

9 June 2009

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 9 JUNE, 2009 COMMENCING AT 6.30PM.

T44. OPENING OF MEETING

T44.1 Present

| | |
|-------------------|------------------|
| Cr Stefanie Dobro | Presiding Member |
| Mayor Alan Ferris | |
| Cr Barry de Jong | |
| Cr Richard Olson | |
| Cr Dean Nardi | |
| Cr Maria Rico | |
| Cr Alex Wilson | |
| Mr Chris Warrener | Town Planner |
| Mrs Peta Cooper | Minute Secretary |

T45. WELCOME TO GALLERY

There were 10 members of the public in the gallery at the commencement of the meeting.

T46. APOLOGIES

Nil.

T47. CONFIRMATION OF MINUTES

T47.1 Town Planning & Building Committee (Private Domain) – 12 May 2009

Mayor Ferris – Cr Rico

That the Town Planning & Building Committee (Private Domain) minutes dated 12 May 2009 as adopted at the Council meeting held on 19 May 2009 be confirmed.

CARRIED

T48. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T49. REPORTS OF COMMITTEES

T49.1 Town Planning Advisory Panel – 26 May 2009

Cr Olson – Cr de Jong

That the minutes of the Town Planning Advisory Panel meeting held on 26 May 2009 be received and each item considered when the relevant development application is being discussed.

CARRIED

T50. REPORTS OF OFFICERS

T50.1 Receipt of Reports

Cr Olson – Cr Rico

That the Reports of Officers be received.

CARRIED

T50.2 Order of Business

Cr Olson – Cr Rico

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

CARRIED

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T50.3 **Hamilton Street No. 22 (Lot 25)**
Applicant: The Design Mill
Owner: Tonia and Darren Monument
Application No. P64/2009
By Chris Warrener, Town Planner on 4 June 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for ground floor additions to the single storey house at 22 Hamilton Street comprising a single carport on the north side, a family room, laundry, and alfresco at the rear, and an en-suite on the south side.

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)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact on existing red bitumen crossover, which is in good condition
Footpath : Red bitumen footpath in good condition adjacent to property boundary at front

Attachments

Location map
Extract from Municipal Heritage Inventory (MI)
Signed plans of no objection from the adjoining property owners for the parapet wall on the south side for the en-suite, and on the north side for the parapet wall for the carport.
Applicant response to Town Planning Advisory Panel comments.

Documentation

Plans and relevant forms date stamp received on 4 May 2009

Date Application Received

4 May 2009

Advertising

This application was not advertised because the applicant supplied letters of no objection to the variations from the potentially affected adjoining property owners.

No. of Days Elapsed between Lodgement & Meeting Date

35 days

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

12 July 1976 Town Clerk approves the enclosure of a verandah;
2 September 1976 Building Surveyor approves a free standing carport;

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 May 2009 and the following comments were made:

- design of carport appears to mimic the later additions of the veranda on the house which detracts from the integrity of the original residence;

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- consideration should be given to restoring the veranda to its original form;
- carport should be recessed from the façade of the house to differentiate the carport extension from the original residence while retaining the natural light access through the sash windows;
- ensuite roof contradicts the original roof pitch of the home and the proposed carport roof pitch;
- preferable to have ensuite roof as a concealed roof against a parapet wall instead of a skillion roof; and
- need to clarify comment "demo walls as shown dotted".

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Site Inspection

By Town Planner on 20 May 2009

| STATISTICS | Required | Proposed |
|------------------|----------|--------------------------------|
| Land Area | | 1147m ² Existing |
| Open Space | 55% | 71% |
| Zoning | | R12.5 |
| Heritage Listing | | Municipal Inventory (B+^) |

Setbacks:

| | | | |
|------------------------|-----|--------|----------------------------|
| Front (West) | | | |
| <i>Ground Carport</i> | 7.5 | 16.725 | Acceptable |
| <i>Ensuite</i> | 7.5 | 15.8 | Acceptable |
| Rear (East) | | | |
| <i>Ground Laundry</i> | 6.0 | 22.3 | Acceptable |
| <i>Family</i> | 6.0 | 17.9 | Acceptable |
| <i>Alfresco</i> | 6.0 | 15.2 | Acceptable |
| Side (North) | | | |
| <i>Ground Alfresco</i> | 1.0 | 3.18 | Acceptable |
| <i>Carport</i> | Nil | 0.5 | Acceptable |
| | | | <i>Policy 142</i> |
| Side (South) | | | |
| <i>Ground Ensuite</i> | 1.0 | Nil | Discretion Required |
| <i>Laundry</i> | 1.0 | 2.03 | Acceptable |
| <i>Family</i> | 1.5 | 4.43 | Acceptable |

Height:

| | | | |
|----------|-----|-----|------------|
| Wall | 6.0 | 4.4 | Acceptable |
| Building | 9.0 | 5.6 | Acceptable |



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REPORT

Issues

Boundary Setbacks

This application proposes development next to and along 2 side boundaries.

On the north side a carport that is 6m long with a 3m high wall is proposed to be set back 0.5m from the north side boundary common with 20 Hamilton Street.

On the south side an en-suite that is 5.6m long with a 3.2m high wall is proposed to abut the south side boundary.

LPP 142 allows a wall along one side boundary that is no longer than 9m or higher than 3m therefore Council's discretion is required to be exercised for the en-suite (the carport is acceptable development pursuant to LPP 142).

The RDC specify a 1m setback.

Discussion

The proposed boundary setback variations are considered minor they have no impact on the amenity of the potentially affected adjoining properties, and are supported.

In relation to the comments on design provided by TPAP, and the applicant's response to those comments, the town planner considers that the roof over the proposed carport could be simplified to improve the overall appearance of the development, and the carport could be pushed further back without compromising the application.

The roof form over the proposed en-suite is not considered to be a significant visual element and could be supported as proposed.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the south side boundary setback for an en-suite pursuant to the Residential Design Codes from 1.0m to 0m for the construction of ground floor additions to the single storey house at No. 22 (Lot 25) Hamilton Street, East Fremantle comprising a single carport on the north side, a family room, laundry and alfresco at the rear, and an en-suite on the south side in accordance with the plans date stamp received on 4 May 2009 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying that the carport is relocated behind the main building line of the house, and its roof form simplified to the satisfaction of the CEO in consultation with relevant officers.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. 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.
6. 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



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Officer in consultation with the Building Surveyor prior to the issue of a building licence.

7. 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.
8. 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.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

Ms Tania Monument (applicant) addressed the meeting on matters relating to setback for carport and need for gable.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the south side boundary setback for an en-suite pursuant to the Residential Design Codes from 1.0m to 0m for the construction of ground floor additions to the single storey house at No. 22 (Lot 25) Hamilton Street, East Fremantle comprising a single carport on the north side, a family room, laundry and alfresco at the rear, and an en-suite on the south side in accordance with the plans date stamp received on 4 May 2009 subject to the following conditions:

1. prior to the issue of a building licence amended plans are to be submitted specifying that the carport roof form is simplified to the satisfaction of the CEO in consultation with relevant officers.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. 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.
6. 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.
7. 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.
8. 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.

