

14 October 2008

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 14 OCTOBER, 2008 COMMENCING AT 6.30PM.

T83. OPENING OF MEETING

T83.1 Present

| | |
|-------------------|------------------|
| Cr Stefanie Dobro | Presiding Member |
| Mayor Alan Ferris | |
| Cr Barry de Jong | |
| Cr Maria Rico | |
| Cr Alex Wilson | from 6.55pm |
| Mr Chris Warrener | Town Planner |
| Mrs Peta Cooper | Minute Secretary |
| Cr David Arnold | Observer |
| Cr Dean Nardi | Observer |

T84. WELCOME TO GALLERY

There were (7) members of the public in the gallery at the commencement of the meeting.

T85. APOLOGIES

An apology was submitted on behalf of Cr Richard Olson and Cr Wilson advised that she would be arriving late for the meeting.

T86. CONFIRMATION OF MINUTES

T86.1 Town Planning & Building Committee (Private Domain) – 9 September 2008

Mayor Ferris - Cr de Jong

That the Town Planning & Building Committee (Private Domain) minutes dated 9 September 2008 as adopted at the Council meeting held on 23 September 2008 be confirmed.

CARRIED

T87. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T88. REPORTS OF COMMITTEES

T88.1 Town Planning Advisory Panel – 23 September 2008

Cr de Jong – Mayor Ferris

That the minutes of the Town Planning Advisory Panel meeting held on 23 September 2008 be received and each item considered when the relevant development application is being discussed.

CARRIED

T89. REPORTS OF OFFICERS

T89.1 Receipt of Reports

Cr de Jong – Cr Rico

That the Reports of Officers be received.

CARRIED

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T89.2 Order of Business

Cr de Jong – Cr Rico

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

T89.3 Silas Street No. 5-7 (Suite C)

Applicant: Jen-Nie Chong & Assoc P/L as Trustee for Mary Jane Family Trust

Owner: Anthony Brideson

Application No. P163/2008

By Troy Cappellucci, Consultant Town Planner on 19 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for change of use of the premises at Suite C, 5-7 Silas Street from 'Office' to 'Consulting Room' for use as a dental practice.

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 26 August 2008.

Date Application Received

26 August 2008.

Advertising

Adjoining land owners only and sign on site

Date Advertised

9 September 2008

Close of Comment Period

24 September 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

- | | |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 April 2005 | Council grants approval for the construction of a mixed use development (8 residential dwellings and ground floor office space) at 5-7 Silas Street; |
| 2 June 2005 | Former Town Planner Kelvin Oliver approves relocation of Dental Surgery to 5-7 Silas Street; |
| 15 February 2006 | WAPC conditionally approves the amalgamation of 5 & 7 Silas Street (see below); |
| 1 May 2007 | Building Licence BL07/127 issued for internal office fit-out (ground floor); |
| 14 August 2007 | Council grants approval for a variation to the parking requirement pursuant to Schedule 11 to Town Planning Scheme No.3 from 6 car parking spaces to 4 for a change of use of the premises known as Suite B at 5-7 Silas Street, from Office to Consulting Rooms. |

CONSULTATION

Public Submissions

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

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Site Inspection

By Consultant Town Planner on 18 September 2008

REPORT

Issues

Parking

Schedule 11 to TPS 3 specifies the following car parking requirement for the use consulting rooms:

| | |
|------------------|-----------------------------------------------------------------------------|
| Consulting Rooms | 2 spaces for every consulting room, plus 1 space for every staff member. |
|------------------|-----------------------------------------------------------------------------|

The application proposes 1 consulting room, with 1 specialist dentist and up to 2 support staff working during normal business hours on site therefore the use requires the provision of 5 car spaces.

There are 2 car spaces in front of the consulting room and 2 dedicated spaces at the rear undercover.

A total of 4 spaces are available for the use therefore there is a shortfall of 1 parking space.

Conversion of Disabled Car Parking Bay

The application proposes to convert the disabled car parking bay in front of the proposed consulting room into a normal parking bay.

Under clause 10.2 (v) of the Town of East Fremantle's Town Planning Scheme No. 3, the Council is to have due regard to whether adequate provision has been made for access by disabled persons to the use of the application proposed.

Discussion

Consulting rooms are a permitted use in the Town Centre zone provided "*the use complies with the relevant development standards and requirements of the Scheme*".

However in this particular case there is a parking shortfall as the application does not provide parking in accordance with the standard specified in Schedule 11 to TPS 3, therefore Council's discretion is required to be exercised to allow the use.

The following provision under TPS 3 empowers Council to permit a variation to a site or development standard subject to certain conditions:

"5.6 Variations to site and development standards and requirements

- 5.6.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*
- 5.6.2. In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —*
 - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
 - (b) have regard to any expressed views prior to making its determination to grant the variation.*
- 5.6.3. The power conferred by this clause may only be exercised if the local government is satisfied that —*
 - (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*



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- (b) *the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

In regard to sub-clauses 5.6.1 and 5.6.2 the identified parking shortfall was considered to potentially primarily impact on the adjoining units so the adjoining property owners were invited to comment on the application.

During the consultation period, no submissions were received, hence no objections to the proposal.

In regard to sub-clause 5.6.3 the criteria listed under clause 10.2 considered relevant to this application are:

- (a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);

The property is in the Town Centre zone and the application is for a use which is permitted in this zone therefore complying with the aims, objectives and provisions of the Scheme.

- (j) the compatibility of a use or development with its setting;

The use consulting room is considered to be a compatible land use permitted in the Town Centre zone.

- (o) the preservation of the amenity of the locality;

The locality is a mixed use area primarily the main shopping precinct of East Fremantle and the use consulting room is considered to be compatible with, and will improve the amenity of the area in terms of the choice of medical services available to the community.

- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

Right angle car parking is available immediately adjacent at the front of the building, and a centrally located access driveway is in place for the tenants/applicants to dedicated parking at the rear.

- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

The consulting room will not generate any more traffic than would otherwise be generated by the adjoining shopping centre, likely it will generate less traffic than the adjacent retail uses as according to the applicant, usually long appointments of 45 minutes to one hour are usually required for endodontic treatment which means lower turnover of patients, thereby somewhat reducing the demand for parking.

- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

The subject property is situated walking distance from the nearest bus stop on Canning Highway.



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- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

While purpose built facilities are not presently provided for cyclists this report recommends their provision as a condition of approval.

- (v) whether adequate provision has been made for access by disabled persons;

A dedicated disabled parking space exists immediately in front of the existing site; however, the application would like Council to approve the conversion of this disabled parking bay to a normal parking bay. Considering the nature of the dental practice proposed, converting the disabled parking bay to a normal parking bay may ease the parking congestion if it is made available to any patients presenting for treatment but will not change the fact that the application has a shortfall of 1 parking space.

- (z) any relevant submissions received on the application;

- (za) the comments or submissions received from any authority consulted under clause 10.1.1;

During the consultation period, no submissions were received; hence no objections to the proposal were received from any authority consulted.

- (zb) any other planning consideration the local government considers relevant;

See "Options" below.

Options

In lieu of the 1 space parking shortfall and the proposal to convert the existing disabled parking bay into a normal parking bay, it is recommended that Council consider the following options.

- (a) Accept the shortfall;

This option could set an undesirable precedent in light of the potential future redevelopment of the town centre area, and also be seen as inconsistent with respect to decisions made previously in regard to recent new developments in the town centre (e.g. Suite B at 5-7 Silas Street and 12 Silas Street).

- (b) Require that the owner/tenant arrange to Council's satisfaction an off-site parking alternative;

For example there are other properties in the immediate area where arrangements may be made with the owner of that property. In the event such an arrangement (if this was Council's decision) proved impossible to obtain, the matter could be reconsidered.

- (c) Require cash-in-lieu to the satisfaction of the Chief Executive Officer.

The amount has not been quantified at this stage because "the estimated cost of providing the requisite parking", which is the relevant Scheme provision, has not been calculated.

- (d) Accept the shortfall subject to the applicant providing the equivalent bicycle parking (i.e. 1 bike rack);

Whilst this option has previously been applied in respect to some other planning approvals it is not recommended in this case:

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- (i) as no suitable location for new bike racks has been identified;
- (ii) there are already two bike racks in the immediate vicinity (which, incidentally, Council staff have never witnessed the use of);
- (iii) the application involves a specialist dental practice which will presumably take patients, by referral, from a wide catchment area and it is thus considered likely that few, if any, patients would travel to the practice by bike.

Conclusion

Option (c) is the recommended option. Any such decision of Council could be reconsidered if the owner can arrange a satisfactory off-site alternative.

In regards to the proposal to convert the existing disabled parking bay at the front of the property into a normal car parking bay, as that is the only disabled bay adjoining the three ground level units on-site it is recommended that it be left as a disabled car parking bay and not converted into a normal parking bay.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the parking requirement pursuant to Schedule 11 to Town Planning Scheme No 3 from 5 car parking spaces to 4 for a change of use of the premises at Suite C, 5-7 Silas Street, East Fremantle from 'Office' to 'Consulting Room' for use as a dental practice in accordance with the documentation date stamp received on 26 August 2008 subject to the following conditions:

1. in lieu of the shortfall for 1 car parking space the applicant is to make a cash-in-lieu payment to the satisfaction of the Chief Executive Officer, with any costs involved in determining an appropriate payment to be met by the applicant.
2. the proposed consulting room 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.

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) *If the owner is able to propose an off-site parking alternative, the requirement for cash-in-lieu to meet the parking shortfall can be reconsidered by Council.*

Mr Michael Lee (applicant) addressed the meeting in support of his application.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the parking requirement pursuant to Schedule 11 to Town Planning Scheme No 3 from 5 car parking spaces to 4 for a change of use of the premises at Suite C, 5-7 Silas Street, East Fremantle from 'Office' to 'Consulting Room' for use as a dental practice in accordance with the documentation date stamp received on 26 August 2008 subject to the following conditions:

- 1. in lieu of the shortfall for 1 car parking space the applicant is to make a cash-in-lieu payment to the satisfaction of the Chief Executive Officer, with any costs involved in determining an appropriate payment to be met by the applicant.**
- 2. the proposed consulting room is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**

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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) If the owner is able to propose an off-site parking alternative, the requirement for cash-in-lieu to meet the parking shortfall can be reconsidered by Council.***

CARRIED

T89.4 **Walter Street No. 18A (Lot 7)**

Applicant: APG Homes

Owner: Beth McCrae Dungey

Application No. P176/2008

By Chris Warrener, Town Planner on 19 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey pitched-roofed house at 18A Walter Street comprising:

Ground floor: double garage, study, entry, theatre room, powder room, laundry, kitchen, pantry, living, dining room, and roofed outdoor alfresco at the rear;

First floor: 4 bedrooms, 2 bathrooms, study, and balcony.

The garage door and its supporting structures occupy 57.41% of the property frontage.

The application proposes 18% overshadow of the adjoining property.

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

Plans and relevant forms date stamp received on 7 August 2008

Date Application Received

7 August 2008

No. of Days Elapsed between Lodgement & Meeting Date

67 days

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

- 4 November 1977 Building Licence issued for a patio attached to the front;
- 22 December 2004 Council advises the WAPC that it does not support the subdivision of 18 Walter Street into two 455m² lots;
- 15 January 2005 WAPC conditionally approves the subdivision to create 2 “long tom” lots;
- 20 November 2007 Council decides to defer an application for a 2-storey house pending a revised proposal;
- 18 December 2007 Council grants approval for setback, roof and wall height variations for a 2-storey skillion roofed house.

CONSULTATION

Town Planning Advisory Panel Comments

This amended application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- garage is dominant;
- design seems bulky;
- the protruding hip roof to the north elevation could be eliminated entirely with better design.

| STATISTICS | Required | Proposed |
|--------------------|-----------------|-----------------------------------|
| Land Area | | 455m ² Existing |
| Open Space | 55% | 57.58% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | | Not Listed |
| Setbacks: | | |
| Front (West) | | |
| Ground Study | 7.5 | 6.8 Discretion Required |
| Garage | 7.5 | 7.5 Acceptable |
| Upper Ensuite | 7.5 | 6.8 Discretion Required |
| Balcony | 7.5 | 7.5 Acceptable |
| Rear (East) | | |
| Ground Alfresco | 6.0 | 7.798 Acceptable |
| Upper Bath & Bed 4 | 6.0 | 15.598 Acceptable |
| Side (north) | | |
| Ground Alfresco | 1.5 | 1.2 Discretion Required |
| Kitchen | 1.5 | 3.6 Acceptable |
| Stairs | 1.0 | 1.2 Acceptable |
| Porch | 1.5 | 2.0 Acceptable |
| Study | 1.0 | 1.5 Acceptable |
| Upper Bed 4 | 1.1 | 2.35 Acceptable |
| Stairs | 1.1 | 1.2 Acceptable |
| Robe | 1.1 | 2.0 Acceptable |
| Ensuite | 1.1 | 1.5 Acceptable |

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| STATISTICS | | <i>Required</i> | | <i>Proposed</i> |
|-----------------------|-----------------------------------------------------|---------------------|------------|-------------------------------------------------|
| Side (south) | | | | |
| Ground | Garage | 1.0/Nil | Policy 142 | Nil |
| | Theatre | 1.5 | | Acceptable 1.5 |
| | Pantry, Dine Alfresco | 1.5 | | Acceptable 1.0 |
| Upper | Balcony, Master, Bed 2 & 3, Study, Pdr & Bath | 1.1 | | Discretion Required 1.6 Acceptable |
| Height: | | | | |
| | Wall | 6.00 | | 5.1 Acceptable |
| | Building | 9.00 | | 7.4 Acceptable |
| Overshadowing: | | 18.0% (25% allowed) | | Acceptable |

REPORT

Issues

Streetscape

Garage

The application proposes a double garage set back 0.7m behind a proposed study, which occupies 57.41% of the width of the property frontage.

The relevant acceptable development provision under the RDC states:

“Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.” (RDC, 6.2 Streetscape requirements, 6.2.8 Garage doors, page 9)

The application includes a balcony over the garage however it does not extend for its full width, and the entrance to the dwelling is off to the side behind a study at the front not clearly visible from Walter Street.

Balcony

A proposed upper floor balcony is set back 6.8m from the front (west side) boundary, comprising a 0.7m incursion into the street setback area.

The relevant RDC acceptable development provision states:

“A2 In accordance with figure 1b, a porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the street setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level.” (RDC, 6.2 Streetscape requirements, 6.2.2 Minor incursions into street setback area, page 7)

This balcony occupies 42.21% of the property frontage therefore Council's discretion is required to be exercised to allow it.

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Boundary Setbacks

Side West (Front) The application proposes a study on the ground floor set back 6.8m from the front boundary.

Under the RDC the specified front setback is 7.5m for R12.5 coded property.

Side North (Common with 18B Walter Street)

The application proposes a roofed alfresco and living room set back 1.2m from the north side.

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

Side South (Common with 16 Walter Street)

The application proposes a dining room, roofed outdoor alfresco and pantry set back 1m from the south side.

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

Discussion

This application is for a pitched roof 2-storey house on a relatively 'narrow' frontage block, that was created as a result of a subdivision the WAPC approved in 2005 (Council did not support the subdivision application).

The side boundary setback variations are considered relatively minor and can be supported, however the over-shadow of the adjoining property, and the considered detrimental impact on the local streetscape by the proposed house frontage (garage, balcony, etc) are unacceptable elements of this application.

In December 2007 Council decided to grant approval for a skillion roofed 2-storey house on the subject land, and this application is considered to be a far more acceptable development proposition for the property as it is considered to have better streetscape appearance than the current application.

