balconies (depth 650mm);

19 December 2006 Council grants approval for a carport, retaining walls, swimming pool & a roofed alfresco area.

REPORT

Issues

Planning Approval

Pursuant to TPS 3 the term of a planning approval is 2 years.

Sub-clause 10.5.1 states:

- "10.5.1. Where the local government grants planning approval for the development of land —*
- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
 - (b) the approval lapses if the development has not substantially commenced before the expiration of that period."*

The planning approval for the application for a carport, retaining walls, swimming pool, and a roofed alfresco area at 19 Glyde Street lapses on 19 December 2008.

A building licence has not been issued.

Discussion

The owner of the property at 19 Glyde Street has requested an extension to the planning approval because as stated in the request letter *"we have had difficulty securing a suitable builder"*.

Sub-clause 10.5.2 states:

- "10.5.2. A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1."*

The request for the extension is reasonable, there are no new policies or amendments to TPS 3 that have been implemented since the approval was granted in December 2006, which might otherwise affect the development, and the request is supported.

RECOMMENDATION

That Council, pursuant to sub-clause 10.5.2 of Town Planning Scheme No 3, grants an extension of the term of the planning approval for the following:

- (a) variation to the south side boundary pursuant to Local Planning Policy 142 for a boundary wall for an alfresco area 4m long X 3.2m high;
- (b) variation to the Residential Design Codes for retaining walls and fill up to 0.675m above natural ground level;



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(c) variation to Council Policy 143 to permit boundary walls along the north, west and south side boundaries varying in height up to 2.475m above natural ground level; for works to 19 Glyde Street (Lot 27), East Fremantle comprising:

- carport with a 7.2m long parapet wall up to 2.75m high on the north side boundary;
- retaining walls at the rear along the north, west and south side boundaries varying up to 0.675m above natural ground level;
- boundary walls along the north, west and south sides at the rear higher than 1.8m (varying up to 2.475m above natural ground level);
- a 10m long X 5m wide below ground swimming pool;
- alfresco area with a 4m long parapet wall adjacent to the south side boundary varying in height between 2.75m and 3.2m;

in accordance with the plans date stamp received on 19 October 2006 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. works for the proposed swimming pool 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
11. 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.
12. 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.
13. this planning approval is to remain valid for a period of 24 months from date of this approval.



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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 neighbours' 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 Rico – Cr Olson

That Council, pursuant to sub-clause 10.5.2 of Town Planning Scheme No 3, grants an extension of the term of the planning approval for the following:

- (a) variation to the south side boundary pursuant to Local Planning Policy 142 for a boundary wall for an alfresco area 4m long X 3.2m high;**
- (b) variation to the Residential Design Codes for retaining walls and fill up to 0.675m above natural ground level;**
- (c) variation to Council Policy 143 to permit boundary walls along the north, west and south side boundaries varying in height up to 2.475m above natural ground level;**

for works to 19 Glyde Street (Lot 27), East Fremantle comprising:

- carport with a 7.2m long parapet wall up to 2.75m high on the north side boundary;**
- retaining walls at the rear along the north, west and south side boundaries varying up to 0.675m above natural ground level;**
- boundary walls along the north, west and south sides at the rear higher than 1.8m (varying up to 2.475m above natural ground level);**
- a 10m long X 5m wide below ground swimming pool;**
- alfresco area with a 4m long parapet wall adjacent to the south side boundary varying in height between 2.75m and 3.2m;**

in accordance with the plans date stamp received on 19 October 2006 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 4. works for the proposed swimming pool 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.**



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5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. pool contractor/builder is required to notify Council's Building Surveyor ***immediately upon completion of all works*** including fencing.
11. 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.
12. 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.
13. this planning approval is 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 neighbours' side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.***

CARRIED

T80.10 **Riverside Road No. 34 (Lot 51)**
Applicant/Owner: Robert Miorada
Application No. P168/2006
By Chris Warrener, Town Planner on 1 September 2008

BACKGROUND

Description of Proposal

An Application from the owner for an extension to the Planning Approval for an elevated steel framed and mini-orb clad single storey house with a rammed earth double garage at 34 Riverside Road.