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

Footnote:

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

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

CARRIED

T50.4

Clayton Street No. 27A (Lot 304)

Applicant: Michael Pratt c/- Sandtracks Design

Owner: Alex Nelson Farfan & Sharnee Bea Farfan

Application No. P62/2009

By Chris Warrener, Town Planner on 25 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions to the 2-storey house at 27A Clayton Street comprising:

Ground Floor: new alfresco;

First Floor: hallway, master bedroom & en-suite, balcony.

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)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Attachments

Location map

Submissions x 2

Applicant's submissions response

9 June 2009

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Documentation

Plans and relevant forms date stamp received on 22 April 2009

Date Application Received

22 April 2009

Advertising

Adjoining land owners only

Date Advertised

23 April 2009

Close of Comment Period

8 May 2009

No. of Days Elapsed between Lodgement & Meeting Date

47 days

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

| | |
|-------------------|---|
| 15 August 1994 | Council grants approval for demolition of a timber framed residence and decides to advise the State Planning Commission that it supports the subdivision of 27 Clayton Street into 2 lots; |
| 31 August 1994 | State Planning Commission conditionally approves the subdivision; |
| 16 October 1995 | Council grants special approval for a 2-storey house on reduced setbacks at 27B Clayton Street; |
| 14 January 1996 | Building Licence issued for 2-storey house at 27B Clayton Street; |
| 17 June 1996 | Council grants approval for an amendment to Building Permit No. 163/2368 to remove a northern boundary wall and relocate the proposed carport with a reduced setback at 27B Clayton Street; |
| 21 September 1996 | Council grants special approval for a 2-storey house with a boundary wall and reduced setbacks at 27A Clayton Street; |
| 27 October 1999 | Building Licence issued for 2-storey house at 27A Clayton Street. |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 May 2009 and the following comments were made:

- acceptable; and
- in this particular instance the relaxation can be supported.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

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

Pam & George Trotter
30 Stratford Street

- object;
- overlooking;
- intrusion; and
- visual impact.

Colin & Mark Murphy
25 Clayton Street

- no matters of concern regarding current application;
- concerns relate to existing upper level windows which were supposed to have been obscure glazed and are not.

Site Inspection

By Town Planner on 8 May 2009

| STATISTICS | Required | Proposed |
|-------------------|-----------------|-------------------------------|
| Land Area | | 456m ² Existing |
| Open Space | 55% | 73.28% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | | Not listed |

Setbacks:

| | | | |
|-----------------------------|------------------------------|-----------------|------------------------------------|
| Front (East) | | | |
| <i>Upper</i> | <i>N/a</i> | | |
| | <i>Additions are to rear</i> | | |
| Rear (West) | | | |
| <i>Ground</i> | <i>Alfresco</i> | 6.0 | 14.3 Acceptable |
| <i>Upper</i> | <i>Master</i> | 6.0 | 14.3 Acceptable |
| <i>Balcony</i> | | 7.5 | 12.4 Acceptable |
| <i>Ensuite</i> | | 6.0 | 14.3 Acceptable |
| Side (North) | | | |
| <i>Ground</i> | <i>Alfresco</i> | 1.0 | 1.2 Acceptable |
| <i>Upper</i> | <i>Ensuite (Wall height)</i> | 6.15 to 6.65 | 6.0 Discretion Required |
| <i>Balcony</i> | | 1.1 | 3.03 Acceptable |
| Side (South) | | | |
| <i>Ground</i> | <i>Alfresco</i> | 1.0 | 1.5 Acceptable |
| <i>Upper</i> | <i>Balcony</i> | 1.1 | 3.095 Acceptable |
| <i>Master (Wall height)</i> | | 6.15 to 6.65 | 6.0 Discretion Required |
| Wall | | 6.0 | 6.65 Discretion Required |
| Building | | 9.0 | 7.0 Acceptable |

Overshadowing: (17.81% of adjoining property)

Privacy/Overlooking: N/a

**REPORT
Issues**

Building Height This application is for two storey additions at the rear which incorporate a skillion roof pitched at 5°.



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On the north side the wall for an en-suite varies from 6.15m up to 6.65m above natural ground level (NGL).

On the south side the wall for the master bedroom varies from 6.15m up to 6.65m above NGL.

The RDC specify a 6m wall height limit.

Submissions

The submission from 30 Stratford Street objects to the application because of overlooking/privacy concerns.

The submission from 25 Clayton Street relates to two upper floor windows on the south side which should have been obscure glazed in accordance with a previous planning approval and building licence.

Discussion

Building Height

The proposed variations to building height are required in response to the existing house so as to maintain level floor and ceiling heights and maintain continuity between the existing and proposed development.

Overall the height of the development at 7m complies with the specified roof height limit of 9m.

The wall height variations are considered relatively minor, do not detrimentally impact on the amenity of adjoining properties, and are supported.

Submissions

The submission from the owners of 30 Stratford Street is not considered valid because the area overlooked by the proposed additions comprises a large outbuilding/shed in the northeast corner of that property, and visual inspection reveals that the roof of the shed is the only immediately visible element of the property at 30 Stratford Street, with substantial ground level additions currently under construction.

There are no outdoor living areas affected by the proposed additions.

In any event the additions are set back 14.3m from the rear boundary, the setback specified under the RDC is 7.5m therefore the application proposes additions which "more than comply" with the setback requirements for overlooking and privacy.

The submission from the owners of 25 Clayton Street relates to two windows that were installed as an integral part of the 2-storey house for which a Building licence was issued in October 1999.

The planning approval plans and the building licence plans both specify that a portion of the window to an upper floor living area that overlooks the north side of 25 Clayton Street was to be obscure glazed. Unfortunately, for reasons unknown, this window is completely clear with unrestricted views including the kitchen window on



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the north side of the single storey house at 25 Clayton Street.

This particular matter is presently the subject of an internal investigation, and appropriate action will be undertaken in consultation with the CEO to rectify the situation.

RECOMMENDATION

That Council exercise its discretion in granting approval for variations to wall height on the north and south sides pursuant to the Residential Design Codes from 6m to 6.65m for the construction of additions to the 2-storey house at No. 27A (Lot 304) Clayton Street, East Fremantle comprising:

Ground Floor: new alfresco;

First Floor: hallway, master bedroom & en-suite, and balcony;

in accordance with the plans date stamp received on 22 April 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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.
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. 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.
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) *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 alfresco may not be enclosed without the prior written consent of Council.*

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Mr George Trotter (rear neighbour at 30 Stratford Street) raised concerns with the loss of amenity which would result from the proposed upper level master bedroom and ensuite.

Mr Michael Pratt (designer) and his clients, Mr & Mrs Alex & Sharnee Farfan, addressed the meeting in support of the proposed additions.

RECOMMENDATION TO COUNCIL

Cr Olson – Mayor Ferris

That Council exercise its discretion in granting approval for variations to wall height on the north and south sides pursuant to the Residential Design Codes from 6m to 6.65m for the construction of additions to the 2-storey house at No. 27A (Lot 304) Clayton Street, East Fremantle comprising:

Ground Floor: new alfresco;

First Floor: hallway, master bedroom & en-suite, and balcony;

in accordance with the plans date stamp received on 22 April 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. 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.**
- 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. 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.**
- 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) 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 alfresco may not be enclosed without the prior written consent of Council.
CARRIED

Footnote:

Councillors agreed to undertake a site visit at 5.30pm on Tuesday 16 June prior to the Council meeting.