RECOMMENDATION

That Council refuses to grant planning approval for the construction of a 2-storey pitched-roofed house at No. 18A (Lot 7) Walter Street, East Fremantle comprising:

Ground floor: double garage, study, entry, theatre room, powder room, laundry, kitchen, pantry, living, dining room, and roofed outdoor alfresco at the rear;

First floor: 4 bedrooms, 2 bathrooms, study, and balcony;

in accordance with the plans date stamp received on 7 August 2008 for the following reasons:

1. the streetscape presentation of the proposed house does not meet the acceptable development provision for garage doors under the Residential Design Codes (Item 6.2.8 Garage Doors refers), and is in conflict with Town Planning Scheme No 3 sub-clauses 10.2 (j) and (o).
2. the application if approved would have a detrimental impact on the amenity of the adjoining property in conflict with Town Planning Scheme No 3, sub-clause 10.2 (p).

Mr John Carrello (applicant's partner) addressed the meeting in support of the application.

Cr Wilson entered the meeting at 6.55pm.

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RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Rico

That the application for a two storey residence at No. 18A (Lot 7) Walter Street, East Fremantle be deferred pending the submission of revised drawings that show a reduction in size of the proposed double garage. CARRIED

T89.5

Dalgety Street No. 82A (Lot 1)

Applicant & Owner: Brooke & Brad McAuliffe

Application No. P161/2008

By Troy Cappellucci, Consultant Town Planner on 12 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house and a below ground swimming pool at 82A Dalgety Street comprising:

- double garage & store, porch, entry, office, home theatre, kitchen, dining, laundry, family room, pool and roofed alfresco on the ground floor;
- nursery, bathroom, master suite and en-suite, 2 bedrooms, and balcony on the upper floor.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 25 August 2008

Date Application Received

25 August 2008

Additional information

Overshadowing Plan date stamp received on 22 September 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

Close of Comment Period

22 September 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

| | |
|----------------|-------------------------------------------------------------------|
| November 1979 | Demolition Licence issued; |
| November 1979 | Building Licence issued for duplex development; |
| 18 August 1980 | Strata Titles registered; |
| 17 March 2008 | Demolition Licence B08/60 approved for single storey duplex half. |

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CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- affect amenity of adjoining property due to overshadowing;
- waiving of overshadowing is the concern;
- design not appropriate to Dalgety Street (redesign façade – make up mind what it is);
- house is a mixture of stylisms and contradictions with windows of varying proportion and design;
- should reconsider design to simplify the overly abundant and varied roof forms;
- concern with structure forward of building line – suggest design be reconsidered;
- street elevation be redesigned to minimise dominance of garage and materials described.

Public Submissions

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

Site Inspection

By Consultant Town Planner on 18 September 2008

| STATISTICS | Required | Proposed |
|-------------------|-----------------|-------------------------------|
| Land Area | | 501m ² Existing |
| Open Space | 55% | 55.15% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | | Not Listed |

Setbacks:

| | | |
|---------------------------------|-----|------------------------------------|
| Front (west) | | |
| <i>Ground Portico</i> | 7.5 | 7.01 Discretion Required |
| <i>Garage</i> | 7.5 | 7.5 Acceptable |
| <i>Upper Ensuite</i> | 7.5 | 9.5 Acceptable |
| <i>Balcony</i> | 7.5 | 7.4 Discretion Required |
| Rear (east) | | |
| <i>Ground Alfresco</i> | 6.0 | 12.8 Acceptable |
| <i>Upper Bed 3</i> | 6.0 | 15.5 Acceptable |
| Side (north) | | |
| <i>Ground Porch & Entry</i> | 1.0 | 2.6 Acceptable |
| <i>Office</i> | 1.0 | 1.046 Acceptable |
| <i>Store & Pdr</i> | 1.0 | 1.5 Acceptable |

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| STATISTICS | | Required | | Proposed |
|----------------|---------------------------|----------|------------|-----------------------------------|
| | Hallway | 1.0 | | 1.0 Acceptable |
| | Family | 1.5 | | 1.5 Acceptable |
| | Alfresco | 1.0 | | 1.0 Acceptable |
| Upper | Ensuite, wc, wir, stairs | 1.5 | | 2.546 to 2.49 Acceptable |
| | Hallway & Bed 3 | 1.8 | | 1.5 Discretion Required |
| | Balcony | 1.2 | | 5.6 Acceptable |
| Side (south) | | | | |
| Ground | Garage | 1.0/Nil | Policy 142 | Nil Acceptable |
| | Home Theatre | 1.0 | | 1.0 Acceptable |
| | Laundry, Kitchen & Dining | 1.5 | | 1.5 Acceptable |
| | Family | 1.0 | | 1.0 Acceptable |
| | Alfresco | 1.0 | | 1.0 Acceptable |
| Upper | Balcony & master suite | 1.2 | | 1.5 Acceptable |
| | Hallway | 1.2-1.3 | | 4.2 Acceptable |
| | Nursery, Bath, Bed 2 & 3 | 1.7 | | 2.0 Acceptable |
| Height: | | | | |
| | Wall | 6.00 | | 5.5 Acceptable |
| | Building | 9.00 | | 8.1 Acceptable |

**REPORT
Issues**

Streetscape

The application proposes a two storey residence with a portico and an upper floor balcony setback 7.01m and 7.4m respectively.

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

The RDC allow for minor incursions into the street setback area. The relevant acceptable development provision states:

"In accordance with figure 1b, a porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the street setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level." (RDC, 6.2 Streetscape requirements, 6.2.2 Minor incursions into the street setback area, page 7)



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As the portico and the upper floor balcony project 0.49m and 0.1m respectively into the street setback area, they both comply with the above acceptable development provision of the RDC.

In addition LPP 143 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.*
- (iii) The following street setbacks apply also to any upper storey:*
 - (a) Primary Street – minimum setback as prescribed by the Residential Design Codes – Table 1 – General Site Requirements, Column 8; and*
 - (b) Secondary Street – minimum setback 50% of Primary Street."*

Boundary Setbacks

The upper floor wall for the hallway and Bed 3, which does not contain a major opening, is setback 1.5m from the north side boundary common with 82B Dalgety Street. This wall is 14.19m long.

LPP 142 allows a wall along one side boundary to be situated closer if the wall is no higher than 3m or longer than 9m.

The proposed upper floor wall for the hallway wall on the boundary is 5.486m high and 14.19m high therefore Council's discretion is required to be exercised to allow it.

The RDC under Table 2A recommend a 1.8m setback.

*Solar Access
(Overshadowing)*

The application for the two storey residence proposes to affect the solar access for the neighbouring property at 84A Dalgety Street.

The acceptable development provision under the RDC regarding 6.9.1 Solar Access For Adjoining Sites states:

"A1 Notwithstanding the boundary setbacks in design element 6.3, development in climatic zones 4, 5 and 6 of the state shall be so designed that its shadow only cast at midday 21 June onto any other adjoining property does not exceed the following limits:

- on adjoining properties coded R25 and lower – 25 per cent of the site area;*
- on adjoining properties coded R30 to R40 inclusive – 35 per cent of the site area; or*
- on adjoining properties coded R-IC or higher than R40 – 50 per cent of the site area."*

The overshadowing to adjoining properties from the proposed two storey residence at 82A Dalgety Street should not exceed 25 per cent of the adjoining properties site area.

The relevant performance criteria under the RDC states:

P1 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:

- outdoor living areas;*



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- major openings to habitable rooms;
- solar collectors; or
- balconies or verandahs.

Discussion

Streetscape

The proposed front portico and upper floor balcony are considered to complement the appearance of and add to the general amenity of the proposed house, and the setback variations for both are supported.

Boundary Setbacks

The landowner potentially affected by the variation to the setback for the upper floor wall for the hallway and Bed 3 has endorsed support for the application.

The upper floor wall for the hallway and Bed 3 is not considered to detrimentally impact on the character of the development in the immediate locality and not adversely affect the amenity of the affected adjoining property, and the application is supported.

*Solar Access
(Overshadowing)*

In support of the application regarding the overshadowing issue, the applicant stated:

"We understand that the recommended limit of overshadowing is 25%. We are seeking some relaxation on this figure to increase it to 26.5%. There are a number of factors we would like Council to consider when addressing this request.

- *We have shown our house plans to each adjoining neighbour, as suggested by a member of Council, and all neighbours have signed to support our design proposal. We have disclosed all details with regards to overshadowing to the affected owner who also signed to support our design proposal.*
- *The site that we are intending to build on is unique in dimensions to most other lots in East Fremantle in that it is narrow at the street front, 11.75m and then becomes even narrower towards the rear of the block with the narrowest point measuring 8.38m. When we purchased this property in 2004 it had already been subdivided in this way. To adhere to current guidelines set, since purchasing our property, for two-storey developments and boundary setbacks we are limited in our design options due to the dimensions of our site.*
- *We have made several modifications to our design to reduce overshadowing on the adjoining properties. On the upper storey of our design we have created a large hallway void in the middle of the house cutting out a section of roof of almost 5m to reduce overshadowing.*
- *We have adhered to all other guidelines set with regard to building and design and have made every attempt to design a house that preserves the appeal of our streetscape, respects the privacy of our neighbours, promotes solar access and is definitely an improvement on the building that currently exists on our property."*

Based on the above-stated justification accompanying the application plans it does not necessarily follow that any overshadow would occur on the affected neighbour's outdoor



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living area. However, after discussing this with the applicant for the 2-storey house proposal, the following was ascertained:

"We are aware that there is an outdoor area that is affected by the overshadowing however this area is covered along with the main roofline of the house and also has a roller sunblind installed for added protection. The affected property has a similar outdoor area on the northern side that is not affected by overshadow."

The adjoining land owner potentially affected by the variation to the solar access for the 2-storey house has endorsed support for the application.

The affected outdoor living area at No. 84A Dalgety Street is not going to be greatly affected by the overshadowing as the majority of the overshadowing proposed is over roofed area and the outdoor living area directly affected has a roller sunblind installed for added protection, hence the majority of the proposed overshadowing in the outdoor living area would be irrelevant. Therefore, the overshadowing proposed is not considered to detrimentally impact on the amenity of the potentially affected property at No. 84A Dalgety Street, and it is supported.

RECOMMENDATION

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

- (a) variation to the ground floor front setback towards Dalgety Street for a portico pursuant to the Residential Design Codes for a front setback from 7.5m to 7.01m;
 - (b) variation to the upper floor front setback towards Dalgety Street for a balcony pursuant to the Residential Design Codes for a front setback from 7.5m to 7.4m;
 - (c) variation to the upper floor wall boundary for the hallway and Bed 3 to the north side boundary common with 82B Dalgety Street pursuant to the Residential Design Codes from 1.8m to 1.5m;
 - (d) variation to the overshadowing onto the adjoining property at No. 84A Dalgety Street pursuant to the Residential Design Codes from 25% to 26.59% of the site area;
- for the construction of a 2-storey house and a below ground swimming pool at No. 82A (Lot 1) Dalgety Street, East Fremantle comprising:
- double garage & store, porch, entry, office, home theatre, kitchen, dining, laundry, family room and roofed alfresco on the ground floor;
 - nursery, bathroom, master suite and en-suite, 2 bedrooms, and balcony on the upper floor;

in accordance with the plans date stamp received on 25 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 demolition licence and 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.



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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. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
17. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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.*



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- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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 patio 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.*

Ms Brooke McAuliffe (applicant) addressed the meeting in support of her application.

RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

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

- (a) **variation to the ground floor front setback towards Dalgety Street for a portico pursuant to the Residential Design Codes for a front setback from 7.5m to 7.01m;**
- (b) **variation to the upper floor front setback towards Dalgety Street for a balcony pursuant to the Residential Design Codes for a front setback from 7.5m to 7.4m;**
- (c) **variation to the upper floor wall boundary for the hallway and Bed 3 to the north side boundary common with 82B Dalgety Street pursuant to the Residential Design Codes from 1.8m to 1.5m;**
- (d) **variation to the overshadowing onto the adjoining property at No. 84A Dalgety Street pursuant to the Residential Design Codes from 25% to 26.59% of the site area;**

for the construction of a 2-storey house and a below ground swimming pool at No. 82A (Lot 1) Dalgety Street, East Fremantle comprising:

- **double garage & store, porch, entry, office, home theatre, kitchen, dining, laundry, family room and roofed alfresco on the ground floor;**
- **nursery, bathroom, master suite and en-suite, 2 bedrooms, and balcony on the upper floor;**

in accordance with the plans date stamp received on 25 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 demolition licence and 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**

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- 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. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
 17. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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.*

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- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected 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 patio 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.*
- CARRIED

T89.6

Angwin Street No. 25 (Lot 46)

Applicant: Urbanize Architects

Owner: Alf Pelliccione & Gillian Meacock

Application No. P126/2008

By Chris Warrener, Town Planner on 19 September 2008 & Troy Cappellucci, Consultant Town Planner, on 8 October 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions to the 3-level house approved for construction at 25 Angwin Street comprising:

- loft over the garage for a home office;
- bridge between the loft room over the garage and the service platform in the roof;
- roof shade extension in the southwest corner to provide additional shading for the bedroom windows below.

Statutory Considerations

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

Local Planning Strategy - Riverside 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 landowners and sign on site

Date Advertised

16 July 2008

Close of Comment Period

30 July 2008

No. of Days Elapsed between Lodgement & Meeting Date

103 days

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

- 20 June 2006 Council decides to defer a decision on an application to demolish a 2-storey house and erect a 4-storey house to enable the applicant to submit amended plans to demonstrate height, roof pitch and privacy compliance;
- 19 September 2006 Council decides to advise SAT that it refuses a revised application due to the number of concessions sought in relation to wall height, privacy, setbacks and roof pitch;
- 25 October 2006 Council decides to advise SAT that it exercises its discretion in granting approval for the following:
- (a) the building height be increased from 8.1m to 10.2m and wall height from 5.6m to 8.2m;
 - (b) the roof pitch be reduced from 28° to 18°;
 - (c) the southern boundary setback to the garage be reduced from 1m to nil;
 - (d) the balconies on levels 2 and 3 on the northern elevation and the balcony on level 2 on the southern elevation be reduced from 7.5m to 1.4m;
- for the construction of a three 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:

- concern expressed over height and additional bulk;
- proposed loft sits uncomfortably with the development;
- loft addition compromises the Angwin Street streetscape;
- SAT mediated outcome should apply without further additions in excess of the mediated outcome.

Other Agency/Authority

Swan River Trust The Swan River Trust officers have assessed the proposed loft and extension of roof line, and have advised Council that they have no objections to the proposal as described in plans received by the Trust dated 15 August 2008.

Public Submissions

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

- P & L Nolan*
20 Angwin Street Recommend Council rejects application on basis of height, visual impact; views impact, amenity, bulk & scale.
- L Cobb*
23 Angwin Street Opposes the loft to the garage because it will exceed overshadow allowance, the viewing platform/walkway will affect privacy, excessive plot ratio, and total loss of view.
- J & S Hohnen*
18 Angwin Street
- development should not be allowed any further concessions;
 - design & scale of the development is not in keeping with the Local Planning Policy Objectives;
 - loft & roofline amendments further exacerbate the height, bulk and scale of the development;
 - application should be required to strictly conform to the height limits.

Site Inspection

By Town Planner on 14 August 2008



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REPORT

Issues

Building Height A 4.9m long section of the south-side wall for the proposed garage loft room varies in height from 5.6m to 6.7m above natural ground level (NGL).

On the north-side the wall for the loft room varies in height from 5.8m to 6.9m above NGL.

LPP 142 specifies a 5.6m wall height limit.

On the north-side a 2.2m long section of the roof over the proposed garage loft room varies in height from 8.1m to 8.35m above NGL.

The application also proposes a 1.7m long extension of the roofline on the south side to provide additional shade for the bedroom below. The roof extension is 10.4m above NGL.

LPP 142 specifies an 8.1m roof height limit.

Submissions All of the submissions object to this application for similar reasons – view impacts, building bulk, and amenity.

The submission from the owner of the adjoining property on the south side also objects to the over-shadow.

Discussion

The variation in wall height for the loft over the garage is considered relatively minor and will not significantly impact on views from properties on the opposite side of Angwin Street.