Statutory Requirements

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

Relevant Council Policies

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

Documentation

Letter requesting extension date stamp received on 25 August 2008

Date Application Received

25 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

14 days

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

21 June 2006 CEO advises the WAPC that the Town of East Fremantle conditionally supports the subdivision of Lots 51 & 52 Riverside Road into 2 lots (minor boundary adjustment);
19 July 2006 WAPC conditionally approves the subdivision of Lots 51 & 52 Riverside Road to create 34 and 35 Riverside Road comprising 770m² and 347m²;
17 October 2006 Council grants approval for setback variations for the 2-level house.

REPORT

Issues

Planning Approval

Pursuant to TPS 3 the term of a planning approval is 2 years.

Sub-clause 10.5.1 states:

- “10.5.1. Where the local government grants planning approval for the development of land —*
- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
 - (b) the approval lapses if the development has not substantially commenced before the expiration of that period.”*

The planning approval for the application for the house at 34 Riverside Road lapses on 17 October 2008.

A building licence has not been issued.

Discussion

The owner of the property at 34 Riverside Road has requested an extension to the planning approval to allow for the sale of the adjacent property, which will provide the owner with additional funding to enable commencement of construction.

Sub-clause 10.5.2 states:

"10.5.2. A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1."

The request for the extension is reasonable, there are no new policies or amendments to TPS 3 that have been implemented since the approval was granted in October 2006, which might otherwise affect the development, and the request is supported.

RECOMMENDATION

That Council, pursuant to sub-clause 10.5.2 of Town Planning Scheme No 3, grants an extension of the term of the planning approval for the following:

- (a) variation to the north side boundary pursuant to the Residential Design Codes for a deck from 7.5m to 3.8m;
 - (b) variation to the south side boundary pursuant to the Residential Design Codes for two decks from 7.5m to 2.8m and 3.7m respectively;
 - (c) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 0°;
- for the construction of an elevated steel framed mini-orb clad single storey house with a rammed earth double garage at 34 Riverside Road (Lot 51), East Fremantle in accordance with the plans date stamp received on 23 August 2006 subject to the following conditions:

1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
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 dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. this planning approval is 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

Cr Rico – Cr Olson

That Council, pursuant to sub-clause 10.5.2 of Town Planning Scheme No 3, grants an extension of the term of the planning approval for the following:

- (a) variation to the north side boundary pursuant to the Residential Design Codes for a deck from 7.5m to 3.8m;**
- (b) variation to the south side boundary pursuant to the Residential Design Codes for two decks from 7.5m to 2.8m and 3.7m respectively;**
- (c) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 0°;**

for the construction of an elevated steel framed mini-orb clad single storey house with a rammed earth double garage at 34 Riverside Road (Lot 51), East Fremantle in accordance with the plans date stamp received on 23 August 2006 subject to the following conditions:

- 1. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 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 dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 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. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.**
- 7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.**
- 8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.**

9. this planning approval is 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

T80.11

Canning Highway No. 147 (Lot 13)

Applicant: Anthony Brideson

Owner: Undercroft Trust

Application No. P140/2008

By Chris Warrener, Town Planner on 14 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a change of use of the premises under the Royal George Tavern at Shop 13, 147 Canning Highway from 'Shop' to 'Recreation – Private' for use as a fitness studio.

The shop is currently vacant and was previously used as a food hall.

Statutory Considerations

Town Planning Scheme No. 3 – Town Centre (TPS 3)

Local Planning Strategy – Town Centre Precinct (LPS)

Residential Design Codes (RDC)

Documentation

Plans and relevant forms date stamp received on 21 July 2008

Date Application Received

21 July 2008

Advertising

Adjoining landowners

Date Advertised

1 August 2008

Close of Comment Period

15 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

49 days



9 September 2008

MINUTES

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

- | | |
|-------------------|--|
| 21 July 1987 | Council grants approval for a food market and pizza shop on the subject site with a provision of 14 car parking bays; |
| 19 September 2006 | Council grants approval for 2 shops, one for pre-packaged meat and the other for surfing products; |
| 15 July 2008 | Council decides to refuse an application for the unauthorised existing use of the premises at 7c Silas Street for Recreation-Private (fitness studio). |

CONSULTATION

Public Submissions

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

Site Inspection

By Town Planner on 14 August 2008

REPORT

Issues

Land Use

The subject property is zoned "Town Centre" under TPS 3.