T50.5

View Terrace No. 23A (Lot 1)

Applicant & Owner: Trevor John Lowenhoff & Martene Elizabeth Seminara

Application No. P63/2009

By Chris Warrener, Town Planner on 30 April 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 4.68m long x 4.2m wide x 3.8m high patio next to the northwest boundary of 23A View Terrace.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Attachments

Location map

Adjoining property owner comment form

Documentation

Plans and relevant forms date stamp received on 29 April 2009

Date Application Received

29 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

40 days

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

15 March 1993 Council defers a decision on an application for a duplex development;

17 May 1993 Council grants special approval for the demolition of an existing duplex, and erection of a duplex development;

23 September 1993 Building Licence 102/2088 approved for duplex development;

13 December 1995 Town Clerk endorses Strata Plan for the duplex development;

2 April 1996 Certificate of Title issued for Strata Plan.

CONSULTATION

REPORT

Issues

Boundary Setbacks

This application is for a pitched hipped roof patio that will be set back 0.8m from the northwest boundary common

with 23 View Terrace.

The RDC specify a 1m setback therefore Council is required to exercise its discretion to permit the patio.

Discussion

The owners of the adjoining property have endorsed the "Adjoining property owner comment form" pursuant to the RDC in relation to the proposed setback variation.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the northwest side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.8m for the construction of a 4.68m long x 4.2m wide x 3.8m high patio next to the northwest boundary of No. 23A (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 29 April 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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.
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. 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.*

Mr Trevor Lowenhoff (applicant) addressed the meeting in support of the proposed patio addition.

RECOMMENDATION TO COUNCIL

Cr Rico – Mayor Ferris

That Council exercise its discretion in granting approval for a variation to the northwest side boundary setback pursuant to the Residential Design Codes from 1.0m to 0.8m for the construction of a 4.68m long x 4.2m wide x 3.8m high patio next to the northwest boundary of No. 23A (Lot 1) View Terrace, East Fremantle in accordance with the plans date stamp received on 29 April 2009 subject to the following conditions:

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1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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.
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. 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.*

CARRIED

Cr de Jong left the meeting at 7.20pm.

Cr Nardi made the following impartiality declaration in the matter of 21 Locke Crescent: "As a consequence of the applicant and designer, Mr Brent de Pledge, 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.

T50.6 Locke Crescent No 21 (Survey-Strata Lot 1)

Applicant: De Pledge Design

Owner: Pietro & Rosanna Pietroniro

Application No. P60/2009

By Chris Warrener, Town Planner on 4 June 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house with brick screen walls and wrought iron infill at 21 Locke Crescent (Survey-strata Lot 1, cnr Habgood Street) comprising:

Ground Floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First Floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar.

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The house is proposed with cement rendered brick-work, and a mix of concealed and pitched roof forms; the pitched roof is proposed to be tiled and pitched at 28°.

It is proposed to construct a brick screen wall/front fence with wrought iron infill, a section of this wall along Locke Crescent is solid varying up to 1.8m above natural ground level.

Statutory Considerations

Town Planning Scheme No. 3 - Residential R12.5, sub-Clause 5.3.1 Density bonus for corner lots

Local Planning Strategy - Richmond Hill 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 143 : Fencing (LPP 143)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : Existing 12m wide and 6m wide bitumen crossovers in need of repair

Footpath : Concrete slab path abutting kerb in reasonable condition

Attachments

Location map

WAPC subdivision approval

Submissions x 1

Applicant's submission response

Applicant's response to Town Planning Advisory Panel members' comments

Documentation

Plans and relevant forms date stamp received on 22 April 2009

Date Application Received

22 April 2009

Advertising

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

Date Advertised

23 April 2009

Close of Comment Period

8 May 2009

No. of Days Elapsed between Lodgement & Meeting Date

47 days

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

15 January 1974 Additions comprising a bedroom, family room, and garage approved;

2 September 1974 Approval for a patio;

5 December 2008 CEO acting under delegated authority advises the WAPC that subdivision of 21 Locke Crescent into 2-lots is supported subject to 3 conditions;

14 January 2008 WAPC grants conditional approval for the subdivision of 21 Locke Crescent into 2 survey-strata lots (1 x 440m², 1 x 511m²).

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| STATISTICS | | Required | Proposed |
|-----------------------------|-------------------------------------|-----------|------------------------------|
| Rear S/East) | | | |
| Ground | Garage, (setback) | Store 1.5 | Nil Discretion Required |
| | Ensuite, Cellar, Study (setback) | 1.8 | Nil Discretion Required |
| Side (East) | | | |
| Ground | Garage | Nil | Nil Acceptable |
| Upper | Master Suite, Ensuite | 1.2 | 1.020 Discretion Required |
| Side (S/West) | | | |
| Ground | Alfresco | 1.5 | 2.5 Acceptable |
| | Laundry, Bed 3, Bath, Bed 4 | 1.5 | 1.5 Acceptable |
| Upper | Alfresco, Dining, Kitchen (setback) | 2.8 | 3.0 Acceptable |
| | Study | 2.3 | 3.35 Acceptable |
| Height: | | | |
| Wall | | 5.6 & 6.5 | 5.6 & 6.5 Acceptable |
| Building | | 8.1 | 8.0 Acceptable |
| Overshadowing: | | N/a | |
| Privacy/Overlooking: | | N/a | |

REPORT

Assessment

The property on which this 2-storey house is proposed is situated at the corner of Locke Crescent and Habgood Street; the property is proposed Survey-strata Lot 1, and is the subject of a WAPC subdivision approval granted on 14 January 2008.

The WAPC subdivision approval included the following condition:

1. *Prior to the commencement of subdivision works to satisfy the conditions of this approval, Planning Approval shall be obtained from the Town of East Fremantle pursuant to the provisions of the Town of East Fremantle's Local Planning Scheme No. 3 (specifically sub clause 5.3.1) for the construction of a single house on each of the proposed lots. (Local Government)*

The subdivision was supported because it was proposed for a corner lot for which the following TPS 3 provision applies:

“5.3.1 Density Bonus for Corner Lots

In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development.”



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The house proposed to be built on Survey-strata Lot 1 (the subject house) is designed to face Locke Crescent, and the house proposed to be built on Survey-strata Lot 2 is designed to face Habgood Street.

The existing house on the property presents as a rather 'run-down' salmon brick and tile house with 4 garages and two crossovers (one that is 12m wide, the other is 6m wide) to Locke Crescent.

The existing house is considered quite unattractive, and it detracts from the general amenity and streetscape of the locality. Notwithstanding the comments of TPAP the application for the two 2-storey houses is considered to improve the visual amenity of Habgood Street and Locke Crescent.

The following assessment is for the house with its frontage to Locke Crescent (Survey-strata Lot 1), and is based on a density of R20 pursuant to TPS 3, sub-Cl. 5.3.1.

Issues

Boundary Setbacks

*Front (North Side)
Boundary*

The application proposes a portico set back 5.007m and an upper floor balcony set back 5.01m from the front boundary.

The specified setback under the RDC is 6m.