The minor wall height variation is necessitated due to the significant topographic characteristics of the property (ie it significantly steeply slopes away and downwards from Angwin Street).

The Town Planning Advisory Panel considered that *“the loft addition compromises the Angwin Street streetscape.”*

However there is no consistency of streetscape element along Angwin Street that could be said to be compromised by the proposed garage and loft room, particularly along the west side of the street the side of the proposal.

Being setback 7.791m from the front boundary the building is considered not to have a detrimental impact on the streetscape, and as the height variations sought are at the rear of this structure, the minor height variation will not have a significantly detrimental impact on streetscape amenity or the appearance of the property.

The roof extension over the bedroom terrace at the rear is considered not to have any more impact on view amenity than will already occur by virtue of the approved development, and this particular aspect of the application is supported because it will improve the amenity of the development.

RECOMMENDATION

That Council exercise its discretion in granting approval for

- (a) a variation to roof height on the west side for an extension to the roof at the rear over a bedroom area ;
- (b) variation in wall height on the north side for a loft room over the garage pursuant to Local Planning Policy 142 from 5.6m to 6.9m;



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- (c) variation to roof height on the north side for a 2.2m long section of a loft room over the garage pursuant to Local Planning Policy 142 from 8.1m to 8.35m;
- (d) variation in wall height on the south side for the loft room over the garage pursuant to Local Planning Policy 142 from 5.6m to 6.7m

for the construction of additions to the 3-level house approved for construction at No. 25 (Lot 46) Angwin Street, East Fremantle comprising:

- bridge to the service platform in the roof to link the loft room over the garage;
- roof shade extension in the southwest corner to provide additional shading for the bedroom windows below;

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 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. no development, fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation reservation as a result of the development.
7. no vehicular access is permitted on the Parks and Recreation reserve.
8. stormwater drainage shall be contained on site or connected to the local government stormwater drainage system.
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) *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) *the applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007, to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark of the Swan River Trust Development Control Area, except with the approval of the Trust.*

Mr Andrew Cobb (adjoining neighbour) addressed the meeting on matters relating to overlooking via the walkway connecting the loft, overshadowing and the SAT mediated outcome.

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Mr Alf Pelliccione (applicant) addressed matters relating to setbacks being in excess of requirements, privacy not being an issue as the walkway/platform is intended for use by tradesmen and the proposal not disadvantaging adjoining neighbours.

Mayor Ferris

That the application for additions to the three level residence approved for construction at No. 25 (Lot 46) Angwin Street, East Fremantle be deferred to allow the applicant to submit revised plans that show greater compliance with wall and roof height requirements of Local Planning Policy No. 142.

MOTION LAPSED FOR WANT OF A SECONDER

Cr Dobro – Cr de Jong

That the application for additions to the three level residence approved for construction at No. 25 (Lot 46) Angwin Street, East Fremantle be refused on the basis of concessions already granted in the mediated outcome and the SAT mediated outcome should stand. CARRIED

Reason for Not Supporting Officer's Recommendation

The Committee were of the view that a number of concessions had already been granted following the SAT mediated outcome for the construction of a three level residence at No. 25 (Lot 46) Angwin Street and could not support further concessions outside the SAT mediated outcome.

Cr de Jong made the following impartiality declaration in the matter of 252-256 Canning Highway "As a consequence of Mr & Mrs Bence who made comment on the proposal being known to me, 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.

T89.7 Canning Highway No's. 252-256 (Lots 123 & 500)
Applicant & Owner: Hanny Properties Pty Ltd
Application No. P43/2008

By Chris Warrener, Consultant Town Planner on 23 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval to redevelop 252-256 Canning Highway to:

- retain and convert the single storey house at 252 Canning Highway for use as a Child Care Centre incorporating outdoor play areas at the front next to Canning Highway, and constructing 245m² additions at the rear;
- modify the frontage of the house numbered 254 Canning Highway to be continued to be used as Consulting Rooms, by paving the area to provide 7 on-site car parking spaces with access via an existing crossover;
- retain part of the single storey building at 256 Canning Highway at the corner of Petra Street, and construct additions at the rear for its use as a Restaurant ("Dome Café");
- demolish the building at 107 Petra Street and replace it with a new 264m² commercial building;
- construct a 40-bay basement parking area with access off Petra Street;
- construct a 23-bay ground level parking area with access off Petra Street;
- remove 2 crossovers to Canning Highway.

Statutory Considerations

| | |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Town Planning Scheme No. 3 | Special Business (254 & 256 Canning Highway) & R12.5/40 (252 Canning Highway & 107 Petra Street), & Metropolitan Region Scheme Reserve – Primary Regional Roads (LPS 3); |
| Local Planning Strategy | Richmond Precinct (LPS) |

Documentation

Plans and relevant forms date stamp received on 20 February 2008

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Date Application Received

20 February 2008

Additional information

Revised Transport Statement date stamp received on 5 May 2008

Amended plans showing landscaping works date stamp received on 6 May 2008

Advertising

Adjoining landowners, sign on site, and advertisement in local newspaper

Date Advertised

8 March 2008

Close of Comment Period

25 March 2008

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

| | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1911 | 2 single storey houses built in the "high art nouveau" style at 252 & 254 Canning Highway; |
| 21 February 1972 | Council grants approval for the erection of an illuminated roof sign on the building ("Hoads Newsagency") at 256 Canning Highway; |
| 19 February 1979 | Council decides to direct the Manager Neon Signs to remove two unauthorised illuminated roof signs from the premises at 256 Canning Highway; |
| 21 May 1979 | In response to correspondence from the Parliamentary Commissioner for Administrative Investigations Council resolved that an application to install a single-sided sign on the corner of the building nearest Petra Street as the same dimensions as the existing sign would be approved subject to Main Roads Dept approval; Council resolved to amend TPS 1 to include 254 & 256 Canning Highway in a Special Zone to permit a medical clinic, shop, and office uses in addition to those permitted in the Single Residential & Group Housing Zone; |
| 20 August 1979 | Council decides to advise Renner Neon Signs to remove the sign; |
| 17 August 1981 | Council refuses approval for an illuminated roof sign ("Arthur Marshall Tennis World") over the property at cnr Petra Street & Canning Highway; |
| 9 July 1982 | TPS 2 gazetted – 107 Petra Street is zoned Residential with additional uses of 'Shop', 'Office', and 'Medical Clinic'; |
| 16 August 1982 | Council agrees to the erection of a new illuminated roof sign (2.4m x 1.2m) bearing the message "Arthur Marshall Tennis World"; |
| 13 September 1982 | Building Permit 004/759 issued for sign; |
| 18 February 1985 | Council approves an illuminated under awning sign; |
| 19 April 1988 | Council refuses an application to rezone 254 & 256 Canning Highway from "Residential with an Added Use" to "Business"; |
| 11 February 1997 | Council decides to refuse an application for a café at 107 Petra Street; |
| 21 August 1997 | CEO grants approval under delegated authority for a colorbond shed at the rear of 252 Canning Highway; |
| 16 September 1997 | Council grants special approval for a relaxation of the Roof Policy to allow the erection of a steel framed/steel clad 7m long x 3m wide colorbond storage shed at the rear of 252 Canning Highway; |
| 29 September 1997 | Building Licence 119/2574 issued for shed; |
| 17 February 1998 | Council conditionally approves timber or steel columns on the footpath at 256 Canning Highway; |
| 7 April 1999 | Building Licence 233/2815 approved for repairs to the suspended canopy at 256 Canning Highway; |
| 19 October 1999 | Council supports signage plan for 256 Canning Highway; |



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- | | |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25 January 2002 | CEO acting under delegated authority grants approval for the rear portion of an existing Art Gallery/Shop at 107 Petra Street to operate as a Florist Shop; |
| 18 June 2002 | Council decides to advise the WAPC that it supports the subdivision of 252 Canning Highway into 2 survey strata lots (battleaxe); |
| 24 July 2002 | WAPC conditionally approves the subdivision of 252 Canning Highway into 2 survey strata lots (battleaxe); |
| 13 December 2005 | Final Approval to TPS 3 Am No 1 gazetted to fix an anomaly whereby 256 Canning Highway is rezoned from Residential R12.5/40 to Special Business. |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 25 March 2008 and the following comments were made:

- underground parking – engineer’s report
- concerns re access and egress from both Canning Highway and Petra Street
- reduction in number of crossovers to Canning Highway would be beneficial
- children’s activity area should be at the rear
- no detail of proposed fencing to the Canning Highway frontage of the proposed Child Care Centre has been provided – 1800 high chainmesh would not be appropriate to streetscape
- front elevation uninviting
- ensure retention of all fireplaces, chimneys and chimney pots
- houses to Canning Highway need softening – need to retain green screening
- frontage of new building proposed for Petra Street is banal – token timber trim to the signage panel gable is unnecessary and should be discouraged on new structures
- a pity a more contemporary approach to the new architectural elements has not been adopted for the new building and the addition to the Child Care Centre – current proposal mocks the value of the genuine heritage buildings on site
- the Café appears to adopt a sympathetic style to that of the corner building but this could be pressed further to express the difference
- suggest a less public location for café bin storage
- in principle support

Other Agency/Authority

Main Roads WA MRWA advised that as Canning Highway is a “Category 3” road reserve the referral should be directed to DPI.

DPI DPI advised in a letter dated 16 April 2008:

“Given the substantial nature of the future development within the proposed PRR reservation, the Department does not support the current development application on transport planning grounds.”

The applicant subsequently prepared and submitted a Traffic Impact Assessment report (“Revised Transport Statement”), which was referred to DPI for comment.

In a letter dated 15 May 2008 DPI identified the following issues with the “Revised Transport Statement” report:

- number of parking bays for the café, and traffic volume calculation;
- trucks may have difficulty negotiating entry and exit points.

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The applicant subsequently addressed the above-referred DPI issues, and DPI provided a further response in a letter dated 18 August 2008, and in conclusion it stated:

"Should the proponent wish to proceed with the redevelopment of the site, a traffic assessment report is required by Urban Transport Systems to evaluate the need for the left turn into Petra Street. The site plan will need to be revised in light of the proposed LRP reserve, the outcome of the traffic assessment for the left turn lane and the outcome of Amendment 1100/33 that will determine the appropriate road reserve width."

City of Melville

The City of Melville advised that the future redevelopment is generally compatible with the intent of the zoned land and land uses within the District Centre zone.

The City of Melville Local Commercial Strategy (draft) recommended that a centre plan be prepared for this District Centre in conjunction with the Town of East Fremantle.

Public Submissions

At the close of the comment period (7) submissions had been received.

*T Marra & D Hayden
111 Petra Street*

- street hump at blind spot and more designated no parking zones to deal with traffic;
- request a brick/limestone fence between our neighbours 113 Petra Street and the proposed underground carpark entry;
- strict time frames for rubbish collection and garden maintenance;

- placement of bins;
- install silent, monitored alarm systems;
- maintain existing verge and trees.

*T & T Bence
119 Petra Street*

- object to proposal on traffic safety grounds.

*J Ward
2A Clayton Street*

- entire boundary fence should be replaced;
- security arrangements?
- increase in noise.

*T & F Brien
51 View Terrace*

- parking concerns.
- Decreases property value.

*L Tuxford
4 Clayton Street*

- strong concerns;
- proximity of Child Care Centre access to intersection;
- Dome Restaurant will add to parking congestion;
- entry/exit to Restaurant facing congested and dangerous driveway to the Fresh Provisions complex;
- parking problems;
- anti-social behaviour.

*J & M Moffet
109 Petra*

- opposed to application unless the applicant/owner agrees to 17 conditions;

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- D Staude & W Rowe* - child care centre is not an inappropriate use next to
250 Canning Highway Canning Highway;
- issues relating to parking, traffic impact and public safety.

Site Inspection

By Consultant Town Planner on 11 March 2008

REPORT

Issues

Land Use

The subject land comprises four distinct property addresses situated on two titles. They comprise 252, 254, and 256 Canning Highway, and 107 Petra Street.

252 Canning Highway A portion of 252 Canning Highway is affected by a "Primary Regional Road" (PRR) reserve in the Metropolitan Region Scheme (MRS), and the remainder of this property is zoned "Residential" with a density code of R12.5/R40 under TPS 3.

The application proposes to renovate, extend to the rear, and use the single storey house with the land in the front setback area at 252 Canning Highway as a child care premises.

The use of 252 Canning Highway as a 'Child Care Premises' is an 'A' use in the "Residential" 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."*

An outdoor section of the proposed child care centre is within the PRR reserve.

254 Canning Highway A portion of 254 Canning Highway is also affected by a PRR reserve under the MRS, and the remainder of this property is in the "Special Business" zone under TPS 3.

The single storey house at 254 Canning Highway will continue to be used as consulting rooms.

The use of 254 Canning Highway as 'Consulting Rooms' is a "P" use in the "Special Business" zone under TPS 3, which *"means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme."*

A proposed new parking area at the front of the consulting rooms is affected by the PRR reserve.

256 Canning Highway The single storey commercial building at the corner of Canning Highway and Petra Street is proposed to be renovated, refurbished, and extended as a Dome Café to seat 80 people.

A portion of this property is also affected by a PRR reserve under the MRS, and the remainder of this property is also in the "Special Business" zone under TPS 3.

The proposed Dome Café at 256 Canning Highway is a 'Restaurant' use, which is a "P" use in the Special Business

zone under TPS 3, which *"means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme."*

A section of the proposed café, including an existing building and proposed building is within the proposed PRR reserve.

107 Petra Street

A new building will replace the single storey house presently being used as "Blooms Women's Boutique" at 107 Petra Street, and will be used as a shop. The proposed shop will have 240m² net lettable area.

107 Petra Street is in the Special Business zone (it is not affected by the PRR reserve).

The use of 107 Petra Street as a 'Shop' is a "P" use in the Special Business zone under TPS 3, which *"means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme."*

Access & Car Parking

The application proposes to rationalise access to the site by eliminating two crossovers to Canning Highway, and providing an additional ramped access driveway from a proposed underground parking area to Petra Street.

The site currently has 20 parking spaces the application proposes 70 parking spaces.

TPS 3 Schedule 11 specifies the following on-site parking requirements for the proposed uses Child Care Premises, Consulting Rooms, Restaurant, and Shop:

| | |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Child Care Premises | 1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces |
| Consulting Rooms | 2 spaces for every consulting room, plus 1 space for every staff member. |
| Restaurant (includes Café) | 1 space for every 5 seats or 1 space for every 5 persons the building is designed to accommodate, or 1 space for every 5m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time |
| Shop | 1 space for every 20m ² net lettable area (5 spaces per 100m ² NLA) Minimum 4 spaces |

The proposed Child Care Premises at 252 Canning Highway is designed to accommodate 59 children, and there will be 11 staff, therefore under TPS 3 a total of 17 parking spaces are required.

There are 4 Consulting Rooms at 254 Canning Highway, therefore under TPS 3 a total of 12 parking spaces are required.



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The Restaurant will seat 80 people and there will be 6 staff, therefore under TPS 3 a total of 22 parking spaces are required.

The proposed Shop at 107 Petra Street will have 240m² net lettable area, therefore under TPS 3 a total of 12 parking spaces are required.

A total of 63 on site parking spaces are required for this development pursuant to the requirements specified in Schedule 11 under TPS 3.

The application proposes 70 on site parking spaces therefore the application if implemented will result in there being an excess of 7 on site parking spaces.

DPI Advice

DPI's original advice dated 16 April 2008 states:

"Given the substantial nature of the future development within the proposed PRR reservation, the Department does not support the current development application on transport planning grounds."

The most recent letter dated 18 August 2008 from DPI states:

"Should the proponent wish to proceed with the redevelopment of the site, a traffic assessment report is required by Urban Transport Systems to evaluate the need for the left turn into Petra Street. The site plan will need to be revised in light of the proposed LRP reserve, the outcome of the traffic assessment for the left turn lane and the outcome of Amendment 1100/33 that will determine the appropriate road reserve width."