The premises at Shop 13 147 Canning Highway was approved by Council on 19 September 2006 for use as a surf shop. That use never commenced and the premises have remained vacant since the previous food hall activity ceased.

The approved use of the premises is as a "Shop"

The proposed use is for a fitness studio which is reasonably determined as falling within the use class "Recreation – Private".

"Recreation - Private" is an "A" use in the "Town Centre" zone, which "means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4."

In accordance with the requirement for advertising the application was referred to the adjoining landowners for comment. No submissions were received.

Discussion

Councillors will recall having made the following decision at the Council meeting held in July 2008:

"That Council refuse to grant planning approval for the unauthorised existing use of No. 7c (Lot 583) Silas Street, East Fremantle for the purposes of Recreation – Private (Definitive Fitness) in accordance with the application date stamp received on 12 May 2008 for the following reasons:

- 1. the use is not compatible with the approved use of the building at 5-7 Silas Street for offices, consulting rooms, and residential.*
- 2. the use involves a parking shortfall, which is significant, and has a detrimental impact on the existing parking arrangement for the use of the other owners and occupiers of the building.*
- 3. the use is a noisy activity which has a detrimental impact on the amenity of the residential use of the property.*

Footnote:

The applicant is advised that this decision of the Council is herein issued as a notice pursuant to s. 214 of the Planning and Development Act 2005 constituting a direction to cease the current use of the premises within 90 days of the date of the Council decision."

In response to the Council decision the owner/applicant proposes to relocate the fitness studio to the property that is the subject of this current application.

Shop 13 is situated below the Royal George Tavern and will not create the potential for a detrimental impact on the amenity of this property as was the case at 7c Silas Street which is situated below 8 attached grouped dwelling units.

The subject property is considered to be a suitable site for the proposed use, there is more than adequate on-site parking available, which was another issue with 7c Silas Street, and this application is supported.

RECOMMENDATION

That Council grant planning approval for a change of use of the premises under the Royal George Tavern at Shop 13, 147 Canning Highway, East Fremantle from 'Shop' to 'Recreation – Private' for use as a fitness studio subject to the applicant/owner obtaining a Certificate of Classification for a Class 9B building.

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Olson

That Council grant planning approval for a change of use of the premises under the Royal George Tavern at Shop 13, 147 Canning Highway, East Fremantle from 'Shop' to 'Recreation – Private' for use as a fitness studio subject to the applicant/owner obtaining a Certificate of Classification for a Class 9B building.

CARRIED

T80.12

Chauncy Street No. 5 (Lot 5041)

Applicant: Arkitektura

Owner: Rodney & Karen Coates

Application No. P145/2008

By Chris Warrener, Town Planner on 29 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 7m long x 4.5m wide below ground swimming pool, earthworks involving fill of more than 0.5m above natural ground level, and a front fence that varies up to 2.2m above natural ground level with louvers aluminium screen infills between piers that are not 60% visually permeable.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (TPS 3)

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 25 July 2008

Date Application Received

25 July 2008

Advertising

Adjoining land owners only

Date Advertised

1 August 2008

Close of Comment Period

15 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

45 days

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

21 February 2006 Council grants conditional approval for wall height, roof pitch, and setback variations for a 2-storey house.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- fence height creates an unnecessary intrusion into the streetscape;
- fence is totally out of context with the Chauncy Street streetscape;
- examples submitted of other East Fremantle fences bear no relation to the subject property and should not be seen as related;
- sufficient land at front of the property for an alternative scheme;
- difference in height between patio and pool is appropriate in this context.

Public Submissions

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

Site Inspection

By Town Planner on 23 February, 2 March & 10 December 2007, 31 January 2006, 28 April & 2 July 2008.

REPORT

Issues

Front Fence

The application proposes a front fence that varies up to 2.2m high with partially visually permeable aluminium louvred slatted screen inserts fixed between limestone wall piers.

LPP 143 states with regard to fence design:

"Part 3 - Fence Design

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)*

3.1 Maximum Height

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

3.2 Materials

Applications for front fences made from materials not included within the following list of materials or of a design which does not accord with the principles or intent of the policy are considered to be unacceptable and will not be approved unless by consent of Council.