In regard to the portico and balcony incursions into the front setback the relevant acceptable development provisions under the RDC state:

- "A2 i *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.*
- ii *Any eaves not forming part of a porch, balcony or verandah to project not more than 1m into the street setback area for the full width of the building.*"
(RDC, 6.2 Streetscape requirements, 6.1.2 Minor incursions into street setback area.)

Both incursions project no more than 1m into the street setback, and their total width amounts to 7.8m. The frontage of proposed Survey-strata Lot 1 amounts to 27.3m therefore the total of the two projections amounts to 28.57% of the frontage.

Council's discretion is required to be exercised for a variation to the extent of the incursion into the front setback comprising 8.57%.

*Side (Southeast) Boundary
Common with Proposed
Lot 2*

A 4-car garage has a 14.7m long wall that varies up to 2.5m high along the southeast boundary.

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

Being more than 9m long Council's discretion is required to be exercised for the garage wall. Under the RDC the



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specified setback is 1.5m.

The upper floor wall for an en-suite, cellar and study, which is situated directly above the garage, and is similarly along the southeast boundary, is 13.9m long.

The RDC specify a 1.8m setback.

*Side (East) Boundary
Common with Proposed
Lot 2*

The upper floor wall for a master suite and en-suite is set back 1.020 m from the east side boundary; the RDC specify a 1.2m setback.

Front Fence

The plans accompanying the application include a front fence which contains a solid section that varies up to 1.8m above NGL.

LPP 143 states:

“Part 3 - Fence Design
Council requires front fences and walls above 1.2m to be visually permeable defined as:

Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open .(Note: This differs from the ‘R’ Codes)”

Open Space

This application if approved and implemented will result in the proposed property containing 48.65% open space. The RDC specify 50% therefore Council is required to exercise its discretion for a 1.35% open space variation.

Submission

The submission from 11 Habgood Street states concerns regarding the impact of the proposed house on views.

Discussion

Boundary Setbacks

*Front (North Side)
Boundary*

In regard to the front setback incursions the relevant performance criteria under the RDC states:

“P2 Minor incursions and projections not to detract from the character of the streetscape.”

The proposed variation is not considered significant given the wide frontage of the proposed property. The incursions are less than 1m and are not considered to have a detrimental impact on the local streetscape and can be supported.

*Side (Southeast) Boundary
Common with Proposed
Lot 2*

In regard to the variation proposed for the boundary wall for the garage this is not considered to be an issue because this wall will provide an effective privacy screen between the two proposed properties.

*Side (East) Boundary
Common with Proposed
Lot 2*

The setback variation for the wall for the proposed master suite at 0.78m is not considered significant, and it will provide an effective solar and wind barrier from the hot summer sun and prevailing westerly winds.



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Front Fence

The fence along Habgood Street is solid up to 1.2m high, and complies with LPP 143.

A 13m section of the fence along Locke Crescent is solid up to 1.5m high, and a 6m section next to the corner truncation is solid varying from 1.2m up to 1.8m high.

This fence is not considered to have a detrimental impact on the local streetscape given the design and appearance of fences to the east along Locke Crescent.

The proposed house is designed to take advantage of and make maximum use of solar access from the north therefore its primary indoor and outdoor living areas are situated on the north side.

Being a corner lot with an unusual triangular shape and sloping topography the property has no "back yard"; the proposed fence is designed to provide the property with some outdoor living area privacy at the front.

Open Space

At 1.35% the proposed open space variation is considered relatively minor and can be supported.

Submission

The applicant has responded to the concerns raised in the submission; the contents of the applicant's response are supported. The development is compliant in terms of building height therefore the objection is not considered valid under the circumstances.

RECOMMENDATION

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

- (a) variation to the north side boundary setback for a portico and upper floor balcony pursuant to the Residential Design Codes from 6m to 5.007m and 5.01m respectively;
- (b) variation to the southeast side boundary setback for a ground floor garage and an upper floor wall for an en-suite, cellar and study pursuant to the Residential Design Codes from 1.5m and 1.8m to 0m;
- (c) variation to the east side boundary setback for a master suite and en-suite pursuant to the Residential Design Codes from 1.2m to 1.020m;
- (d) variation to Local Planning Policy 143 to permit sections of a front fence to be solid up to 1.8m high;
- (e) variation to the amount of open space pursuant to the Residential Design Codes from 50% to 48.65%;

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 21 Locke Crescent (Survey-strata Lot 1), East Fremantle comprising:

Ground Floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First Floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar;

in accordance with the plans date stamp received on 22 April 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 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.
 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.*



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- (g) *the alfrescos and balcony 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.*

Mr Brent de Pledge (applicant & designer) addressed the meeting in support of the proposed residence.

RECOMMENDATION

Cr Dobro – Cr Wilson

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

- (a) **variation to the north side boundary setback for a portico and upper floor balcony pursuant to the Residential Design Codes from 6m to 5.007m and 5.01m respectively;**
- (b) **variation to the southeast side boundary setback for a ground floor garage and an upper floor wall for an en-suite, cellar and study pursuant to the Residential Design Codes from 1.5m and 1.8m to 0m;**
- (c) **variation to the east side boundary setback for a master suite and en-suite pursuant to the Residential Design Codes from 1.2m to 1.020m;**
- (d) **variation to Local Planning Policy 143 to permit sections of a front fence to be solid up to 1.8m high;**

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 21 Locke Crescent (Survey Strata Lot 1), East Fremantle comprising:

Ground Floor: 4-car garage & store, portico, 3 bedrooms, bathroom, laundry, activity room, powder room, computer nook, foyer and alfresco;

First Floor: master suite with balcony & en-suite, built-in-robe, powder room, living dining room, kitchen, pantry, study and cellar;

in accordance with the plans date stamp received on 22 April 2009 subject to the following conditions:

- 1. prior to the issue of a building licence revised drawings be submitted showing:
 - (a) **simplification of the design including removal of the turrets; and**
 - (b) **compliance with the open space requirements pursuant to the Residential Design Codes;**to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. 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.**
- 6. 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.**
- 7. 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**

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- natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. 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.
 9. 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.
 10. 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.
 11. 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.
 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.***
- (g) ***the alfrescos and balcony 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

Cr Nardi made the following impartiality declaration in the matter of 21 Locke Crescent: "As a consequence of the applicant and designer, Mr Brent de Pledge, 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."

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T50.7 **Locke Crescent No. 21 (Survey Strata Lot 2)**
Applicant: De Pledge Design
Owner: Pietro & Rosanna Pietroniro
Application No. P60/2009
By Chris Warrener, Town Planner on 4 June 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house with brick screen walls and wrought iron infill at 20 Habgood Street (Survey-strata Lot 2) comprising:

Ground Floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;

First Floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco.

The house is proposed with cement rendered brick-work and a conventional colorbond roof with its dominant element facing Habgood Street pitched at 28°.