Submissions

Most of the submissions have concerns with or object to the application based mainly on the parking and traffic issues perceived as a result of the development.

Two of the submissions from the immediately adjoining properties are concerned that the dividing fences should be constructed in masonry to minimise the impact of the development on their amenity.

TPAP Comments

The panel considered that the play area for the child care centre should be at the rear and the fencing at the front designed to provide a better appearance than a 1.8m high cyclone mesh fence. Landscaping should be softer across the front of the two houses, and the treatment of the façade of the old building at the corner should be changed.

The proposed new shop at 107 Petra Street should be designed in a more contemporary style so as not to mimic the heritage buildings next to it.

Discussion
Land Use

In summary the proposed uses are compatible with the intent for land use in the Special Business zone, and the child care premises is a use which may be permitted in the Residential zone.



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Access & Car Parking The application proposes to substantially improve the existing access and parking situation at the properties; this particular aspect of the proposed redevelopment is supported.

DPI Advice This application has been assessed having regard to the Western Australian Planning Commission Act 1985 Delegation "Development Control Powers under the Metropolitan Region Scheme".

Canning Highway is classified as a Category 3 Primary Regional Road (PRR) and an application for development which is on land or abuts the PRR reserve must be referred to DPI before being determined by the local government.

Schedule 1 of the above-referred Delegation notice includes the following statement:

"(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be immediately referred to the Commission for determination."

DPI has advised that it does not support the application therefore if Council decides that it wants to approve/support it then it is required to refer it to the WAPC to be determined.

Submissions The application if implemented will improve the traffic problems in the immediate locality and provide additional off-street parking not currently available, which will improve local traffic amenity for the neighbourhood generally.

The submission concerns regarding traffic are not considered reasonable given the substantial improvements incorporating additional parking, and access proposed by the application.

The developer has offered to re-construct the dividing fences in masonry to address the concerns raised by the immediate neighbours.

TPAP Comments The suggestions by the panel are supported and could be taken on board by the developer as a pre-requisite to a Building Licence approval (soft landscaping and cosmetic changes to the proposed appearance of the façade of the old building at the corner) to improve the amenity and appearance of the proposed redevelopment.

However the suggestion that the play area for the child care centre should be at the rear is not a practical option.

The application proposes an addition at the rear of the existing house for the use of the proposed child care centre, and the new car-park at the rear of the redevelopment extends across the rear of the property on which this child care centre sits. This then leaves only the front of the child care centre available for outdoor use.



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Conclusion

This application will result in the retention, renovation, refurbishment and re-use of a commercial building and two single houses which are considered to have, and are recognised in the MI as having, heritage value. They contribute in a general sense to the character and amenity of the immediate locality and the area generally.

The application proposes substantial improvements to parking and access to the site, and this aspect of the application is positively supported.

Should Council decide that it supports the application, in light of DPI's opposing advice, pursuant to the "Notice of Delegation" (WAPC Act 1985) the application has to be referred to the WAPC for determination.

RECOMMENDATION

That Council:

1. Advises the WAPC that it supports the application by Hanny Properties Pty Ltd to redevelop 252-256 Canning Highway subject to the following conditions and footnotes:
 - (a) *prior to the issue of a Building Licence amended plans, which are to the satisfaction of the CEO in consultation with relevant council officers, are to be submitted for the front façade of the commercial building at the corner of Canning Highway and Petra Street (256 Canning Highway) and the proposed commercial building at 107 Petra Street.*
 - (b) *all existing chimneys, chimney pots and fireplaces to be retained.*
 - (c) *fencing and landscaping of the front of the properties is to be undertaken to the satisfaction of the CEO in consultation with the Department for Planning and Infrastructure and relevant Council officers.*
 - (d) *masonry fencing on the western and northern boundaries to be to the satisfaction of the CEO in consultation with relevant council officers, and provided at the applicant's expense.*
 - (e) *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.*
 - (f) *the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
 - (g) *the proposed development 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.*
 - (h) *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.*
 - (i) *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.*
 - (j) *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.*
 - (k) *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*



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Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.

- (l) 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.*
- (m) 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:

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
 - (ii) 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.*
 - (iii) 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.*
 - (iv) 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).*
 - (v) 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.*
 - (vi) with regard to construction of the crossovers the applicant/builder is to contact Council's Works Supervisor.*
2. Advises the Western Australian Planning Commission (WAPC) that Council's conditional support for the application is based on the following reasons:
- (a) The redevelopment of the subject land will result in the refurbishment, re-use and retention of three properties, which are considered to contribute to the character, and amenity of the immediate locality.*
 - (b) The application will result in significant improvements for local traffic circulation and safer access, including reduced access to Canning Highway, and additional car parking for the benefit of the area generally.*
 - (c) The Primary Regional Road reserve, if not amended to protect these properties, will result in their ultimate blight and demise to the detriment of the local community and the amenity of the locality.*
3. Herein refers the application by Hanny Properties Pty Ltd to redevelop 252-256 Canning Highway to the WAPC for its determination pursuant to the Notice of Delegation (WAPC Act 1985, Schedule 1 [b]).

John & Marion Moffett, Tracy Bence, Tony Shalon and David Hayden (all residents of Petra Street) addressed the meeting on a number of issues including an increase in both traffic and traffic noise, parking, public safety and security, and location and noise emanating from designated bin storage areas.

Given that the proposed entrance to the carpark is alongside 109 Petra Street, Mr Moffett also sought a more substantial fence eg limestone, between his property and the proposed development to reduce noise.

Mr Joseph Geha (applicant) addressed the meeting in support of his application that retained the existing structures and current streetscape, and stated the development proposed was low impact, very little bulk and improved amenity. He also indicated that he was happy to address issues raised by residents, engage the services of a 'sound' engineer and engage with the Town on the issue of environmental pollution.

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Cr de Jong - Mayor Ferris
That the officer's report be adopted.

THE MOTION ON BEING SUBMITTED WAS LOST

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Wilson

That the application for redevelopment of Lots 123 & 500 (No. 252-256) Canning Highway, East Fremantle be deferred pending further information from the City of Melville in relation to traffic flow at the intersection of Petra Street and Canning Highway.

CARRIED

Mayor Ferris having declared an interest in the following item as he is the owner of the residence at No. 1 Polo Way, left the meeting at 9.05pm.

Councillors in attendance at the meeting made the following impartiality declaration in the matter of 1 Polo Way "As a consequence of us currently serving on Council with Mayor Ferris, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

T89.8

Polo Way No. 1 (Lot 260)

Applicant & Owner: Alan & Jodie Ferris

Application No. P157/2008

By Troy Cappellucci, Consultant Town Planner on 17 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions and alterations to the 2-storey house at 1 Polo Way comprising:

- 1.8m high secondary street brick screen wall fronting Silas Street;
- front fence on the northern boundary of the property, fronting Polo Way, with piers at a height of 1.5m above natural ground level, with 0.9m high solid brick wall between with selected infill.
- additional retreat, study, balcony and minor modifications to the upstairs bathroom for the second storey;
- 26° pitched zincalume roof sheeting for the second storey additions;
- Weatherboard cladding to match existing dwelling for the second storey additions.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 064 – Richmond Raceway Design Guidelines (LPP 064)

Documentation

Amended plans date stamp received on 9 September 2008

Date Application Received

19 August 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

14 October 2008

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Close of Comment Period

22 September 2008

No. of Days Elapsed between Lodgement & Meeting Date

55 days

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

18 June 1996 Council held the application over to erect a 2-storey residence at 1 Polo Way pending closure of the comment period, the architect being advised of the comments made by Council's Town Planning Advisory Panel and provision of further details regarding roof pitch, type of materials, excessive solar access and height dimensions;

17 July 1996 Council grants approval to erect a 2-storey residence on 1 Polo Way;

24 February 1999 Council grants approval for a shade area/patio to the eastern side of 1 Polo Way.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting on 23 September 2008 and the following comments were made:

- sits quite nicely now as is;
- the proposal is appropriate within the streetscape;
- acceptable without the decorative detail;
- should have to meet the sill height guidelines for the upper windows;
- north facing balcony will ultimately require shading devices to minimise the heat load into the new retreat space – a solution to this should be considered.

Public Submissions

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

Site Inspection

By Consultant Town Planner on 18 September 2008

STATISTICS

| | <i>Required</i> | <i>Proposed</i> |
|------------------|-----------------|-------------------------------|
| Land Area | | 366m ² Existing |
| Open Space | 45% | Not applicable |
| Zoning | | R30 |
| Heritage Listing | | Not Listed |

Setbacks:

| Front | | | |
|-----------------------|--|-----|------------|
| <i>Ground Portico</i> | | 3.0 | 3.0 |
| | | | Acceptable |
| <i>Bed 1</i> | | 3.0 | 5.3 |
| | | | Acceptable |
| <i>Upper Balcony</i> | | 3.0 | 3.0 |
| | | | Acceptable |
| <i>Study</i> | | 3.0 | 5.3 |
| | | | Acceptable |

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| STATISTICS | | Required | Proposed |
|--------------------------|----------------|----------|----------------------------|
| Rear | | | |
| | Upper Bed 2 | 4.0 | 6.7 |
| | | | Acceptable |
| | Bed 3 | 4.0 | 6.7 |
| | | | Acceptable |
| Side | | | |
| | Ground Portico | 1.0 | 1.5 |
| | | | Acceptable |
| | Living | 1.0 | 1.5 |
| | | | Acceptable |
| | Stairway | 1.0 | 3.8 |
| | | | Acceptable |
| | Laundry | 1.5 | 4.5 |
| | | | Acceptable |
| | Family/Dining | 1.5 | 4.5 |
| | | | Acceptable |
| | Upper Balcony | 1.2 | 1.5 |
| | | | Acceptable |
| | Retreat | 1.2 | 1.5 |
| | | | Acceptable |
| | Stairwell | 1.2 | 3.8 |
| | | | Acceptable |
| | Bed 3 | 2.5 | 5.9 |
| | | | Acceptable |
| Secondary Street - Silas | | | |
| Upper | Study | 1.2 | 3.1 |
| | | | Acceptable |
| | Bathroom | 1.2 | 3.7 |
| | | | Acceptable |
| | Bed 2 | 2.5 | 3.1/3.7 |
| | | | Acceptable |
| Height: | | | |
| Wall | | 6.00 | to 6.1 |
| | | | Discretion Required |
| Building | | 7.3 | to 7.5 |
| | | | Discretion Required |

**REPORT
Issues**

Building Height

The application proposes a maximum building height for the second storey additions that varies up to 7.5m above the existing ground floor level.

LPP 064 states:
"Maximum building height to be 7.3m".

Windows

The application proposes two full length windows either side of double glass sliding doors on the upper floor.

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- LPP 064 states:
"All windows facing the street to have a vertical profile (that is, the highest of the window is greater than the width) or be composed of vertical modules.
- Sill height to be 750mm".*
- Roof Pitch* The application proposes a zincalume roof with a 26° roof pitch for the second storey additions to match the roof pitch of the rest of the house.
- LPP 064 states:
"For main roofs the roof pitch shall be at an angle of between 28.5° and 36.5° except that the council may approve a flat roof where the roof is enclosed by parapets and is only a minor proportion of the total roof area. A minor skillion roof may be of any angle."
- Front Fence* The front fence on the northern boundary of the property, fronting Polo Way, proposes piers at a height of 1.5m above natural ground level (NGL), with 0.9m high solid brick wall between with selected infill.
- LPP 064 states:
"In front of setback line a height of 750mm maximum for solid walls, and 1800mm for open timber or iron grilling.
- Behind setback line to be timber and/or masonry."*
- Discussion**
- Building Height* In regard to the maximum building height proposed for the second storey additions this is considered to be a very minor variation which does not impact on any adjoining or nearby property views and can be supported.
- Windows* The two lower windows proposed for the retreat addition to the second storey, which do not comply with the sill height requirement are considered to be a minor variation which does not impact on any adjoining properties privacy or alter the external appearance of the property and can be supported.
- Roof Pitch* The roof pitch of the proposed second storey addition matched the pitch of the existing house and is supported.
- Front Fence* In regard to the solid wall height variation for the front fence being 900mm in lieu of 750mm, this is considered a minor variation and as No. 5 Polo Way has a 1.8m high front solid wall at the front of their property and the potential for noise from transport along the nearby Stirling Highway is a potential issue, the variation to the solid wall height can be supported.

RECOMMENDATION

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

- (a) variation to the maximum building height pursuant to Local Planning Policy 064 from 7.3m to 7.5m;
- (b) variation to the minimum sill height for the lower retreat windows pursuant to Local Planning Policy 064 from 750mm to 0mm;
- (c) variation to roof pitch for the second storey addition pursuant to Local Planning Policy 064 from 28.5°-36.5° to 26°;
- (d) variation to the maximum height of the front fence for solid walls pursuant to Local Planning Policy 064 from 750mm to 900mm;



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for the construction of additions and alterations to the 2-storey house at No.1 (Lot 260) Polo Way, East Fremantle comprising:

- 1.8m high secondary street brick screen wall fronting Silas Way;
- front fence on the northern boundary of the property, fronting Polo Way, with piers at a height of 1.5m above natural ground level, with 0.9m high solid brick wall between with selected infill.
- additional retreat, study, balcony and minor modifications to the upstairs bathroom for the second storey;
- 26° pitched zincalume roof sheeting for the second storey additions;
- Weatherboard cladding to match existing dwelling for the second storey additions.

in accordance with the plans date stamp received on 19 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 demolition licence and 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 and alterations 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. 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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
7. the eaves and gutters for the second storey additions are to comply with the requirements of Local Planning Policy 064.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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).*



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RECOMMENDATION TO COUNCIL

Cr Rico – Cr Wilson

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

- (a) variation to the maximum building height pursuant to Local Planning Policy 064 from 7.3m to 7.5m;
- (b) variation to the minimum sill height for the lower retreat windows pursuant to Local Planning Policy 064 from 750mm to 0mm;
- (c) variation to roof pitch for the second storey addition pursuant to Local Planning Policy 064 from 28.5°-36.5° to 26°;
- (d) variation to the maximum height of the front fence for solid walls pursuant to Local Planning Policy 064 from 750mm to 900mm;

for the construction of additions and alterations to the 2-storey house at No.1 (Lot 260) Polo Way, East Fremantle comprising:

- 1.8m high secondary street brick screen wall fronting Silas Way;
- front fence on the northern boundary of the property, fronting Polo Way, with piers at a height of 1.5m above natural ground level, with 0.9m high solid brick wall between with selected infill.
- additional retreat, study, balcony and minor modifications to the upstairs bathroom for the second storey;
- 26° pitched zincalume roof sheeting for the second storey additions;
- Weatherboard cladding to match existing dwelling for the second storey additions.

in accordance with the plans date stamp received on 19 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 demolition licence and 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 and alterations 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. 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. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
7. the eaves and gutters for the second storey additions are to comply with the requirements of Local Planning Policy 064.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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- (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

Mayor Ferris returned to the meeting at 9.10pm and it should be noted that he neither spoke nor voted on the foregoing item.