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Acceptable materials for front fences and walls:

Solid Sections *limestone*
 masonry
 brickwork
 rendered finishes over concrete or masonry

Infill Sections *visually permeable metal structures*
 visually permeable timber structures"

Site Works

The application proposes fill for the swimming pool along the west and north sides which is greater than 0.5m to bring the pool area up to the courtyard level at the front.

The relevant RDC acceptable development provision states:

"A1.1 Excavation or filling between the street alignment and building, or within 3 m of the street alignment, whichever is the lesser, not exceeding 0.5 m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling."

Discussion

Front Fence

As the applicant states in the covering letter the proposed front fence does not occupy the entire width of the property, and the main reason for seeking approval for a fence that is less visually permeable than LPP 143 specifies is to provide privacy for the owners' primary outdoor living area.

The applicant has submitted examples of other properties in the immediate locality which have front fences that do not meet the standards specified in LPP 143.

However none of the examples are for properties next to or nearby the subject property, and as a consequence it is considered that the proposed fence will have a detrimental impact on the local streetscape.

Site Works

In regard to the proposed fill to bring the pool area to be level with the existing courtyard the relevant performance criteria under the RDC states:

"New development should meet these criteria.

P1 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property."

The fill is proposed to create a level area around the pool that is at the same level as the courtyard at the front. This change in level does not detrimentally impact on the appearance of the property, nor does it impact on the amenity of the potentially affected adjoining property at 7 Chauncy Street, and is supported.



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RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the amount of fill in the front setback pursuant to the Residential Design Codes above 0.5m for a 7m long x 4.5m wide belowground swimming pool, and earthworks involving fill of more than 0.5m above natural ground level at No. 5 (Lot 5041) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 25 July 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying that the front fence complies with Local Planning Policy 143.
2. the works are 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 works for the swimming pool 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
11. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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).*



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(d) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Rico

That Council exercise its discretion in granting approval for a variation to the amount of fill in the front setback pursuant to the Residential Design Codes above 0.5m for a 7m long x 4.5m wide belowground swimming pool, and earthworks involving fill of more than 0.5m above natural ground level at No. 5 (Lot 5041) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 25 July 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying that the front fence complies with Local Planning Policy 143.
2. the works are 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 works for the swimming pool 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
11. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*

- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (d) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

T80.13 **Pier Street No. 59 (Lot 214)**
Applicant & Owner: Andrew & Catherine Bockman
Application No. P130/2008
By Chris Warrener, Town Planner on 26 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a carport on the east side, a roofed alfresco area and a 2-storey addition at the rear of the single storey house at 59 Pier Street comprising:

- bedroom, bathroom, games room, laundry and covered terrace on the ground floor;
- gallery link to main house, kitchen, meals and living room, and balcony on the first floor.

Statutory Considerations

Town Planning Scheme No. 3 – ResidentialR12.5
Local Planning Strategy - Richmond Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 4 July 2008

Date Application Received

4 July 2008

Advertising

Adjoining land owners only

Date Advertised

9 July 2008

Close of Comment Period

24 July 2008

No. of Days Elapsed between Lodgement & Meeting Date

66 days

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

13 May 2005 Building Licence 3743 approved for a shed;
16 August 2005 CEO grants approval under delegated authority for a below ground swimming pool;
21 September 2005 Building Licence SP05/39 approved for a second hand belowground swimming pool.

CONSULTATION

Public Submissions

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

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- clever means of retaining old house whilst constructing modern extensions;
- extensions will be subtle from streetscape;
- fine.

Site Inspection

By Town Planner on 30 Oct. 2007

STATISTICS		Required	Proposed
Land Area			905m ² Existing
Open Space		55%	81.96% Acceptable
Zoning			R12.5
Setbacks:			
Front (north)			
Ground	Carport	7.50	8.11 Acceptable
Rear (south)			
Ground	Alfresco	6.00	7.60 Acceptable
	Bedroom 1 & Ensuite Terrace	6.00	22.64 Acceptable
	Gamesroom	6.00	19.00 Acceptable
Upper	Kitchen	6.00	22.64 Acceptable
	Balcony	7.50	19.00 Acceptable
Side (east)			
Ground	Alfresco	1.00	10.20 Acceptable
	Terrace	1.00	6.16l Acceptable
	Gamesroom	1.50	6.20 Acceptable
	Carport	1.00/Nil	LPP142 0.90 Acceptable
Upper	Balcony	7.50	7.66 Acceptable
	Livingroom	2.80	6.20 Acceptable
	Gallery	1.10	9.00 Acceptable
Side (west)			
Ground	Bedroom 1	1.00	1.85 Acceptable