Statutory Considerations

Town Planning Scheme No. 3 - Residential R12.5, sub-Clause 5.3.1 Density bonus for corner lots

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)

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

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No existing crossover

Footpath : Cast-in-situ concrete path adjacent to kerb in new condition

Attachments

Location map

WAPC subdivision approval

Submissions x 1

Applicant's submission response

Applicant's response to Town Planning Advisory Panel member's comments

Documentation

Plans and relevant forms date stamp received on 22 April 2009

Date Application Received

22 April 2009

Advertising

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

Date Advertised

23 April 2009

Close of Comment Period

8 May 2009

No. of Days Elapsed between Lodgement & Meeting Date

47 days

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

| | |
|------------------|---|
| 15 January 1974 | Additions comprising a bedroom, family room, and garage approved; |
| 2 September 1974 | Approval for a patio; |
| 5 December 2008 | CEO acting under delegated authority advises the WAPC that subdivision of 21 Locke Crescent into 2-lots is supported subject to 3 conditions; |
| 14 January 2008 | WAPC grants conditional approval for the subdivision of 21 Locke Crescent into 2 survey-strata lots (1 X 440m ² , 1 X 511m ²). |

CONSULTATION

Town Planning Advisory Panel Comments

This application was emailed to the Town Planning Advisory Panel members for comment by 3 June 2009 and the following comments were made:

- the dwelling proposed for Lot 1 appears as a grand house with an aesthetic that is relatively contrary to the surrounding building stock. By contrast the dwelling proposed for Lot 2 is of a much lower quality. I believe the two dwellings should at least carry similar styling references and these should be contextually appropriate. I find the physical expression of both dwellings inappropriate to the context.
- the design of the dwelling for Lot 1 does maximise the potential for good solar access to many rooms. Similarly the other dwelling addresses solar access to the living spaces.
- the open space requirements of the lots should not be permitted to exceed the mandated 50%.
- the windows to Bed 4 of the dwelling on Lot 2 are very small. Will this comply? Even if the design does comply Beds 3 and 4 will not be pleasant spaces
- overall, I don't believe either dwelling adds anything worthwhile to the streetscape and in fact will create more examples of unfortunate design.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

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

Site Inspection

By Town Planner on 4 May 2009

| STATISTICS | Required | Proposed |
|-------------------|-----------------|-------------------------------|
| Land Area | | 440m ² Existing |
| Open Space | 50% | 64.75 |
| Zoning | | R12.5 |
| Heritage Listing | | N/a |

Setbacks:

| | | | |
|---------------------------|-------------------------------------|-----|--------------------|
| Front (S/West) | | | |
| <i>Undercroft</i> | <i>Drying, laundry, & store</i> | 6.0 | 12.2 Acceptable |
| <i>Ground (mid-floor)</i> | <i>Garage</i> | 6.0 | 6.2 Acceptable |
| | <i>Portico</i> | 6.0 | 6.8 Acceptable |
| <i>Upper</i> | <i>Bed 1</i> | 6.0 | 6.0 Acceptable |

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| STATISTICS | WIR | Required | Proposed |
|---------------------|---|-----------|--|
| | | 6.0 | 9.1 Acceptable |
| Rear (North) | | | |
| Undercroft | Alfresco, Bed 2 | 1.5 | 5.3 Acceptable |
| Ground (mid-floor) | Alfresco | 2.5 | 5.3 Acceptable |
| Upper | N/a | | |
| Side (S/East) | | | |
| Undercroft & Ground | Linen | 1.0 | 1.2 Acceptable |
| | Bath, Pwdr, Bar | 1.0 | 1.0 Acceptable |
| | Activity | 1.0 | 1.5 Acceptable |
| | Alfresco | 1.5 | 2.1 Acceptable |
| Upper | Portico | 1.0 | 1.2 Acceptable |
| | Entry | 1.0 | 1.2 Acceptable |
| | Kitchen | 1.1 | 1.5 Acceptable |
| | Living | 1.2 | 2.1 Acceptable |
| Side (N/West) | | | |
| Undercroft | Bed 4 | 1.0 | 1.0 Acceptable |
| | Laundry | 1.0 | 2.0 Acceptable |
| Ground | Meals, Study | 1.0 | 1.0 Acceptable |
| | Garage(setback) | 1.0 | Nil Discretion Required |
| Upper | Ensuite, Bed 1 (wall height) (Between houses no impact on views) | 5.6 & 6.5 | 5.3 to 5.8 Discretion Required |
| Side (West) | | | |
| Ground | Bed 2 & 3 | 1.5 | 1.5 Acceptable |
| Upper | Alfresco | 1.5 | 1.5 Acceptable |
| | Living | 1.5 | 1.5 Acceptable |
| Height: | | | |
| Wall | | 5.6 & 6.5 | 5.8 Acceptable |
| Building | | 8.1 | 8.0 Acceptable |

REPORT

Assessment

The property at which this 2-storey house is proposed has two street frontages, its primary street frontage is to Habgood Street; the property is proposed as Survey-strata Lot 2, and is the subject of a WAPC subdivision approval dated 14 January 2008.

The WAPC subdivision approval included the following condition:

1. *Prior to the commencement of subdivision works to satisfy the conditions of this approval, Planning Approval shall be obtained from the Town of East Fremantle pursuant to the provisions of the Town of East Fremantle's Local Planning Scheme No. 3 (specifically sub clause 5.3.1) for the construction of a single house on each of the proposed lots. (Local Government)*

The subdivision was supported because it was proposed for a corner lot for which the following TPS 3 provision applies:

“5.3.1 Density Bonus for Corner Lots

In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development.”

The house proposed to be built on survey-strata Lot 1 is designed to face Locke Crescent, and the house proposed to be built on survey-strata Lot 2 (the subject house) is designed to face Habgood Street.

The existing house is considered quite unattractive, and it detracts from the general amenity and streetscape of the locality. Notwithstanding the comments of TPAP the application for the two 2-storey houses is considered to improve the visual amenity of Habgood Street and Locke Crescent.

The following assessment is for the house with its frontage to Habgood Street (Survey-strata Lot 2), and is based on a density of R20 pursuant to TPS 3, sub-CI. 5.3.1.

Issues

| | |
|---|--|
| <i>Building Height</i> | An upper floor wall on the northwest side for bedroom 1 and an en-suite varies up to 5.8m above natural ground level. LPP 142 specifies a 5.6m wall height limit. |
| <i>Side (Northwest) Boundary Common with Proposed Lot 1</i> | The application proposes a double garage with a 6.3m long X up to 3.9m high wall that is set back 0m from the northwest side boundary. LPP 142 allows a wall along one side boundary that is no higher than 3m or longer than 9m therefore Council's discretion is required to be exercised for the height of this wall. The RDC specify a 1m setback. |
| <i>Submission</i> | The submission from 11 Habgood Street states concerns regarding the impact of the proposed house on views. |
| Discussion | |
| <i>Building Height</i> | The proposed wall height variation is considered minor |



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and as it abuts a wall for the proposed adjoining house, which complies with LPP 142, can be supported.

Boundary Setbacks

The proposed double garage wall abuts the wall for the proposed adjoining house and can be supported.

Submission

The applicant has responded to the concerns raised in the submission; the contents of the applicant's response are supported. The development is compliant in terms of building height therefore the objection is not considered valid under the circumstances.

RECOMMENDATION

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

- (a) variation to building height for a wall for a bedroom and en-suite on the northwest side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;
- (b) variation to the height of a boundary wall for a double garage pursuant to Local Planning Policy 142 from 3m to 3.9m;

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 20 Habgood Street (Survey Strata Lot 2), East Fremantle comprising:

Ground Floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;

First Floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco;

in accordance with the plans date stamp received on 22 April 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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.
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

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- 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 alfrescos 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.*

Mr Brent de Pledge (applicant & designer) addressed the meeting in support of the proposed residence.