T90. EN BLOC RECOMMENDATION TO COUNCIL

Cr de Jong – Mayor Ferris

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 14 October 2008 in respect to Items MB Ref: T90.1 to T90.5. CARRIED

T90.1

Oakover Street No. 4A (Lot 20)

Applicant & Owner: Paul Berry & Ainslie Bourne

Application No. P155/2008

By Troy Cappellucci, Consultant Town Planner on 12 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a front fence at 4A Oakover Street on the front and southern boundary walls comprising of a rendered brickwork wall up to 2.1m above natural ground level (NGL), along with horizontal metal infill and an electric metal driveway gate.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5
Local Planning Strategy - Woodside 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 18 August 2008

Date Application Received

18 August 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

Close of Comment Period

22 September 2008

14 October 2008

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No. of Days Elapsed between Lodgement & Meeting Date

56 days

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

| | |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 October 1999 | WAPC conditionally approves the subdivision which results in the creation of 4A & 4B Oakover Street; |
| 21 March 2000 | Council grants special approval for a single storey residence at 4B Oakover Street; |
| 11 April 2000 | Building Licence issued for house at 4B Oakover Street; |
| 1 August 2006 | Building Licence issued for 2-storey house at 2 Oakover Street; |
| 19 December 2006 | Council grants approval for a variation to the Residential Design Codes for overshadow greater than 25% and reduced south side boundary setback for upper floor bedroom 3 window along with east side/rear boundary for a 2-storey house at 4A Oakover Street; |
| 1 March 2007 | Building Licence BL07/12 issued for 2-storey house at 4A Oakover Street; |
| 10 October 2007 | Amended Building Licence BL07/12 issued for 2-storey house at 4A Oakover Street. |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- will soften appearance of fence;
- if, along street all on boundary, not 500mm setback, would be suitable;
- adhere to fencing policy so highest is 1800mm;
- prefer it to comply and be on boundary
- it would be possible to lower the entire fence by 300mm to provide a maximum height of 1800mm without significantly affecting the applicant's desire for privacy.

Public Submissions

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

Site Inspection

By Consultant Town Planner on 18 September 2008

REPORT

Issues

Front Fence

The application is for a front fence at No. 4A Oakover Street. The proposed front fence is a rendered brick wall with horizontal metal infill. The proposed height for the piers of the wall varies in height from 1.6m to 2.1m above the natural ground level (NGL).

LPP 143 States:

"Part 4 – Council Approval Required

Under special circumstances including those listed below Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8m:

- 4.1 *a higher fence/wall is required for noise attention.*
- 4.2 *a less visually permeable fence would aid in reducing headlight glare from motor vehicles. This would apply more particularly where the subject property is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms.*
- 4.3 *where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.*



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- 4.4 *where the applicant can demonstrate to Council that there is a need to provide visual screening to an outdoor living area. This may apply in situations where there is no alternative private living space other than in the front of the residence or for part off the secondary side boundary of a corner lot."*

The proposed front fence satisfies the requirements for maximum height due to the differing ground levels on site for the front of the property.

Discussion

From going on-site it is evident that along the front of No. 4A Oakover Street, for the front boundary wall adjacent to the street, there is a difference in the natural ground levels between one side of the fence and the other side. Therefore, this explains why the proposed front boundary wall differentiates in height from 1.6m above NGL on the left (as you look at the property from the street) to 2.1m above NGL on the right.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the western (front) boundary wall height pursuant to the Town of East Fremantle's Local Planning Policy 143 - Fencing from 1.8m to 2.1m for the construction of a western (front) boundary and southern boundary wall at No. 4A (Lot 20) Oakover Street, East Fremantle in accordance with the plans date stamp received on 18 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 demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. 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.
4. 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.
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) *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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T90.2 **Petra Street No. 55 (Lot 1)**
Applicant: Joshua Brook Pty Ltd T/a Perth Home Improvement Centres
Owner: Paul & Karene Johnson
Application No. P167/2008
By Troy Cappellucci, Consultant Town Planner on 16 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 5.53m long x 3.01m wide x 3.1m high pitched roof patio next to the west side boundary of 55 Petra Street.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 1 September 2008

Date Application Received

1 September 2008

No. of Days Elapsed between Lodgement & Meeting Date

43 days

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

22 November 1988 Council granted approval for the erection of an additional duplex unit on 55 Petra Street;

18 December 1989 Council refused approval for the new design proposal for the additional unit at the rear of 55 Petra Street, particularly in respect to the roof and fenestration;

31 January 1990 The owners of this strata title lot requested Council to reassess its decision, however, as no new grounds existed for its reconsideration, Council abided by its earlier decision on the 18th December 1989;

20 February 1990 Council granted approval for the new design of the additional dwelling unit at the rear of No. 55 Petra Street as the new drawings were not enclosed when first submitted and the roof pitch and fenestration were now acceptable;

29 March 2004 Council resolved to grant approval for Home Occupation – Network Marketing of Nutritional Products on No. 55 (Lot 1) Petra Street.

Site Inspection

By Consultant Town Planner on 18 September 2008

STATISTICS

| | Required | Proposed |
|------------|-----------------|-------------------------------|
| Land Area | | 446m ² Existing |
| Open Space | 55% | 63.8% |
| Zoning | | R12.5 |

Heritage Listing Listed on MI

Setbacks:

| | | | |
|--------------|--------|-------|----------------------------|
| Rear | | | |
| | Ground | Patio | |
| | | | 1.0 |
| | | | 0.5 |
| | | | Discretion Required |
| Side (south) | | | |
| | Ground | Patio | |
| | | | 1.0 |
| | | | 11.6 |
| | | | Acceptable |
| Side (north) | | | |
| | Ground | Patio | |
| | | | 1.5 |
| | | | 1.5 |
| | | | Acceptable |

REPORT

Issues

Boundary Setbacks

The proposed patio is setback 0.5m from the east side boundary common with the rear property at 55A Petra Street.

The RDC recommend a 1.0m 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 1.0m to 0.5m for the construction of a 5.53m long x 3.01m wide x 3.1 high pitched roof patio next to the east side boundary of 55A Petra Street at No. 55 (Lot 1) Petra Street, East Fremantle in accordance with the plans date stamp received on 1 September 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 demolition licence and 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

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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) *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) *the patio may not be enclosed without the prior written consent of Council.*

T90.3

Staton Road No. 35 (Lot 209)

Applicant: Dave McLoughlin Architect

Owner: John Maurice and Veronica Anne McLoughlin

Application No. P160/2008

By Troy Cappellucci, Consultant Town Planner on 18 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 16.93m long x 3.45m wide x 2.8m high garage and workshop next to the south side boundary of 35 Staton 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 No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 25 August 2008

Date Application Received

25 August 2008

Advertising

Adjoining land owners only

No. of Days Elapsed between Lodgement & Meeting Date

49 days

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

22 August 2001 Council carries out remedial works to the kerbing, footpath and drainage to rectify the problem of water eroding the verge areas.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- good that its disconnected;
- was to go back to brickwork of house.

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Public Submissions

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

Site Inspection

By Consultant Town Planner on 18 September 2008

| STATISTICS | Required | Proposed |
|--------------------------------|-----------------|-------------------------------------------------|
| Land Area | | 827m ² Existing |
| Open Space | 55% | 65% |
| Zoning | | R12.5 |
| Heritage Listing | | Listed on MI |
| Setbacks: | | |
| Front (east) | | |
| <i>Ground Garage/ Workshop</i> | 7.5 | 9.8 Acceptable |
| Side (south) | | |
| <i>Garage/ Workshop</i> | Nil/1.5 | Policy 142 Nil Discretion Required |

REPORT

Issues

Boundary Setbacks

The wall for the proposed garage and workshop is proposed to have a nil setback from the south side boundary common with 33 Staton Road.

LPP 142 States:

“Part 3 – Side and Rear Boundary Setback Variations

A wall may be situated closer to an adjoining residential boundary than the standards prescribed in Tables 1, 2a or 2b of the Residential Design Codes where the following are observed:

- (a) Walls are not higher than 3m and up to 9m in length up to one side boundary;*
- (b) Walls are behind the main dwelling;*
- (c) Subject to the overshadow provisions of the Residential Design Codes – Element 9;*
- (d) In the opinion of the Council, the wall would be consistent with the character of development in the immediate locality and not adversely affect the amenity of adjoining property(s) having regard for views; and*
- (e) Having regard to the above, where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions.”*

The RDC recommend a 1.5m setback.

Discussion

Under the Town of East Fremantle’s LPP 142 – Residential Development, the proposed side setback variation for the garage and workshop does not meet the requirement for having a wall not higher than 3m and up to 9m in length up to one side boundary.

The landowner potentially affected by the variation to the setback for the garage and workshop however has endorsed support for the application.



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Therefore, taking this into consideration, the garage and workshop 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 south side boundary setback pursuant to the Local Planning Policy 142 from 1m to 0m for the construction of a 16.93m long x 3.45m wide x 2.8m high garage and workshop next to the south side boundary at No. 35 (Lot 209) Staton Road, East Fremantle in accordance with the plans date stamp received on 25 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 demolition licence and 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 garage and workshop addition 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. 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.*



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- (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.

T90.4

Oakover Street No. 28 (Lot 337)

Applicant: BCA Homes & Patio's

Owner: Chris Knight & Dhannika Perera

Application No. P154/2008

By Troy Cappellucci, Consultant Town Planner on 15 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for an 8.5m long x 7.78m wide pitched roof carport behind the street setback area, next to the south side boundary of 28 Oakover Street.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Woodside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Documentation

Plans and relevant forms date stamp received on 15 August 2008.

Date Application Received

15 August 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

Close of Comment Period

22 September 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

19 December 1988 Council grants special approval for a garage with a floor area of 63m²;

20 December 1993 Council grants approval for a brick & colorbond garage at the rear of 28 Oakover Street;

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| | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 February 1994 | Building Licence issued for brick & steel garage; |
| 10 December 1996 | Approval granted under delegated authority for a fibreglass swimming pool; |
| 12 December 1996 | Building Licence issued for swimming pool; |
| 16 May 2000 | Council grants special approval for variations to wall height and car manoeuvring dimensions for 2-storey additions at the rear of the single storey house at 28 Oakover Street; |
| 19 September 2000 | Council grants special approval for a further increase in wall height to the previously approved 2-storey additions; |
| 20 September 2007 | Council refused a proposal for a second crossover consider the existing crossover to be sufficient for vehicular access to the property. |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- not best solution for property concerned;
- patio will be detrimental to the appearance of the property – applicant should reconsider in favour of a more sympathetic solution;
- fine;
- used as a patio when not in use as a carport.

Public Submissions

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

Site Inspection

By Consultant Town Planner on 18 September 2008

| STATISTICS | Required | Proposed |
|--------------------------------------|-----------------|-------------------------------|
| Land Area | | 981m ² Existing |
| Open Space | 55% | 69.5% |
| Zoning | | R12.5 |
| Heritage Listing | | Not Listed |
| Setbacks: | | |
| Side (south) | | 0.5 |
| <i>Ground Carport</i> | 1.0 | Discretion Required |
| Side (north) | | 11.5 |
| <i>Carport & existing garage</i> | 1.5 | Acceptable |

REPORT

Issues

Boundary Setbacks

The proposed carport is setback 0.5m from the south side boundary common with 30 Oakover Street.

The RDC recommend a 1m setback.

Discussion

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

In addition, Under the Town of East Fremantle's LPP 142 – Residential Development, the proposed side setback variation for the carport meets the requirements allowed for the carport wall to be situated closer to the adjoining residential boundary than the standards prescribed in the RDC.

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

With respect to the comments of the Advisory Panel regarding the appearance of the proposed development, whilst it is considered these comments have some merit it is also considered the location of the proposed works is such that it will not significantly compromise the existing streetscape.

RECOMMENDATION

That Council exercise its discretion in granting approval a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.5m for the construction of an 8.5m long x 7.78m wide pitched carport at No. 28 (Lot 337) Oakover Street, East Fremantle in accordance with the plans date stamp received on 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 demolition licence and 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 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.*

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

T90.5

Sewell Street No. 14 (Lot 413)

Applicant: Officer Woods Architects Pty Ltd

Owner: Teresa May

Application No. P149/2008

By Chris Warrener, Town Planner on 19 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a ground floor bathroom and toilet addition in the middle of the single storey weatherboard and iron house at 14 Sewell Street

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 1 August

Date Application Received

1 August 2008

Additional information

Amended plans date stamp received on 3 September 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

Close of Comment Period

22 September 2008

No. of Days Elapsed between Lodgement & Meeting Date

40 days (revised plans)

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

| | |
|------------------|--------------------------------------------------------------------|
| 4 June 1997 | CEO acting under delegated authority approves a shed; |
| 17 June 1997 | Building Permit 689/2540 approved for steel storage shed; |
| 21 October 1997 | Council grants approval for kitchen and studio additions; |
| 13 November 1997 | Building Licence 1381/210 issued for kitchen and studio additions. |

CONSULTATION

Public Submissions

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

REPORT

Issues

Boundary Setbacks

The proposed bathroom addition is set back 0.9m from the south side boundary common with 16 Sewell Street.



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The RDC recommend a 1m setback.

Discussion

The proposed variation to the boundary setback is considered very minor (100mm) and is not considered to impact on the amenity of the potentially affected property, and is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.9m for the construction of a ground floor bathroom and toilet addition in the middle of the single storey weatherboard and iron house at No. 14 (Lot 413) Sewell Street, East Fremantle in accordance with the plans date stamp received on 3 September 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 bathroom 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. 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).*



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T91. REPORT'S OF OFFICERS (Cont)

T91.1

Wolsely Road No. 38 (Lot 5)

Applicant & Owner: Johnston & McKercher

Application No. P150/2008

By Chris Warrener, Town Planner on 19 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 3m x 3m x 3.4m high pitched roof timber gazebo at 38 Wolsely 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 No. 142 – Residential Development (LPP 142)

Documentation

Plans and relevant forms date stamp received on 6 August 2008

Date Application Received

6 August 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

The existing building on the property was once used as a corner shop.

This building is listed in Council's Draft Municipal Heritage Inventory (MI) and assessed as having high aesthetic value, with a reasonably high architectural merit, rarity, group/precinct value, condition, and integrity.

21 February 2006 Council grants approval for a 2-storey house to include retention and restoration of the corner shop.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- might soften damage to the shop;
- shop is already obliterated.

Site Inspection

By Town Planner on 5 September 2008

REPORT

Issues

Boundary Setbacks

The proposed gazebo is set back 1m from the east side boundary common with the secondary street – Osborne Road.



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Under the RDC the following acceptable development provision applies to the setback of buildings generally:

"A1.2 Buildings setback from the secondary street in accordance with table 1." (RDC, 6.2 Streetscape requirements, 6.2.1 Setback of buildings generally, page 7)

The specified secondary street setback under Table 1 for an R12.5 coded property is 2m.

Discussion

The proposed gazebo lines up with the setback of the old corner shop building that has been retained as an integral component of the nearly completed 2-storey house, its design is considered complementary to the house and its setting, it is considered not to have any detrimental impact on streetscape amenity, and is supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the east side (secondary street) boundary setback pursuant to the Residential Design Codes from 2.0m to 1.0m for the construction of a 3m x 3m x 3.4m high pitched roof timber gazebo at No. 38 (Lot 5) Wolsely Road, East Fremantle in accordance with the plans date stamp received on 6 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 gazebo 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. 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) *the gazebo may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Wilson

That the application for the construction of a pitched roof gazebo at No. 38 (Lot 5) Wolsely Road, East Fremantle be deferred pending the submission of revised plans showing a flat roofed gazebo.

CARRIED

14 October 2008

MINUTES

Mayor Ferris & Cr Dobro made the following impartiality declaration in the matter of 41 Oakover Street: "As a consequence of the designer, Mr John Chisholm, being known to us, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

T91.2 **Oakover Street No. 41 (Lot 286)**
Applicant: John Chisholm (Design)
Owner: Edwin Fletcher & Narelle Guest
Application No. P162/2008

By Troy Cappellucci, Consultant Town Planner on 15 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the 2-storey house at 41 Oakover Street comprising:

- existing garage at front to be demolished and replaced with a new double garage on the southern side boundary;
- proposed extensions to kitchen as well as living, laundry and bathroom on the ground floor;
- re-pitch roof at 27.5 degrees to accommodate new family room on first floor;
- new skillion roof over existing rear verandah;
- custom orb roof falling to box gutter at parapet and custom orb metal deck roofing for proposed garage and kitchen extension;
- new brickpaved driveway;
- new crossover and driveway entry to proposed new garage while the existing driveway entry will be restored to verge area.
- 1.6m high privacy screens for first floor balcony to prevent overlooking.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 066 – Roofing (LPP 066)

Documentation

Plans and relevant forms date stamp received on 25 August 2008

Date Application Received

25 August 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

Close of Comment Period

22 September 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

31 July 1995 Council grants special approval to allow a boundary wall to the north for the erection of additions and a garage as proposed;
19 September 1995 Council grants approval for a store shed to the rear of the property;

23 November 1999 Council grants under delegated authority approval for the installation of fibreglass belowground swimming pool.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- rear addition at two stories will not be readily visible from the street – no work is proposed to the front of the dwelling except for removal of lean-to carport;
- dormer window section too long – too dominant;
- east elevation tends to pop up a lot higher than computer image;
- chimney should be retained as dominant feature of house – issue of concern should it be removed;
- good example of appropriate alteration to an existing dwelling and respectful of neighbouring properties – minimises impact on streetscape.