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	<i>Terrace</i>	1.00	8.30
			Acceptable
	<i>Alfresco</i>	1.00	1.40
			Acceptable
<i>Upper</i>	<i>Gallery</i>	1.20	9.20
			Acceptable
	<i>Kitchen</i>	1.20	1.85
			Acceptable
	<i>Balcony</i>	7.50	8.20
			Acceptable
Height:			
	Wall	6.00	6.00
			Acceptable
	Building	9.00	6.90
			Acceptable
	Parapet Wall Height	3.00	2.90
			Acceptable

REPORT

Discussion

This application proposes a carport, a roofed alfresco, and a 2-storey addition at the rear of an existing house which presents as single storey to the front (Pier Street).

The rear addition is separated from the main house linked by a 'gallery'; the reason for this separation is to provide northern sun exposure to the addition which will be further improved by the incline of its proposed skillion roof.

The proposal does not involve any variations to the RDC or any adopted LPP for which Council's discretion would be required to be exercised to allow.

The carport is set back behind the main building line, and the addition at the rear will be barely visible from the street due to the nature of the topography of the property.

Council is advised that there are retaining works and landscaping in the verge which have not been approved.

The owner was contacted to discuss this matter and advised that the works were undertaken to stop the soil in the verge from spilling into the property. The topography is such that unless the verge were retained this would be an ongoing problem for the property.

The verge works are considered to make a positive contribution to the local streetscape and are supported.

RECOMMENDATION

That Council grants approval for the construction of a carport on the east side, a roofed alfresco area and a 2-storey addition at the rear of the single storey house at No. 59 (Lot 214) Pier Street, East Fremantle comprising:

- bedroom, bathroom, games room, laundry and covered terrace on the ground floor;
- gallery link to main house, kitchen, meals and living room, and balcony on the first floor;

in accordance with the plans date stamp received on 4 July 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where



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- varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 3. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the alfresco may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Olson

That Council grants approval for the construction of a carport on the east side, a roofed alfresco area and a 2-storey addition at the rear of the single storey house at No. 59 (Lot 214) Pier Street, East Fremantle comprising:

- **bedroom, bathroom, games room, laundry and covered terrace on the ground floor;**
- **gallery link to main house, kitchen, meals and living room, and balcony on the first floor;**

in accordance with the plans date stamp received on 4 July 2008 subject to the following conditions:

1. **the works are 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.**



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3. the proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the alfresco may not be enclosed without the prior written consent of Council.*

CARRIED

Cr Dobro made the following impartiality declaration in the matter of 31 Sewell Street: "As a consequence of my relationship with the owner and my children attending the same school as the designer's children, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

T80.14 Sewell Street No. 31 (Lot 232)

Applicant: John Chisholm Design

Owner: D & D Colling

Application No. P132/2008

By Chris Warrener, Town Planner on 28 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for minor additions to the single storey house at 31 Sewell Street comprising:

- add on a 1.4m extension to form a better functioning kitchen;
- pop out a 0.4m extension to the south to help the existing laundry and bathroom work better.

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Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 9 July 2008

Date Application Received

9 July 2008

Advertising

Adjoining land owners only

Date Advertised

14 July 2008

Close of Comment Period

24 July 2008

No. of Days Elapsed between Lodgement & Meeting Date

61 days

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

Nil

CONSULTATION

Public Submissions

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

REPORT

Issues

Boundary Setback The application proposes a 1.4m extension to the kitchen on the north side next to the property at 29 Sewell Street.

The RDC recommend a 1.5m setback

Discussion

The proposed setback variation is considered relatively minor and does not considered to impact on the adjoining property at 29 Sewell Street which has its driveway access next to the affected boundary.