RECOMMENDATION TO COUNCIL'

Mayor Ferris – Cr Olson

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

- (a) **variation to building height for a wall for a bedroom and en-suite on the northwest side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;**
- (b) **variation to the height of a boundary wall for a double garage pursuant to Local Planning Policy 142 from 3m to 3.9m;**

for the construction of a 2-storey house with brick screen walls and wrought iron infill at No. 20 Habgood Street (Survey Strata Lot 2), East Fremantle comprising:

Ground Floor: double garage, portico, entry, lobby, study, activity room, 3 bedrooms, bathroom, powder room laundry, store and linen area, and alfresco;

First Floor: bedroom, en-suite, built-in-robe, powder room, study, kitchen, meals and living room, & alfresco;

in accordance with the plans date stamp received on 22 April 2009 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.**



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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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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.
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.*

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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).*
 - (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 alfrescos 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**

Cr de Jong returned to the meeting at 8.35pm.

T50.8 **Aldgate Place No. 7 (Lot 16)**
Applicant: Philip Griffiths Architects
Owner: Greg & Leonie Wallace
Application No. P51/2009
By Chris Warrener, Town Planner on 4 June 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions to the single storey house at 7 Aldgate Place comprising:

Ground Floor: new kitchen, casual lounge & pergola;

First Floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom.

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)

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Attachments

Location map

Submissions x 1

Applicant's submission response

Heritage Council advice

Documentation

Plans and relevant forms date stamp received on 31 March 2009

Date Application Received

31 March 2009

Additional information

6 May 2009 Email received from Applicant regarding TPAP concerns clarifying appearance of proposed addition.

Advertising

Adjoining land owners only

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Date Advertised

1 April 2009

Close of Comment Period

16 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

69 days

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

7 May 1979 National Trust Classification;
28 September 1982 Register of National Estate;
18 March 1996 Council grants special approval for a carport;
27 March 1996 Building Permit 06A/2388 approved for carport;
29 November 1996 Aldgate is listed on the interim registration for the Register of Heritage Places;
9 May 1997 Aldgate entered on the Register of Heritage Places;
18 April 2000 Council grants special approval for north side setback variation for pool house additions;
15 February 2005 Council defers mezzanine floor alterations and additions.

CONSULTATION

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 April 2009 and the following comments were made:

- in principle support for additions;
- pertinent detail in relation to the materials, colours and finishes of additions to this significant heritage home is required – particularly direction of pan of wall/roof cladding.

Further information was provided by the architect about the roof sheet on the 6th May 2009 and the information was considered by the Town Planning Advisory Panel at its meeting held on 26 May 2009, with the following comments made:

- the Panel acknowledged receipt of the information.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Site Inspection

By Town Planner on 7 May 2009

| STATISTICS | Required | Proposed |
|-------------------|---|--------------------------------|
| Land Area | | 1794m ² Existing |
| Open Space | 55% | 81.6% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | State Register of Heritage Places Register of the National Estate Classified by National Trust Heritage List (TPS No. 3) | |

Setbacks:

Front (West)

N/a – Addition to rear

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| | | | | |
|----------------|---------|------|--|----------------------------|
| Rear (East) | | | | |
| Ground | Lounge | 6.00 | | 5.965 |
| | | | | Discretion Required |
| Upper | Bedroom | 6.00 | | 5.965 |
| | | | | Discretion Required |
| Side (North) | | | | |
| Ground | Lounge | 1.50 | | 27.00 |
| | | | | Acceptable |
| Upper | Bedroom | 4.50 | | 27.00 |
| | | | | Acceptable |
| Side (South) | | | | |
| Ground | Lounge | 1.00 | | 7.65 |
| | | | | Acceptable |
| Upper | Bedroom | 1.10 | | 7.65 |
| | | | | Acceptable |
| Height: | | | | |
| Wall | | 6.00 | | 5.50 |
| | | | | Acceptable |
| Building | | 9.00 | | 7.50 |
| | | | | Acceptable |

Overshadowing:

N/a

Privacy/Overlooking:

N/a

Other Agency/Authority

Heritage Council of Western Australia (HCWA)

Public Submissions

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

Norman Wilkinson
55A Staton Road

- new structure inappropriate design;
- uphold intent of Aldgate Conservation Plan.

REPORT

Issues

Boundary Setbacks

A proposed ground floor casual lounge and upper floor bedroom are set back 5.965m from the east side (rear) boundary) common with 55A and 55B Staton Road.

The RDC specify a 6m rear setback for R12.5 coded property therefore Council's discretion is required to be exercised for a 0.035m setback variation.

Heritage

7 Aldgate Place contains the historic residence called "Aldgate".

Aldgate is on the Heritage List under TPS 3, and it is on the State Register of Heritage Places therefore this application was referred to the HCWA for comment.

Submission

The submission considers that the "proposed new structure does not appear to be of appropriate design".



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TPAP Comments The panel supported the application subject to clarification of building materials, colours and finishes, and queried the direction of the roof pan in relation to the pan of the roof on the existing house.

Discussion

Boundary Setbacks The proposed rear setback variation is considered extremely minor, amounting to 0.35m, it does not detrimentally impact on the amenity of the potentially affected properties at 55A and 55B Staton Road, the potentially affected property owners have not objected to the variation, which is supported.

Heritage In relation to the concerns raised by TPAP the applicant advised in an email on 6 May 2009 that the corrugations for the roof sheet will run in the direction of the fall (match remaining roof) and for the joints to the zinc sheeting to be horizontal.

The Heritage Council advised that it supports the proposal subject to:

1. A report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.

The Development Committee also suggests that the 1995 Conservation Plan be updated once works are completed.

Submission The applicant has provided a response to the contents of the submission in particular the reference to the Aldgate Conservation Plan.

Given that this is a matter more appropriately commented on by HCWA the town planner does not propose to offer any further comment.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6.0m to 5.965m for the construction of additions to the single storey house at No. 7 (Lot 16) Aldgate Place, East Fremantle comprising:

Ground Floor: new kitchen, casual lounge & pergola;

First Floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom;

in accordance with the plans date stamp received on 31 March 2009 subject to the following conditions:

1. a report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.
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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning



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- approval, without those changes being specifically marked for Council's attention.
5. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. 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.
 7. 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.
 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) *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 pergola may not be enclosed without the prior written consent of Council.*
- (e) *the applicant is advised to consult with the Heritage Council of WA in regard to updating the 1995 Conservation Plan once works are completed.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the east side (rear) boundary setback pursuant to the Residential Design Codes from 6.0m to 5.965m for the construction of additions to the single storey house at No. 7 (Lot 16) Aldgate Place, East Fremantle comprising:

Ground Floor: new kitchen, casual lounge & pergola;

First Floor: lounge/dining room, finishing kitchen, study, bathroom & bedroom;
in accordance with the plans date stamp received on 31 March 2009 subject to the following conditions:

1. **a report is to be submitted to the Heritage Council on completed conservation works within three months of the completion of works.**
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. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
5. **the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**

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6. 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.
7. 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.
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) 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 pergola may not be enclosed without the prior written consent of Council.***
- (e) the applicant is advised to consult with the Heritage Council of WA in regard to updating the 1995 Conservation Plan once works are completed. CARRIED***

T50.9 George Street No. 117 (Lots 370 & 371)

Applicant: Michael Pollock

Owner: Anna Taylor & Mark Wilson

Application No. P57/2009

By Chris Warrener, Town Planner on 28 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a verandah at the rear of the single storey terrace house at 117 George Street.