Public Submissions

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

- Warren Wood & Simone Young
43A Oakover Street*
- proposed decking would be an invasion of privacy;
 - would prefer privacy screening from top to the bottom of the height of the deck;
 - dormer windows on upper floor family room face into one of the main bedrooms and windows of main lounge/living area;
 - the dormer windows be frosted for complete privacy.

Site Inspection

By Consultant Town Planner on 18 September 2008

| STATISTICS | Required | Proposed |
|------------------|----------|--------------------------------|
| Land Area | | 1012m ² Existing |
| Open Space | 55% | 73.3% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | | Municipal Inventory |

Setbacks:

| Front | Required | Proposed |
|------------------------|----------|--------------------|
| <i>Ground Bed</i> | 7.5 | 9.3 Acceptable |
| <i>Entry & Bed</i> | 7.5 | 10.5 Acceptable |
| <i>Bed</i> | 7.5 | 14.6 Acceptable |
| <i>Garage</i> | 7.5 | 19.1 Acceptable |

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| STATISTICS | | Required | Proposed |
|----------------|----------------------|----------|------------|
| Rear | | | |
| Undercroft | Cellar | 6.0 | N/a |
| | | | Acceptable |
| Ground | Living Room & Dining | 6.0 | 21.0 |
| | Kitchen | 6.0 | Acceptable |
| | | | 20.175 |
| | | | Acceptable |
| | Garage | 6.0 | 21.8 |
| | | | Acceptable |
| Upper | Family room | 6.0 | 21.0 |
| | | | Acceptable |
| | Balcony | 6.0 | 19.1m |
| | | | Acceptable |
| Side (north) | | | |
| Ground | Bed | 1.5 | 2.921 |
| | | | Acceptable |
| | Study | 1.5 | 2.921 |
| | | | Acceptable |
| | Bath & Laundry | 1.0 | 2.921 |
| | | | Acceptable |
| | Living | 1.0 | 2.921 |
| | | | Acceptable |
| | Verandah (rear) | 1.0 | 2.921 |
| | | | Acceptable |
| Upper | Family room | 3.4 | 5.921 |
| | | | Acceptable |
| Side (south) | | | |
| Ground | Verandah (front) | 1.0 | 4.6 |
| | | | Acceptable |
| | Bed | 1.5 | 5.1 |
| | | | Acceptable |
| | Garage | 1.0 | Policy 142 |
| | | | Nil |
| | | | Acceptable |
| | Kitchen | 1.0 | 3.0 |
| | | | Acceptable |
| | Verandah (rear) | 1.0 | 7.3 |
| | | | Acceptable |
| Upper | Family room | 3.4 | 8.8 |
| | | | Acceptable |
| Height: | | | |
| | Wall | 6.00 | 2.848 |
| | | | Acceptable |
| | Building | 9.00 | 6.6 |
| | | | Acceptable |

REPORT

Issues

Roof Pitch

The roof of the existing dwelling is to be re-pitched at 27.5 degrees in order to accommodate the new loft room.

LPP 066 – Roofing requires dominant roof elements to be greater than 28 degrees.



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Submission The submission from the property owners at the southern boundary of 41 Oakover Street is primarily concerned at the potential invasion of privacy from the proposed deck and the potential overlooking from the dormer windows on upper floor family room into one of the main bedrooms and windows of the main lounge/living area.

Discussion
Roof Pitch

The application is for alterations and additions to the house at 41 Oakover Street, and involves one variation in regards to the roof pitch for which Council's discretion is required to be exercised.

It is evident that the alterations and additions proposed for the roof will enhance the architecture and amenity of the existing roof. Therefore, the proposed 27.5 degree re-pitched roof, in lieu of the required 28 degrees, is not considered to detrimentally impact on the amenity of the potentially affected property, and the application is supported.

Submission The applicant has provided the following justification for the matters raised by the adjoining property owners at 43A Oakover Street:

- "1. The height of the proposed deck is the same as the proposed first floor level 3615mm above the existing ground floor level of the home. As the existing ground floor level has an assumed datum of R.L 10.17, the R.L. of the family built in to the roof space is 13.785.*
- 2. The Residential design codes generally prescribe a height of 1.6m for sills and privacy screening to prevent overlooking and to protect the occupants of a residence. The adjoining owners suggestion that full height screening be provided seems excessive and without justification, a person would have to be over 1.8m tall to be overlooking a 1.6m high screen. The proposed design has been undertaken in accordance with R-Code provisions.*
- 3. The proposed dormer windows have been designed to prevent any overlooking with sills at 1.6m in accordance with R code provisions. They are intended only to provide natural light and ventilation.*

The overshadowing does not exceed prescribed allowances under the R Codes, and the proposed ridge height is only 6.604m well below the maximum allowed. Also cones of vision from the first floor family room are 10.29m to the north and 14.525m to the south, well within R Code requirements."

In regards to privacy from the deck, the RDC states that unenclosed outdoor active habitable spaces which have a floor level more than 0.5m above natural ground level and which overlook any part of any other residential property behind its street setback line is to be setback 7.5m.

The deck proposed at the rear of 41 Oakover Street has been assessed as not being above 0.5m above natural ground level, therefore there is no issue regarding privacy into the adjoining northern and southern boundary properties from the deck.



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While in regard to the dormer windows proposed for the upper floor family room, while a family room is a habitable room, the proposal states that the sill height for the dormer windows is to be at 1.6m above the floor level, therefore under the RDC makes these windows not major openings, and as such the windows comply with the setback requirements.

If the dormer windows were classified as major openings, the dormer windows facing 43A Oakover Street would comply with the RDC requirement to be setback 6m, while the windows facing 39 Oakover Street which are setback 5.8m, would not be compliant. Given that the application proposes dormer windows at a sill height of 1.6m, it is considered unreasonable in this particular case to require that the windows be frosted or obscured.

With respect to the Advisory Panel's comments on the desirability of retaining the chimney (on the north side) this is supported. The chimney in question is a significant feature of the existing house.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the re-pitched roofing proposed pursuant to the Local Planning Policy 066 – Roofing from 28 degrees to 27.5 degrees for the additions and alterations to the 2-storey house at No. 41 (Lot 286) Oakover Street, East Fremantle comprising:

- existing garage at front to be demolished and replaced with a new double garage on the southern side boundary;
- proposed extensions to kitchen as well as living, laundry and bathroom on the ground floor;
- re-pitch roof at 27.5 degrees to accommodate new family room on first floor;
- new skillion roof over existing rear verandah;
- custom orb roof falling to box gutter at parapet and custom orb metal deck roofing for proposed garage and kitchen extension;
- new brickpaved driveway;
- new crossover and driveway entry to proposed new garage while the existing driveway entry will be restored to verge area;
- 1.6m high privacy screens for first floor balcony to prevent overlooking;

in accordance with the plans date stamp received on 25 August 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans be submitted showing the retention of the chimney on the north side of the existing residence.
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 demolition licence and 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 and alterations are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater 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. 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.

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7. 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.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
9. 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.
10. 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.
11. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Rico

That Council exercise its discretion in granting approval for a variation to the re-pitched roofing proposed pursuant to the Local Planning Policy 066 – Roofing from 28 degrees to 27.5 degrees for the additions and alterations to the 2-storey house at No. 41 (Lot 286) Oakover Street, East Fremantle comprising:

- **existing garage at front to be demolished and replaced with a new double garage on the southern side boundary;**
- **proposed extensions to kitchen as well as living, laundry and bathroom on the ground floor;**
- **re-pitch roof at 27.5 degrees to accommodate new family room on first floor;**
- **new skillion roof over existing rear verandah;**
- **custom orb roof falling to box gutter at parapet and custom orb metal deck roofing for proposed garage and kitchen extension;**



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- new brickpaved driveway;
 - new crossover and driveway entry to proposed new garage while the existing driveway entry will be restored to verge area;
 - 1.6m high privacy screens for first floor balcony to prevent overlooking;
- in accordance with the plans date stamp received on 25 August 2008 subject to the following conditions:
1. prior to the issue of a building licence amended plans be submitted showing the retention of the chimney on the north side of the existing residence.
 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 demolition licence and 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 and alterations are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all stormwater 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. 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.
 7. 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.
 8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
 9. 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.
 10. 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.
 11. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
 12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) this decision 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.*

CARRIED

T91.3

Osborne Road No. 53 (Lot 11)

Applicant: Manor Homebuilders Pty Ltd

Owner: Ricky & Liann Cooper

Application No. P165/2008

By Chris Warrener, Town Planner on 22 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a single storey house comprising entry, study, double garage, 4 bedrooms, 2 bathrooms, laundry, family, meals and kitchen, activity room and roofed outdoor alfresco, a workshop, and swimming pool at 53 Osborne 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)

Documentation

Plans and relevant forms date stamp received on 26 August 2008

Date Application Received

26 August 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

Close of Comment Period

22 September 2008

14 October 2008

MINUTES

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

11 November 1986 Building Permit 74/1206 approved for a carport.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- faux historicism inappropriate;
- design intent appears thin and the house changes style behind the front façade;
- encourage applicant to redesign and provide a proposal that is respectful of, rather than mocking the original heritage and history of the area;
- negative impact on the street;
- new house acceptable but needs work on design to resemble neighbourhood;
- design needs to be simplified;
- prefer original over the proposed;
- additions much more preferable;
- the pitching plate is shown at an appropriate height for the style of dwelling proposed so the design will not appear as a 'squashed' version of older dwellings.

Public Submissions

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

M Hardie-Neale - proposed alfresco overlooks our main dining areas and one bedroom;
55 Osborne Road - request screening along northern boundary.

J & D Robinson - privacy issues and large windows facing mother's backyard);
51 Osborne Road - verandah to be on same setback as other nearby houses.

Site Inspection

By Town Planner on 15 September 2008

| STATISTICS | Required | Proposed |
|------------------------|-----------------|-------------------------------------|
| Land Area | | 804m ² Existing |
| Open Space | 55% | 50.4% Discretion Required |
| Zoning | | R12.5 |
| Heritage Listing | | Existing on MI |
| Setbacks: | | |
| Front (east) | | |
| <i>Ground Verandah</i> | 7.5 | 6.09 Discretion Required |
| <i>Garage</i> | 7.5 | 8.1 Acceptable |

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| STATISTICS | | Required | Proposed |
|----------------|---------------------------------------------------|----------------|----------------------------------------|
| Rear (west) | | | |
| Ground | Alfresco, Activity, Bed 5, Ensuite Workshop | 6.0 1.0/Nil | 6.0 Acceptable Nil Acceptable |
| | | | Policy 142 |
| Side (north) | | | |
| Ground | Garage | 1.0 | Nil |
| | | | Discretion Required |
| | Dining, Lounge | 1.5 | 3.7 Acceptable |
| | Laundry, Kitchen, Meals, Alfresco | 1.5 | 3.7 Acceptable |
| | Workshop | 1.0 | 1.0 Acceptable |
| Side (south) | | | |
| Ground | Ensuite | 1.0 | 1.0 Acceptable |
| | Bed 3 & 4 | 1.5 | 1.5 Acceptable |
| | Bed 2 | 1.5 | 1.5 Acceptable |
| | Ensuite & Master | 1.0 | 1.0 Acceptable |
| Height: | | | |
| Wall | | 6.00 | 3.2 Acceptable |
| Building | | 9.00 | 6.8 Acceptable |
| Parapet Wall | | 3.00 | 3.2 Discretion Required |

REPORT

Issues

Boundary Setbacks

Side East (Front)

The application proposes a verandah set back 6.09m from the front boundary.

The RDC recommend a 7.5m setback.

The RDC allow for minor incursions into the street setback area. The relevant acceptable development provision states:

"In accordance with figure 1b, a porch, balcony, verandah, chimney, or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the street setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level." (RDC, 6.2 Streetscape requirements, 6.2.2 Minor incursions into the street setback area, page 7)

The verandah projects 1.41m into the street setback area and it comprises 58% of the width of the property frontage therefore Council's discretion is required to be exercised to permit the verandah incursion.

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Side North

(Common with 55 Osborne Road)

The application proposes a double garage with a parapet wall along the north side boundary.

LPP 142 allows a boundary wall along one side boundary if the wall is no higher than 3m or longer than 9m.

The proposed garage wall on the boundary is 3.2m high therefore Council's discretion is required to be exercised to allow it.

Under the RDC the recommended setback is 1m.

Open Space

The application proposes development that will occupy 49.6% of the property, leaving 50.4% open space.

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

Submissions

The submission from 55 Osborne Road is concerned at the overlooking impact of the alfresco area similarly the submission from 51 Osborne Road is concerned at the overlooking impact of the windows on the south side as well as the front verandah setback.

Discussion

*Heritage
Significance*

If approved, this application will result in the demolition of a single storey home built in the 1930's. It is described as a "Bungalow Porch House" in the MI with a management category rating of "C". It is assessed as being in very good condition with a high precinct value, not very rare and with moderate aesthetic value and architectural merit.

Under the MI the following statements apply to "C" rated properties:

"Category "C"

Places of Some Local Heritage Significance

Some heritage significance at a local level; places to be ideally retained and conserved; endeavour to conserve the significance of the place through the standard provisions of the Town of East Fremantle Planning Scheme and associated design guidelines; a Heritage Assessment / Impact Statement may be required as corollary to a development application, particularly in considering demolition of the place. Full documented record of places to be demolished shall be required. Further development needs to be within recognised design guidelines. Incentives should be considered where the condition or relative significance of the individual place is marginal but where a collective significance is served through retention and conservation."

While the application is for a "new" house its design is intended to in some respects mimic the older style house designs with its front verandah, window and door treatments.

Given the appearance of the single storey houses at 51, 55, 57, and 59 Osborne Road the proposed house is not considered to have a detrimental impact on the local streetscape, and is supported.



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The house at 57 Osborne Road is a somewhat similar style modern home that also 'mimics' the older style house design.

Boundary Setbacks

The proposed verandah is considered to complement the appearance of and add to the general amenity of the proposed house, and the setback variation for it is supported.

The garage wall along the north side boundary will abut a similar parapet wall for the single garage at 55 Osborne Road therefore this variation does not have any impact on the potentially affected property and is supported.

Open Space

The applicant states that the proposal is for a single storey, family friendly home and therefore in order to comply with the clients brief, they have had to maximize floor area as with single storey homes there is no opportunity to simply put rooms upstairs to comply with site coverage. In addition, the applicant refers to how the proposal has provided ample side setbacks to the northern boundary and complies with R-Code requirements to the southern boundary. These setbacks ensure adequate, direct sunlight and ventilation is available to adjoining neighbours' dwellings and appurtenant open spaces and also to the proposed dwelling.

Given that this application is for a single storey house situated amongst other single storey houses on the west side of Osborne Road, which is considered to be a better development design outcome than a 2-storey house especially given the inclusion of the front verandah, the open space variation is not considered significant, and does not impact on the general amenity of the property or the local streetscape, and this variation is supported.

Submissions

In regard to the location of the alfresco and its impact on the north sided property in terms of privacy, the application proposes that it be set back 3.7m. The RDC recommend a 1.5m setback so the alfresco is proposed to be set back more than the specified setback distance, and is considered not to have the impact the submission claims.