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 north side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.4m for the construction of minor additions to the single storey house at 31 Sewell Street comprising:

- add on a 1.4m extension to form a better functioning kitchen;
- pop out a 0.4m extension to the south to help the existing laundry and bathroom work better;

in accordance with the plans date stamp received on 9 July 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where



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- 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 utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr Olson – Cr Dobro

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.4m for the construction of minor additions to the single storey house at 31 Sewell Street comprising:

- **add on a 1.4m extension to form a better functioning kitchen;**
- **pop out a 0.4m extension to the south to help the existing laundry and bathroom work better;**

in accordance with the plans date stamp received on 9 July 2008 subject to the following conditions:

1. **the works are 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 utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
4. **all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
5. **this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

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

CARRIED

T80.15

Duke Street No. 23 (Lot 480)

Applicant: Dale Alcock Homes

Owner: Martin & Danica Dutry

Application No. P133/2008

By Chris Warrener, Town Planner on 29 August 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a single storey house at 23 Duke Street comprising a porch, entry, home office, playroom, kitchen/dining & living room, 3 bedrooms, & 2 bathrooms.

Statutory Considerations

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

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)

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

Documentation

Plans and relevant forms date stamp received on 9 July 2008

Date Application Received

9 July 2008

Additional information

19 August 2008 Email information from applicant regarding housing examples of the type proposed in the application, and specifications of materials and colours proposed to be used.

Advertising

Adjoining land owners only

Date Advertised

11 July 2008

Close of Comment Period

24 July 2008

No. of Days Elapsed between Lodgement & Meeting Date

61 days

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

19 June 2007 Council grants approval for a front setback variation for a 2-storey house.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 August 2008 and the following comments were made:

- design does not address the street;
- parking will be in front of the playroom and a covered carport should not be approved in the front setback;
- fine.

Public Submissions

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

Site Inspection

By Town Planner on 23 April 2008

STATISTICS	Required	Proposed
Land Area		486m ² Existing
Open Space	50%	59.0% Acceptable
Zoning		R20
Setbacks:		
Front (east)		
<i>Playroom</i>	6.00	6.10 Acceptable
<i>Home Office</i>	6.00	3.10 to 4.60 Discretion Required
<i>Porch</i>	6.00	7.00 Acceptable
Rear (west)		
<i>Ensuite</i>	1.00	10.00 Acceptable
<i>Bedroom 3</i>	1.00	9.40 Acceptable
Side (north)		
<i>Office</i>	1.50	2.00 Acceptable
<i>Porch</i>	1.50	1.50 Acceptable
<i>Kitchen</i>	1.00	1.00 Acceptable
<i>Livingroom</i>	1.50	4.60 Acceptable
<i>Master Suite</i>	1.00	1.00 Acceptable

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Side (south)			
	<i>Bedroom 2 & 3</i>	1.50	2.00 Acceptable
	<i>Livingroom & Diningroom</i>	1.50	2.00 Acceptable
	<i>Playroom</i>	1.50	2.00 Acceptable

**REPORT
Issues**

Boundary Setbacks The application proposes a single storey house with a home office at the front for which the setback varies between 3.1m and 4.6m.

The RDC recommend a 6m front setback for R20 coded property.

Roof Pitch The application proposes a colorbond roof pitched at 24°43'.

LPP 066 states:

“dominant elements to be greater than 28°.”

Discussion

While the application proposes a front setback that is at variance from the RDC LPP 142 states:

“Part 2 – Streetscape

- (i) *Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.”*

The single storey house next door at 25 Duke Street is set back 2.6m from the front boundary, and further south along Duke Street the front setback of the majority of houses is less than 6m.

Based on the front setback of most of the houses along Duke Street the proposed setback of the house is considered not to have any detrimental impact on the local streetscape and the reduced front setback is supported.

RECOMMENDATION

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

- (a) variation to the east side (front) setback for a home office pursuant to the Residential Design Codes from 6m to 3.1m;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 24°43'; for the construction of a single storey house at No. 23 (Lot 480) Duke Street, East Fremantle comprising a porch, entry, home office, playroom, kitchen/dining & living room, 3 bedrooms, & 2 bathrooms in accordance with the plans date stamp received on 9 July 2008 subject to the following conditions:
 1. the works are 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.