Statutory Considerations

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

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact

Attachments

Location map
Heritage Council of Western Australia (HCWA) advice letter

Documentation

Plans and relevant forms date stamp received on 17 April 2009

Date Application Received

17 April 2009

Advertising

Adjoining land owners only & Body Corporate

Date Advertised

21 April 2009

Close of Comment Period

5 May 2009

No. of Days Elapsed between Lodgement & Meeting Date

34 days

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

15 November 2005 Council approves replacement side and rear fences.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 May 2009 and the following comments were made:

- fine.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Other Agency/Authority

Heritage Council of WA

REPORT

Comment

Approval is sought for a verandah at the rear of the single storey terrace house at 117 George Street.

This dwelling is part of a group of 7 attached terrace houses which are on the Heritage List under TPS 3 therefore the application was referred to the HCWA for comment and advice.

The HCWA has advised that "*we have no objections to the proposed works*".

Given that the proposal meets all relevant acceptable development provisions and no discretionary decisions are required by Council, the proposal is supported.

RECOMMENDATION

That Council grant approval for the construction of a verandah at the rear of the single storey terrace house at No. 117 (Lots 370 & 371) George Street, East Fremantle in accordance with plans date stamp received on 17 April 2009, 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning



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- approval, without those changes being specifically marked for Council's attention.
4. the proposed verandah 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.
 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. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
 7. 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 verandah may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

That Council grant approval for the construction of a verandah at the rear of the single storey terrace house at No. 117 (Lots 370 & 371) George Street, East Fremantle in accordance with plans date stamp received on 17 April 2009, 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. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
4. **the proposed verandah 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.**
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. **development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.**
7. **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) 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 verandah may not be enclosed without the prior written consent of Council. CARRIED

T50.10 **Walter Street No. 25A (Lot 2)**
Applicant: Solar Dwellings
Owner: Jason Amaranti & Yusenkha Oseda
Application No. P58/2009
By Chris Warrener, Town Planner on 28 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 25A Walter Street comprising:

Ground Floor: double garage, porch, entry, store under stairs, study, guest bedroom & en-suite, family, meals and kitchen, laundry;

Upper Floor: 2 bedrooms, built-in-robe & en-suite, bathroom, sitting room, and balcony.

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)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact

Attachments

Location map

Documentation

Plans and relevant forms date stamp received on 21 April 2009

Date Application Received

21 April 2009

Advertising

Adjoining land owners only

Date Advertised

21 April 2009

Close of Comment Period

5 May 2009

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

| | |
|-------------------|--|
| 21 December 1972 | Fire Control Officer directs the owner to remove a fire hazard; |
| 18 October 1995 | Town Planner grants approval for a garden shed; Building Permit 180/2344 approved for outbuilding; |
| 30 September 2003 | CEO acting under delegated authority advises the WAPC that the battleaxe subdivision of 25 Walter Street is not supported; |
| 6 December 2003 | WAPC approves the battleaxe subdivision of 25 Walter Street into 2 lots (1 x 440m ² , 1 x 471m ²); |
| 10 August 2004 | WAPC approves Survey-Strata Plan. |

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 26 May 2009 and the following comments were made:

- the plans state that the louvers are to be vertical; however, the drawing shows them to be horizontal?; and
- parapet wall should comply with LPP142.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

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

Site Inspection

By Town Planner on 6 May 2009

| STATISTICS | Required | Proposed |
|--------------------------------|-----------------|-------------------------------|
| Land Area | | 363m ² Existing |
| Open Space | 55% | 63.55% Acceptable |
| Zoning | | R12.5 |
| Heritage Listing | | Not applicable |
| Setbacks: | | |
| Side (South) | | |
| <i>Ground</i> <i>Guest Bed</i> | 1.0 | 1.5 Acceptable |
| <i>Porch</i> | 1.0 | 3.0 Acceptable |
| <i>Garage</i> | 1.0 | 7.0 Acceptable |
| <i>Upper</i> <i>Ensuite</i> | 1.2 | 3.5 Acceptable |
| <i>Bath</i> | 1.2 | 1.5 Acceptable |
| <i>Bed 2</i> | 1.2 | 2.96 Acceptable |
| Side (North) | | |
| <i>Ground</i> <i>Garage</i> | 1.0 | 7.35 Acceptable |

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| | | | |
|-----------------------------|----------------------------------|-------------------------------|----------------------------|
| | <i>Kitchen meals</i> | 1.5 | 4.5 |
| | | | Acceptable |
| | <i>Family</i> | 1.5 | 5.9 |
| | | | Acceptable |
| | <i>Upper Balcony</i> | 7.5 | 7.5 |
| | | | Acceptable |
| | <i>Bed 1</i> | 4.5 | 7.85 |
| | | | Acceptable |
| Side (East) | | | |
| <i>Ground</i> | <i>Porch</i> | 1.0 | 6.4 |
| | | | Acceptable |
| | <i>Garage</i> | 1.0 | Nil |
| | | | Discretion Required |
| | <i>Kitchen</i> | 1.0 | 4.3 |
| | | | Acceptable |
| | <i>Upper Bed 2, Sitting</i> | 1.2 | 5.8 |
| | | | Acceptable |
| | <i>Balcony</i> | 1.1 | 5.8 |
| | | | Acceptable |
| Side (West) | | | |
| <i>Ground</i> | <i>Meals</i> | 1.0 | 4.1 |
| | | | Acceptable |
| | <i>Family</i> | 1.0 | 1.5 |
| | | | Acceptable |
| | <i>Ensuite</i> | 1.0 | 1.5 |
| | | | Acceptable |
| | <i>Guest Bed</i> | 1.5 | 2.34 |
| | | | Acceptable |
| | <i>Upper Bed 1, WIR, Ensuite</i> | 1.5 | 1.5 |
| | | | Acceptable |
| | <i>Bath</i> | 1.2 | 3.3 |
| | | | Acceptable |
| Height: | | | |
| | Wall | 6.0 | 6.0 |
| | | | Acceptable |
| | Building | 9.0 | 8.0 |
| | | | Acceptable |
| Overshadowing: | | (8.37% of adjoining property) | |
| Privacy/Overlooking: | | N/a | |

**REPORT
Issues**

| | |
|--------------------------|---|
| <i>Roof Pitch</i> | The application proposes a 2-storey house with a colorbond roof pitched at 15°. |
| | LPP 066 states: "dominant elements to be greater than 28°." |
| <i>Boundary Setbacks</i> | The application proposes a double garage with a parapet wall along the east side boundary common with 25 Walter Street. |
| | The garage wall on the boundary is 7.218m long and it varies in height between 3.136m and 3.386m above |



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natural ground level (NGL).