The applicant states that the alfresco's floor level and respective ground levels fall within the prescribed heights as defined in the R-Codes, i.e. not higher than 500mm above natural ground level. In addition, the applicant also states that:

"Furthermore, once the site is cleared and ground levels established, the 1.80m high fence will always go on the higher ground level of a boundary line (as detailed in the Dividing Fences Act) and this will always provide sufficient screening from a single storey residence."

Therefore, the alfresco area is not subject to the provisions of the R-Codes Privacy Requirements as the alfresco area complies with the Acceptable Development Provisions and is supported.

The concerns regarding the windows on the south side for two bedrooms are not considered an issue as the windows are set back to comply with the specified setback under the RDC and



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complies with the privacy requirements and therefore is supported.

In regards to the concern raised about the front verandah setback, the applicant states that any attempt to modify or alter the proportions of the verandah would have an adverse impact to the front elevation and not create an appealing streetscape. The applicant also mentions that the style and elevation of the home also contributes to the streetscape character of the locality. The front verandah is merely serving an aesthetic purpose to the front elevation, it is not designed and intended to serve as a significant outdoor entertaining area. In addition, the verandah provides effective and positive natural surveillance of the streetscape and encourages interface between the street and the dwelling.

While the front verandah setback is less than that specified in the RDC this structure is considered to have a positive influence on the appearance of the proposed house and on the local streetscape and is supported.

RECOMMENDATION

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

- (a) variation to the north side boundary setback for a double garage pursuant to the Residential Design Codes from 1m to 0m;
- (b) variation to the east side (front) boundary setback for a verandah pursuant to the Residential Design Codes from 7.5m to 6.09m;
- (c) variation to the provision of open space pursuant to the Residential Design Codes from 55% to 50.4%;

for the construction of a single storey house comprising entry, study, double garage, 4 bedrooms, 2 bathrooms, laundry, family, meals and kitchen, activity room and roofed outdoor alfresco, a workshop, and swimming pool at No. 53 (Lot 11) Osborne Road, East Fremantle in accordance with the plans date stamp received on 26 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 demolition licence and 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. the proposed works for the swimming pool are not to be commenced until approval



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- 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.
8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.
 14. 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.
 15. 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.
 16. 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.
 17. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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.*

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- (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.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Dobro

That the application for demolition of the existing residence and construction of a single storey residence at No. 53 (Lot 11) Osborne Road, East Fremantle be deferred to allow the applicants the opportunity to consider the retention and renovation of the existing single storey residence. CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 32A Gill Street: "As a consequence of my friendship with the adjoining neighbour, Mr Frank Arangio, 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."

T91.4 Gill Street No. 32A (Lot 89)
Applicant & Owner: Robert & Judy Barkla
Application No. P100/2008

By Chris Warrener, Town Planner on 23 September 2008 & Troy Cappellucci, Consultant Town Planner on 3 October

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 32A Gill Street comprising:

- Ground floor: Double garage & store, porch, entry, laundry, powder room, hall, activity room, kitchen, dining room, family room, and alfresco;
- First floor: Balcony, master suite & en-suite, void, activity room, 2 bedrooms, 2 built-in robes, a bathroom, and a study.

The garage door and its supporting structures occupy 59% of the width of the property frontage, and the development will result in there being 23.4% overshadow of the adjoining property at 30B Gill Street.

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 142 – Residential Development (LPP 142)
Local Planning Policy 061 – Solar Access and Shade (LPP 061)

Documentation

Amended plans date stamp received on 29 August 2008

Date Application Received

20 May 2008

Advertising

Adjoining land owners only

Date Advertised

Submitted plans: 4 June 2008
Amended plans: 8 September 2008

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Close of Comment Period

Submitted plans: 14 June 2008

Amended plans: 22 September 2008

No. of Days Elapsed between Lodgement & Meeting Date

35 days

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

| | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 February 2003 | Council decides to advise the WAPC that it does not support a 2-lot side by side subdivision of 32 Gill Street; Council grants approval for the demolition of the existing house at 32 Gill Street; |
| 22 April 2003 | WAPC grants conditional approval to subdivide 32 Gill Street into 2 lots; |
| 10 November 2004 | Demolition Licence issued for single residence at 32 Gill Street; |
| 15 November 2005 | Council grants Planning Approval for a 2-storey house at 30B Gill Street; |
| 15 August 2006 | Council approves setback and wall height variations for a 2-storey house at 32A Gill Street; |
| 15 July 2008 | Council resolved: |

"That the application for a two storey residence at No. 32A (Lot 89) Gill Street, East Fremantle be deferred to allow the applicant the opportunity to work with Council to address issues raised in the officer's report including overshadowing, streetscape, garage element and wall height.

Footnote:

A site visit be undertaken of the vacant lot and also the neighbouring property at 30B Gill Street to ascertain the impact overshadowing will have on that residence."

CONSULTATION

Town Planning Advisory Panel Comments

The amended plans for this application were considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- similar to previous application but with larger garage – garage dominates the front elevation;
- house is a mixture of stylisms and contradictions with windows of varying proportion and design;
- should reconsider design to simplify the overly abundant and varied roof forms;
- to comply with R-Codes re overshadowing.

Public Submissions

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

F Arangio - objection;
30B Gill Street - scale and height of structure compromises amenity;
- concerns regarding overshadowing.

D Barbera - concerned at retaining wall at rear;
23 Walter Street - imposing on amenity at rear and creates severe overlooking problems.

Site Inspection

By Town Planner on 3 June 2008.

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| STATISTICS | Required | Proposed |
|-------------------------|---------------------------|------------------------------------------------|
| Land Area | | 456m ² Existing |
| Open Space | 55% | 59.56% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | | Not Listed |
| <u>Setbacks:</u> | | |
| Front (west) | | |
| Ground | <i>Porch</i> | 7.50 Acceptable |
| | <i>Garage</i> | 7.50 Acceptable |
| Upper | <i>Void</i> | 7.50 11.60 Acceptable |
| | <i>Balcony</i> | 7.50 7.60 Acceptable |
| Rear (east) | | |
| Ground | <i>Alfresco</i> | 6.00 5.56 Discretion Required |
| Upper | <i>Bedroom 2 & 3</i> | 6.00 7.56 Acceptable |
| Side (north) | | |
| Ground | <i>Alfresco</i> | 1.50 Acceptable |
| | <i>Family</i> | 1.50 Acceptable |
| | <i>Dining</i> | 1.00 1.17 Acceptable |
| | <i>Hall</i> | 1.00 3.60 Acceptable |
| | <i>Stairs</i> | 1.00 1.87 Acceptable |
| | <i>Porch</i> | 1.50 1.17 Discretion Required |
| Upper | <i>Bedrooms 2 & 3</i> | 1.50 1.65 Acceptable |
| | <i>Hall</i> | 1.20 3.60 Acceptable |
| | <i>Stairs</i> | 1.20 1.40 Acceptable |
| Side (south) | | |
| Ground | <i>Garage</i> | 1.00/0.00m <i>LPP 142</i> Nil Acceptable |
| | <i>Laundry</i> | 1.00 1.69 Acceptable |
| | <i>Activity</i> | 1.50 2.00 Acceptable |
| | <i>Kitchen</i> | 1.00 1.50 Acceptable |

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| | | | |
|------------------------------------|-----------------------------------|-------------------|----------------------------|
| | <i>Family</i> | 1.00 | 2.00 |
| | | | Acceptable |
| | <i>Alfresco</i> | 1.00 | 1.50 |
| | | | Acceptable |
| <i>Upper</i> | <i>Balcony/Master Bedroom</i> | 1.20 | 1.70 |
| | | | Acceptable |
| | <i>Activity</i> | 1.20 | 2.00 |
| | | | Acceptable |
| | <i>Hall</i> | 1.50 | 4.20 |
| | | | Acceptable |
| <u>Height:</u> | | | |
| Wall | | 6.00 | Up to 6.50 |
| | | | Discretion Required |
| Building | | 9.00 | 7.80 |
| | | | Acceptable |
| <u>Overshadowing:</u> | | 23.4% (RDC = 25%) | Acceptable |
| <u>Privacy/Overlooking:</u> | | N/a | |

REPORT

Background

At its meeting held on 15 July 2008 Council decided to defer an application for a 2-storey house at 32A Gill Street to "allow the applicant the opportunity to work with Council to address issues raised in the officer's report including overshadowing, streetscape, garage element and wall height."

The following report deals with and discusses the issues that have been assessed as applying to the amended plans submitted by the applicant following the above-referred Council decision.

Put simply the amended plans reconfigure the upper floor and increase the setback of the house from the south side boundary in an effort to address the extent of overshadow of the adjoining property at 30B Gill Street.

The originally submitted plans resulted in 28.9% overshadow; the amended plans result in 23.4% overshadow.

The porch at the front has been enlarged to bring it in line with, and aim to reduce the dominance of, the double garage.

The maximum height of the boundary wall on the south side for the garage has been reduced from 3.6m to 2.6m.

There have been minor reductions in building wall height.

Issues

Streetscape

The garage door and its supporting structures continue to occupy 59% of the width of the property frontage, and are considered to dominate the appearance of the proposed house in conflict with the objectives for the maintenance of the local streetscape.

The relevant RDC acceptable development provision states:

"A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are



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not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.” (RDC, 6.2 Streetscape requirements, 6.2.8 Garage doors, page 9)

The application proposes a double garage door and supporting structures with a combined width of 6.29m.

The balcony above the garage extends for a width of 5.09m.

The entrance to the proposed dwelling is clearly visible to the street however the balcony does not extend for the full width of the garage (shortfall of 1.2m) therefore Council’s discretion is required to be exercised to allow the garage.

Boundary Setbacks

Rear East A ground floor alfresco is set back 5.56m from the rear boundary common with 23 Walter Street.

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

Side North (Common with 32B Gill Street)

A porch at the front is set back 1.17m from the north side boundary.

The RDC recommend a 1.5m setback.

Building Height

An upper floor wall on the north side at the rear for bedrooms 2 and 3 varies up to 6.3m above natural ground level (NGL) and a wall for the void at the front also varies up to 6.3m above NGL.

On the south side at the rear an upper floor wall for bedroom 3 varies up to 6.5m above NGL.

The RDC specify a 6m wall height limit for a 2-storey house.

Roof Pitch

The application proposes a tiled roof with a 25° pitch.

LPP 066 states:
“dominant elements to be greater than 28°.”

Submissions

Both of the submissions object to the application. The submission from 30B Gill Street objects to the extent of overshadow particularly as this is of the primary outdoor and a portion of the indoor living areas on the north side.

The relevant acceptable development provision in the RDC states:

“A1 Notwithstanding the boundary setbacks in design element 6.3, development in climatic zones 4, 5 and 6 of the state shall be so designed that its shadow only cast at midday 21 June onto any other adjoining property does not exceed the following limits:
on adjoining properties coded R25 and lower – 25 per cent of the site area;” (RDC, 6.9 Design for climate requirements, 6.9.1 Solar access for adjoining sites, page 23)



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The application proposes 23.4% overshadowing of the site area of 30B Gill Street.

While the relevant performance criteria in the RDC States:

"P1 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- outdoor living areas;*
- major openings to habitable rooms;*
- solar heating devices; or*
- balconies or verandahs."*

In addition, LPP 061 states the following:

"Solar access, to the living room and kitchen in particular, and shade caused by buildings, have an important impact on the liveability of a home. And as a consequence, community liveability.

Council will therefore give consideration to solar access and shade and when assessing applications for planning approval.

Council will use 12.00 noon on 21 June as the time for analysing solar access and shade."

The overshadowing proposed from the 2-storey house at 32A Gill Street does overshadow all of the main outdoor living area of 30B Gill Street.

The submission from the owner of 23 Walter Street at the rear objects because of the impact of overlooking that is exacerbated by the fill and retaining works at the rear of the proposed house.

TPAP Comments

The panel comments on this application are in general negative. The design of the proposed house is considered inappropriate, and too dominant, and as such a redesign is considered the most suitable option.

Discussion

Streetscape

In support of the original application the applicant stated:

"The garage door and supporting structure occupies 59% of the width of the property frontage (<50% required).

We believe the garage will not dominate the streetscape as:

- The door itself occupies only 47%.*
- The balcony extends for a large portion above the garage.*

Furthermore, a garage that would comply with the 50% frontage would be only 5.33m wide. This is unacceptable for a double garage."

One way of addressing the streetscape issues associated with the proposed garage would be to reduce its width or alternatively increase the width of the balcony above it. In this way the garage element of the application would at least meet the relevant RDC acceptable development provision.

In support of this amended application, the additional justification provided by the applicant in addition with the support provided with



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the original application is that the entrance is clearly defined and it is not possible to extend a balcony for the full width of the garage in compliance with the Residential Design Codes.

The applicant has not provided any explanation/justification which might demonstrate how the appearance of the proposed development satisfies the relevant performance criteria under the RDC which states:

"P8 The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors." (RDC, 6.2 Streetscape requirements, 6.2.8 Garage doors, page 9)

Boundary Setbacks The proposed rear setback variation is considered relatively minor it does not impact negatively on the potentially affected property at 23 Walter Street, and the potentially affected property owner has not objected to this variation. This variation is supported.

Similarly the boundary setback on the north side for the porch is considered minor, does not impact on the amenity of the adjoining property and can be supported.

Building Height In regards to the building height, the applicant provided the following justification in support of the original application:

"The top of the wall at the rear of bed 2 and 3 is 6.761m above NGL (<6m required).

We believe this height is justified as:

- *This wall is set back 13.16m from the boundary so no neighbouring properties will be affected. This wall itself is only to the first floor and is only 2.45m at its highest and therefore will have no great impact on neighbouring properties.*

The wall on the south side to the bed 2 is 6.65m above NGL at its highest (<6m required).

We believe this height is justified as:

- *The wall is not continuous from ground level to eave. It is broken up with a section of roof.*
- *The wall is set back 2m from the boundary. The RDC require a 1.6m setback for a 7m x 12m long wall."*

With this application, the applicant has provided the following justification to go along with the justification mentioned above:

"The wall to Bed 3 on the southern side is 6.57m above neighbour's ground level. (<6m required):

- *This wall is set back 4.2m from the boundary. The R-Codes allow a wall of 8m.*
- *The impact on the neighbouring property is minimal.*
- *The fall and dimensions of the site make it difficult to keep all parts of the house under 6m."*

The increased wall height of the proposed development contributes to the degree of overshadow of the house at 30B Gill Street, and cannot be supported.



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Roof Pitch Roof pitch in the Richmond precinct is variable as the development of the contemporary homes next door, nearby, and in the immediate locality demonstrate.

This particular element of building design is considered not to have a detrimental impact on the local streetscape or general character of housing in the area, and is supported.

Submissions In regards to overshadowing into 30B Gill Street, while the application complies with not exceeding 25% of the site area, proposed 23.4%, it does however overshadow all of the outdoor living area of the adjoining property.

In support of the original application the applicant's justification for the overshadow states:

- *As the lot is narrow certain limitations are placed on design.*
- *In terms of other performance criteria such as major openings to the north side, balconies or verandahs, solar heating devices and boundary/setback the proposed residence complies.*
- *If the 25% overshadowing were to be achieved, the outdoor living areas would still be in shadow. As RDC State: a shadow may not exceed the limit but may fall over the only available outdoor living area, or living room window, of an adjoining house*
- *Therefore given the block orientation, site levels, lot sizes and lot frontages, a variation to the overshadowing requirements is considered reasonable.*

The applicant has also provided further explanation/justification for the overshadowing proposed by the amended plans which states:

- *We have worked with Council to make significant changes to the original design which has reduced the overshadowing in percentage and position terms. This has resulted in a design which is compliant with all aspects of the residential R codes.*
- *We have reduced the overshadowing from 28% to 24% which is now under the allowance.*
- *We requested a copy of the Don Russell Homes design that was originally accepted on the block in August 2006 (find attached). These plans were not only accepted by Council but also accepted by Mr Arangio and the diagram of overshadowing mirrors that of ours but in percentage terms the overshadowing on the original Don Russell design is greater.*
- *With what has previously been accepted in the area, we feel that the revised plans are appropriate for this site and comply with the issues that Council raised in previous meetings.*

The amended plans propose improvement to this element in that it ensures the overshadowing of the site area of 30B Gill Street does not exceed 25% as required in the RDC. Based on the above-stated justifications, both do not necessarily follow that any overshadow would be over the neighbour's outdoor living area.