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3. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
7. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*
- (g) *the applicant/owner are advised that pursuant to Council's Local Planning Policy, 142 garages and/or carports are not to be forward of the main building line.*

RECOMMENDATION TO COUNCIL

Cr Dobro – Mayor Ferris

That the application for a single storey residence on Lot 480 (No. 23) Duke Street, East Fremantle be deferred pending the applicant addressing the front elevation / streetscape issue.

CARRIED

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Cr Dobro made the following impartiality declaration in the matter of 61 Glyde Street: "As a consequence of my daughter's friendship with the owner's daughter, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly."

T80.16 Glyde Street No. 61 (Lot 130)

Applicant: Arc Seven.1

Owner: F & D Penheiro

Application No. P/2008

By Chris Warrener, Town Planner on 1 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 5m long X 4m wide X 2.4m high carport at the front, and single storey additions at the rear of the single storey house at 61 Glyde Street comprising bathroom, powder room, dining, kitchen and laundry, bedroom and en-suite, deck and roofed alfresco area.

Statutory Considerations

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

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 11 July 2008

Date Application Received

11 July 2008

Additional information

Percentage of overshadow provided by applicant on 18 August 2008

Advertising

Adjoining land owners only

Date Advertised

15 July 2008

Close of Comment Period

30 July 2008

No. of Days Elapsed between Lodgement & Meeting Date

59 days

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

Nil

CONSULTATION

Public Submissions

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

Site Inspection

By Town Planner on 21 August 2008

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STATISTICS	Required	Proposed
Land Area		508m ² Existing
Open Space	50%	51.47% Acceptable
Zoning		R20
<u>Setbacks:</u>		
Front (east)		Nil
<i>Carport</i>	6.00	Discretion Required
Rear (west)		
<i>Deck</i>	1.50	2.00 Acceptable
<i>Bedroom 1</i>	1.00	2.00 Acceptable
Side (north)		
<i>Bathroom</i>	1.00	2.54 Acceptable
<i>Livingroom</i>	1.00	1.73 Acceptable
<i>Alfresco</i>	1.50	1.50 Acceptable
<i>Hallway</i>	1.00	6.41 Acceptable
<i>Deck</i>	1.00	1.10 Acceptable
Side (south)		
<i>Ensuite</i>	1.00	1.50 Acceptable
<i>Laundry</i>	1.00	1.00 Acceptable
<i>Kitchen</i>	1.00	1.00 Acceptable
<i>Diningroom</i>	1.00	1.50 Acceptable
<i>Hallway</i>	1.00	3.40 Acceptable
<u>Height:</u>		Single Storey Residence
Parapet Wall Height	3.00	2.10 Acceptable
<u>Overshadowing:</u>	10.26%	

REPORT

Issues

Boundary Setbacks

Carport

The application proposes a carport that is forward of the main building line.

LPP 142 states:



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"Part 2 – Streetscape

- (i) Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
- (ii) Notwithstanding (i) above, garages and carports located at or behind the main building line for primary and secondary streets and in accordance with Table 1 - Minimum Setbacks of the Residential Design Codes."*

The roof of the carport is set back 0m and the posts are set back 1.15m from the front (east side) boundary. The verandah of the existing house is set back 5.4m, and the front wall is set back 7.4m from the front boundary.

61 Glyde Street is zoned Residential R20 therefore the specified setback under the RDC is 6m.

Discussion

Building setbacks along Glyde Street and in the immediate Plympton locality are quite variable with the majority being much closer to the front boundary than recommended in the RDC.

There are a number of properties which have single garages and carports forward of the main building line. In Glyde Street there are 3 properties with single garages forward of the main building line (at 13, 54 & 71), and 5 properties with single carports forward of the main building line (at 28, 33, 39, 55 & 82).

The proposed carport is a very simple structure and being located to the north side of the house, is not considered to detract from the appearance of the property, and is also not considered to detract from the local streetscape.