While the outdoor living area of 30B Gill Street is completely overshadowed by this proposal, on the 15 August 2006, Council approved setback and wall height variations for a 2-storey house at 32A Gill Street, which overshadowed 30B Gill Street's outdoor living area as well. At that time, Mr Arangio had no concerns with that proposal.

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Even though the amended plans propose a slight improvement to this element in order to make it compliant with the 25% site area requirement, the overshadowing still contributes to a severe detrimental impact on the amenity of 30B Gill Street, and it is not supported.

In regards to the submission from the owner of 23 Walter Street related to the impact of overlooking that is exacerbated by the fill and retaining works at the rear of the proposed house, the applicant has provided the following justification:

- *With the height difference from front boundary to rear boundary of approximately 3m we have simply found a half way point for earthwork purposes which we feel is reasonable.*
- *With this sloping block, the retaining to this level is appropriate and common practice.*
- *With the construction of a 1.5m fence this will not have severe overlooking issues from ground level, nor with the setback of bedroom 3 should this create any issues.*

As the application complies with the setback, site works and privacy requirements of the RDC and the Town of East Fremantle's Local Planning Policies, the concerns raised by the owner of 23 Walter Street are not considered to be an issue.

Conclusion

The amended plans for this application propose a house which will have a detrimental impact on the amenity of adjoining properties to the south and east, and the local streetscape, and is not supported.

RECOMMENDATION

That Council refuses to grant planning approval for a 2-storey house at No. 32A (Lot 89) Gill Street, East Fremantle comprising:

Ground floor: Double garage & store, porch, entry, laundry, powder room, hall, activity room, Kitchen, dining room, family room, and alfresco;

First floor: Balcony, master suite & en-suite, void, activity room, 2 bedrooms, 2 built-in robes and a bathroom

for the following reasons:

1. proposed overshadow at 23.4% does not exceed the maximum recommended under the Residential Design Codes, however it has a significant detrimental impact on the amenity of the adjoining property at 30B Gill Street, in particular regarding the outdoor living area.
2. the proposed development is incompatible with its setting pursuant to Town Planning Scheme 3, sub-clause 10.2 (j).
3. the design of the proposed house is incompatible with the character of housing in the immediate locality to the detriment of the local streetscape pursuant to Town Planning Scheme 3, sub-clause 10.2 (o).
4. the proposed house by virtue of its height, bulk, scale, orientation, and appearance will have a detrimental impact on development on adjoining land pursuant to Town Planning Scheme 3, sub-clause 10.2 (p).

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RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council refuses to grant planning approval for a 2-storey house at No. 32A (Lot 89) Gill Street, East Fremantle comprising:

Ground floor: Double garage & store, porch, entry, laundry, powder room, hall, activity room, Kitchen, dining room, family room, and alfresco;

First floor: Balcony, master suite & en-suite, void, activity room, 2 bedrooms, 2 built-in robes and a bathroom

for the following reasons:

1. proposed overshadow at 23.4% does not exceed the maximum recommended under the Residential Design Codes, however it has a significant detrimental impact on the amenity of the adjoining property at 30B Gill Street, in particular regarding the outdoor living area.
2. the proposed development is incompatible with its setting pursuant to Town Planning Scheme 3, sub-clause 10.2 (j).
3. the design of the proposed house is incompatible with the character of housing in the immediate locality to the detriment of the local streetscape pursuant to Town Planning Scheme 3, sub-clause 10.2 (o).
4. the proposed house by virtue of its height, bulk, scale, orientation, and appearance will have a detrimental impact on development on adjoining land pursuant to Town Planning Scheme 3, sub-clause 10.2 (p).

CARRIED

T91.5

Gill Street No. 32B (Lot 88)

Applicant: Perth Design Centre

Owner: Kendra Knight

Application No. P158/2008

By Chris Warrener, Town Planner on 23 September 2008

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 32B Gill Street comprising:

Ground floor: porch, entry, double garage, store, pantry, kitchen, dining and family room, 3 bedrooms, bathroom & laundry, and roofed outdoor alfresco;

First floor: master suite with en-suite, study, & balcony.

The double garage occupies 51.73% of the width of the property frontage.

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)

Documentation

Plans and relevant forms date stamp received on 22 August 2008

Date Application Received

22 August 2008

Advertising

Adjoining land owners only

Date Advertised

8 September 2008

14 October 2008

MINUTES

Close of Comment Period

22 September 2008

No. of Days Elapsed between Lodgement & Meeting Date

52 days

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

- 18 February 2003 Council resolves to:
- advise the WAPC that it does not support a 2-lot side by side subdivision of 32 Gill Street;
 - grant approval for the demolition of the existing house at 32 Gill Street;
- 22 April 2003 WAPC grants conditional approval to subdivide 32 Gill Street into 2 lots;
- 10 November 2004 Demolition Licence issued for single residence at 32 Gill Street;
- 15 November 2005 Council grants Planning Approval for a 2-storey house at 30B Gill Street;
- 15 August 2006 Council approves setback and wall height variations for a 2-storey house at 32A Gill Street.
- 15 July 2008 Council resolves to defer an application for a two storey residence at No. 32A (Lot 89) Gill Street, East Fremantle be deferred to allow the applicant the opportunity to work with Council to address issues raised in the officer's report including overshadowing, streetscape, garage element and wall height.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 23 September 2008 and the following comments were made:

- similar to previous applications – garage dominates the front elevation (greater than 50% width) – consider redesign;
- front garage hasn't succeeded with character of area;
- this proposal is at least contemporary in appearance and does not seek to mimic older buildings in the area;
- mixture down street of housing styles;
- overall form is far better than either of the preceding applications;
- double storey rear section may impact on adjoining owners – being so close to rear boundary it is likely the building will dominate and create overlooking concerns for neighbouring properties to the rear (noting applicant's advice that the design has been proposed to minimise overshadowing of neighbouring property south);
- worth supporting but not a great example for future.

Public Submissions

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

- D Barbera*
23 Walter Street
- Upper floor bathroom window at rear to be frosted glass;
- P & M Matthews*
34 Gill Street
- consideration towards noise reduction for pool and outdoor courtyard area by way of a higher boundary wall in masonry;
 - non see through side wall facing 34 Gill Street for second storey balcony off master bedroom;
 - don't want opportunity to be lost to extend their own residence along south boundary;

Site Inspection

By Town Planner on 3 June 2008

14 October 2008

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| STATISTICS | Required | Proposed |
|---------------------------------------|-----------------|----------------------------------------|
| Land Area | | 456.m ² Existing |
| Open Space | 55% | 50.17% Discretion Required |
| Zoning | | R12.5 |
| Heritage List | | Not Listed |
| <u>Setbacks:</u> | | |
| Front (west) | | |
| <i>Ground Porch</i> | 7.5m | 6.60 Discretion Required |
| <i>Garage</i> | 7.5m | 6.70 Discretion Required |
| <i>Upper Balcony</i> | 7.5m | 29.4 Acceptable |
| <i>Stairs</i> | 7.50 | 29.8 Acceptable |
| Rear (east) | | |
| <i>Ground Bed 3 & 4</i> | 6.0 | 1.68 Discretion required |
| <i>Upper Study & Ensuite</i> | 6.0 | 3.55 Discretion Required |
| Side (north) | | |
| <i>Ground Bed 2 & 3</i> | 1.50 | 1.50 Acceptable |
| <i>Family</i> | 1.50 | 4.78 Acceptable |
| <i>Dining</i> | 1.5 | 1.78 Acceptable |
| <i>Hall</i> | 1.0 | 4.78 Acceptable |
| <i>Entry</i> | 1.5 | 1.58 Acceptable |
| <i>Upper Ensuite, master, balcony</i> | 3.0 | 1.5 Discretion Required |
| Side (south) | | |
| <i>Ground Garage</i> | 1.0/Nil | <i>Policy 142</i> Nil Acceptable |
| <i>Pantry</i> | 1.0 | 1.50 Acceptable |
| <i>Kitchen</i> | 1.0 | 1.0 Acceptable |
| <i>Family</i> | 1.5 | 1.5 Acceptable |
| <i>Laundry</i> | 1.0 | 1.5 Acceptable |
| <i>Bath</i> | 1.0 | 1.0 Acceptable |
| <i>Bed 4</i> | 1.5 | 1.5 Acceptable |

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| STATISTICS | Required | Proposed |
|----------------------|-----------------|--------------------------------------|
| Upper Stairs & Study | 1.5 | 1.5 Acceptable |
| Height: | | |
| Wall | 6.00 | 6.0 Acceptable |
| Building | 9.00 | 7.0 Acceptable |
| Garage | 50% of Frontage | 51.73% Discretion Required |

REPORT

Issues

Streetscape

The application proposes a double garage which occupies 51.73% of the width of the property frontage.

The proposed house incorporates a flat roofed unenclosed porch entry with feature stone wall that is 0.237m forward of the garage. The main entry door of the house is set back 2m behind the garage.

It is the wall for the main entry door that is considered to be the "main building line" for the house.

The relevant acceptable development provision the RDC states

"A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street." (RDC, 6.2 Streetscape requirements, 6.2.8 Garage doors, page 9)

In this case the garage is considered to be located in front of the building and occupies more than 50% of the frontage of the setback as viewed from the street. The application does not propose a balcony which extends for the full width of the garage however the entrance to the dwelling is clearly visible from Gill Street.

In addition LPP 143 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.*
- (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."*

Boundary Setbacks

Side West (front) A porch is set back 6.6m and a double garage is set back 6.7m from the front boundary.



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- Side East (Rear)* The RDC recommend a 7.5m front setback for R12.5 coded property.
(common with 23 Walter Street)
- Bedrooms 3 and 4 on the ground floor are setback 1.68m, and a study and en-suite on the upper floor are set back 3.55m from the rear boundary.
- Side North* The RDC recommend a 6m rear setback for R12.5 coded property.
(common with 34 Gill Street)
- The upper floor wall for an en-suite, master suite and balcony is set back 1.5m from the north side boundary. The balcony is screened however the master bedroom contains two windows which contain glazed areas totalling 1.64m².
- The RDC specifies that a major opening comprises at least 1m².
- Under the RDC the specified setback for an upper floor wall for a bedroom with major openings is 4.5m.
- Open Space The application if implemented will result in a property which contains 50.17% open space.
- The RDC recommend 55% open space for R12.5 coded property.
- Roof Pitch The application proposes colorbond skillion roves pitched at 9°.
- LPP 066 states:
“dominant elements to be greater than 28°.”
- Submissions The submission from the property owner at the rear is concerned at the overlooking by the bathroom window on the upper floor east side.
- On the other hand, the submission from the property owner at the northern boundary of 32B Gill Street is primarily concerned at the potential noise from the pool and outdoor courtyard area, overlooking from the balcony off the master bedroom and not wanting opportunity to extend their own residence along south boundary to be lost due to this proposal.
- Discussion**
Streetscape The impact of the width of the garage is to some degree ameliorated by the porch which is forward of the garage.
- It could be argued the garage width is not considered excessive at 51.73%, and combined with the porch, is not considered to have a detrimental impact on the local streetscape, and this variation can be supported however in the absence of any specific justification for a discretion with respect to the R-codes being granted, it is recommended this element should comply with the R-code standard, which is a maximum of 50%.



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Boundary Setbacks The proposed front setback variation is considered relatively minor and closely mimics the setbacks of the houses nearby at 22, 22A, 30A, 30B, and the approved development at 32A Gill Street. This setback variation is not considered to detract from the local streetscape and is supported.

The applicant has advised in consultation with the Town Planner that the two upper floor windows for the master bedroom on the north side could be obscure glazed to prevent any overlooking of 34 Gill Street, and “comply” with the setback specified in the RDC. The variation to the rear setback is not considered to negatively impact on the amenity of the potentially affected property at 23 Walter Street, and the potentially affected property owner has not objected to the application.

The house has been purposely designed with its primary outdoor living area positioned to take advantage of the northern aspect for solar access, hence there is less reliance on the ‘traditional backyard at the rear’ for open space. This variation is supported.

Open Space The variation to the open space provision is necessary to accommodate a largely single storey house. The property comprises an area more suited to an R20 density code for which 50% open space is recommended under the RDC.

At 50.17% the open space variation is considered relatively minor and is supported.

Roof Pitch While the application proposes a roof pitch at variance with LPP 066 this is considered acceptable given the wide variety of roof forms and pitches nearby and in the general locality.

Pitching the roof as proposed contributes to a general reduction in the potential for overshadow of the adjoining property, and this variation is supported.

Submissions While the upper floor bathroom is not a “habitable room” as defined under the RDC it does nevertheless have its own overlooking/privacy issues. It is usual for bathroom windows to be either hi-light or obscure glazed.

Given that the application proposes a full length window it is considered reasonable in this particular case to require that the glazing be frosted or obscured. The applicant advises that the window to the upper floor bathroom will be frosted, therefore providing no overlooking issues.

Pool and outdoor courtyard areas are to be used in conjunction with the dwelling such that it is capable of active or passive use; therefore noise in active spaces is to be expected. However, given the concerns raised about potential noise, the applicant has advised that there will be a masonry wall to the pool area, providing some acoustic cushioning to the neighbour.

The second floor balcony off the master bedroom does not comply with the RDC specified setback for an upper floor wall for a bedroom with major openings and as a result overlooking is an issue.



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The applicant advises that the second floor balcony has a screening shield at the moment, and will prevent a large amount of overlooking to be limited, as the balcony's main objective is to provide interaction between courtyard and master bedroom, not to overlook the side access (not back yard) of the adjoining neighbour.

The owners of 34 Gill Street should not be concerned about the opportunity in the future to extend their residence along the south boundary in line with the existing roof height as this proposal for 32B Gill Street will not effect any potential renovation and if they do decide to extend their residence, they will also need to meet the Town of East Fremantle and RDC requirements.

RECOMMENDATION

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

- (a) variation to the west side (front) boundary setback for a porch and a double garage pursuant to the Residential Design Codes from 7.5m to 6.6m and 6.7m respectively;
 - (b) variation to the east side (rear) boundary setback for bedrooms 3 & 4 on the ground floor, and the study & en-suite on the upper floor pursuant to the Residential Design Codes from 6m to 1.68m and 3.55m respectively;
 - (c) variation to the percentage of open space required for an R12.5 coded property pursuant to the Residential Design Codes from 55% to 50.17%;
 - (d) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 9°;
- for the construction of a 2-storey house at No. 32B (Lot 88) Gill Street, East Fremantle comprising:

Ground floor: porch, entry, double garage, store, pantry, kitchen, dining and familyroom, 3 bedrooms, bathroom & laundry;

First floor: master suite with en-suite, study, & balcony;

in accordance with the plans date stamp received on 22 August 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted which specify:
 - (a) garage width being reduced from 6.0m to 50% of frontage at setback line as viewed from the street pursuant to the Residential Design Codes; and
 - (b) the glazing for the upper floor bathroom window on the east side is obscured.
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 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 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. 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.
7. 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.



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8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
9. 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.
10. 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.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision 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.*

RECOMMENDATION TO COUNCIL

Cr Dobro – Cr Wilson

That the application for a two storey residence at No. 32B (Lot 88) Gill Street, East Fremantle be deferred pending the submission of revised plans showing the simplification of the front façade to better integrate with the prevailing streetscape and compliance with the Residential Design Codes with regard to the open space requirements and garage width.

CARRIED

T92. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T93. CLOSURE OF MEETING

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

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MINUTES

*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 **14 October 2008**, Minute Book reference **T83. to T93.** were confirmed at the meeting of the Committee on*

.....

Presiding Member