There is insufficient clearance between the house and the property boundary for a motor vehicle to be parked behind the main building line; the location of the proposed carport is the only place for it.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.2m for the construction of a 5m long x 4m wide x 2.4m high carport at the front, and single storey additions at the rear of the single storey house at No. 61 (Lot 130) Glyde Street, East Fremantle comprising bathroom, powder room, dining, kitchen and laundry, bedroom and en-suite, deck and roofed alfresco area in accordance with the plans date stamp received on 11 July 2008 subject to the following conditions:

1. the works are 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 carport and 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 is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally



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adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

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

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) the alfresco may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Rico

That Council exercise its discretion in granting approval for a variation to the north side boundary setback pursuant to the Residential Design Codes from 1.5m to 1.2m for the construction of single storey additions at the rear of the single storey house at No. 61 (Lot 130) Glyde Street, East Fremantle comprising bathroom, powder room, dining, kitchen and laundry, bedroom and en-suite, deck and roofed alfresco area in accordance with the plans date stamp received on 11 July 2008 subject to the following conditions:

- 1. the works are 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 carport and 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 is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 6. this planning approval to remain valid for a period of 24 months from date of this approval.**



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Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.***
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***
- (e) the alfresco may not be enclosed without the prior written consent of Council.***

CARRIED

Cr Olson having declared an interest in the following item as the subject lot adjoins the strata development in which he resides left the meeting at 8.35pm.

Given there was not a quorum in Cr Olson's absence, consideration on the following matter could not take place. The application will be considered at the Council Meeting scheduled for 23 September 2008.

T80.17

Alexandra Road No. 42 (Lot 1001)

Applicant: GDD (WA) Pty Ltd

Owner: R & C Harlan

Application No. P205/2006

By Chris Warrener, Town Planner on 2 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the 2-storey house at 42 Alexandra Road comprising:

- replace the existing garage at the rear with a new double garage and carport, and construct a rumpus room above the new garage;
- remove the roof at the front of the house, add 2 bedrooms on the ground floor, extend the master bedroom on the first floor, and include a deck over the first floor.

Statutory Considerations

Town Planning Scheme No. 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)

Documentation

Amended plans and relevant forms date stamp received on 30 July 2008

Date Application Received

30 July 2008 (Revised)

Advertising

Adjoining land owners only

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Date Advertised

14 August 2008

Close of Comment Period

28 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

39 days

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

19 June 2001	Council decides to advise the WAPC that it does not support the subdivision of the rear lot at 42 Alexandra Road into 3 strata lots but it supports conditional approval for 2 strata lots;
30 August 2001	WAPC grants conditional approval for the 2 strata lot subdivision;
17 December 2002	Council grants special conditional approval for two 2-storey grouped dwellings on reduced setbacks at 42A & 42B Alexandra Road;
23 September 2003	WAPC grants final approval to Survey Strata Plan 43799 to create 2 strata lots (42A & 42B) to the rear of 42 Alexandra Road;
19 July 2006	Council grants Planning Approval for a 2-storey house on reduced setbacks at 42A Alexandra Road;
19 December 2006	Council grants approval for wall height and setback variations for alterations and additions to the 2-storey house at 42 Alexandra Road.

CONSULTATION

Public Submissions

At the close of the comment period no submissions were received, after the submission period closed one submission was received.

K & C Offer Concerns regarding trees overhanging property boundary.
Unit 11 /
46 Alexandra Road

Site Inspection

By Town Planner on 25 August 2008

REPORT

Discussion

This application is for alterations and additions to the house at 42 Alexandra Road, which do not involve any variations for which Council's discretion is required to be exercised.

The initial application approved by Council in December 2006 was for alterations and additions which involved wall height and setback variations however the amended plans are for changes of a less substantial nature which now do not involve any variations.

RECOMMENDATION

That Council grants approval for the construction of alterations and additions to the 2-storey house at No. 42 (Lot 1001) Alexandra Road, East Fremantle comprising:

- replace the existing garage at the rear with a new double garage and carport, and construct a rumpus room above the new garage;
 - remove the roof at the front of the house, add 2 bedrooms on the ground floor, extend the master bedroom on the first floor, and include a deck over the first floor;
- in accordance with the amended plans date stamp received on 30 July 2008 subject to the following conditions:



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1. the works are 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 is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

Cr Olson returned to the meeting at 8.36pm.

T81. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T81.1 Meeting Information Brochure

The meeting information brochure produced by Cr Dobro was distributed to councillors who were asked to provide comment.

T82. CLOSURE OF MEETING

There being no further business the meeting closed at 8.40pm.

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*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 **9 September 2008**, Minute Book reference **T74 to T82**, were confirmed at the meeting of the Committee on*

.....

Presiding Member