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

Council is required to exercise its discretion for the variation in height of the garage wall.

Discussion

Roof Pitch

The roof of the proposed house will not be visible to the street, roof pitch in the Richmond precinct of East Fremantle is quite variable, the proposed roof will not have any impact on the local streetscape or on the general locality; this variation is supported.

Boundary Setbacks

The garage wall is situated next to the outdoor living area at the rear of 25 Walter Street and will provide a very effective privacy screen and noise barrier between the two properties. It is situated along the east side boundary and will have little or no impact on the availability of solar access to 25 Walter Street.

The garage wall height variation is not considered excessive and is supported.

RECOMMENDATION

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

- (a) variation to the east side boundary setback for a garage wall pursuant to the Residential Design Codes from 1m to 0m;
 - (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°;
- for the construction of a 2-storey house at No. 25A (Lot 2) Walter Street, East Fremantle comprising:

Ground Floor: double garage, porch, entry, store under stairs, study, guest bedroom & en-suite, family, meals and kitchen, laundry;

Upper Floor: 2 bedrooms, built-in-robe & en-suite, bathroom, sitting room, and balcony;

in accordance with the plans date stamp received on 21 April 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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.
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).*
- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Nardi

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

- (a) **variation to the east side boundary setback for a garage wall pursuant to the Residential Design Codes from 1m to 0m;**
- (b) **variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°; for the construction of a 2-storey house at No. 25A (Lot 2) Walter Street, East Fremantle comprising:**

Ground Floor: double garage, porch, entry, store under stairs, study, guest bedroom & en-suite, family, meals and kitchen, laundry;

Upper Floor: 2 bedrooms, built-in-robe & en-suite, bathroom, sitting room, and balcony;

in accordance with the plans date stamp received on 21 April 2009 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. **with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
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**

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- 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. 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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Wilson having declared an interest in the following item as her property adjoins the rear boundary of the subject lot, left the meeting at 8.50pm.

T50.11 **Preston Point Road No. 114 (Lot 4965)**
Applicant: Steve Pritchard for Domination Homes
Owner: Linley Michelle Morris
Application No. P38/2009
By Chris Warrener, Town Planner on 21 May 2009

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 2-storey house at 114 Preston Point Road comprising:

Ground Floor: alfresco, porch, entry, family room, 2 bedrooms, powder room, bathroom, laundry, verandah & double garage at the rear;
First Floor: balcony, living, dining, kitchen, 2 bedrooms, 2 built-in-robos, en-suite & toilet.

Statutory Considerations

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

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Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Existing bitumen crossover on east side of property frontage
Footpath : No footpath

Attachments

Location map
Elevations & site plan of 7 May 2009 illustrating impact on property views from the rear
Letter and amended plans date stamp received on 21 May 2009 for reduced building height

Documentation

Plans and relevant forms date stamp received on 11 March 2009

Date Application Received

11 March 2009

Additional information

15 April 2009 Amended plans received;
5 May 2009 Applicant's explanation for increased wall heights at the front;
7 May 2009 Plans illustrating view impacts received
21 May 2009 Amended plans received for reduced building height

Advertising

Adjoining landowners and sign on site

Date Advertised

15 April 2009

Close of Comment Period

30 April 2009

No. of Days Elapsed between Lodgement & Meeting Date

26 days (Revised)

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

19 November 2002 Council approves demolition of single storey house, and defers a 2-storey house pending building height clarification;
17 December 2002 Council approves a 2-storey house;
21 January 2003 Demolition Licence 418/2003 issued for single storey house;
25 March 2003 CEO grants approval under delegated authority for a below ground swimming pool;
2 April 2003 Building Licence 41/3394 issued for swimming pool;
14 May 2003 Building Licence 89/3419 issued for limestone retaining walls;
6 April 2004 Building Licence 41/3394 for swimming pool cancelled;
20 November 2007 Council approves a 2-storey house with a south side setback variation & reduced roof pitch;
19 Aug. 2008 Council approves a 2-storey house with reduced roof pitch.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 April 2009 and the following comments were made:

- wall and roof heights should comply with Local Planning Policy No. 142;
- reducing ceiling heights and excavating additional 200mm will bring structure into compliance;
- roof pitch as shown is supported;
- blank wall on western elevation is queried – should be broken up.

Principal Building Surveyor's Comment

Preliminary assessment has not identified any building matters that may impact upon the outcome of the planning approval.

Public Submissions

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

Site Inspection

By Town Planner on 28 April 2009

| STATISTICS | Required | Proposed |
|---|-----------------|------------------------------------|
| Land Area | | 744m ² Existing |
| Open Space | 55% | 74% Acceptable |
| Zoning | | R12.5 |
| Setbacks: | | |
| Front (North) | | |
| <i>Ground Porch</i> | 10.00 | 11.50 Acceptable |
| <i>Alfresco</i> | 10.00 | 10.00 Acceptable |
| <i>Upper Balcony</i> | 7.50 | 10.00 Acceptable Acceptable |
| Rear (South) | | |
| <i>Ground Verandah</i> | 6.00 | 8.00 Acceptable |
| <i>Garage</i> | 6.00 | 4.11 Discretion Required |
| <i>Upper Master Bedroom & Ensuite</i> | 6.00 | 7.90 Acceptable |
| Side (East) | | |
| <i>Ground Garage</i> | 1.00 | 7.80 Acceptable |
| <i>Bedroom 3 & 4</i> | 1.50 | 7.60 Acceptable |
| <i>Void</i> | 1.00 | 6.60 Acceptable |
| <i>Porch</i> | 1.50 | 4.62 Acceptable |
| <i>Alfresco</i> | 6.00 | 7.70 Acceptable |

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| | | | |
|-----------------------------|--|--------------|--|
| Upper | Master Bedroom & Kitchen Fireplace | 6.00 1.20 | 7.70 Acceptable 6.60 Acceptable |
| | Dining room | 6.00 | 7.70 Acceptable |
| | Balcony | 7.50 | 7.70 Acceptable |
| Side (West) Ground | Family room | 1.50 | 2.50 Acceptable |
| | Bathroom & Pdr | 1.50 | 2.50 Acceptable |
| | Laundry | 1.50 | 2.50 Acceptable |
| | Verandah | 1.50 | 2.50 Acceptable |
| Upper | Living room | 2.40 | 2.50 Acceptable |
| | Bedroom 2 & & Ensuite | 2.40 | 2.50 Acceptable |
| Height: | | | |
| Wall | | 5.60 & 6.50 | up to 6.80 Discretion Required |
| Building | | 8.10 | 7.70 Acceptable |
| Overshadowing: | | N/a | |
| Privacy/Overlooking: | | N/a | |

**REPORT
Issues**

Building Height

At its meeting held on 19 May 2009 Council considered this application based on plans date stamp received on 15 April 2009, which proposed variations at the front for wall heights that exceeded 6.5m for concealed roofs on the east and west sides.

The Council resolved:

“That the application for a two storey residence at No. 114 (Lot 4965) Preston Point Road East Fremantle be deferred to enable the applicant to address the wall height issue particularly in relation to the northern wall.”

The applicant has subsequently amended the plans and reduced internal ceiling heights to achieve an overall reduction in building height of 0.343m.

This has resulted in wall heights at the front being reduced from 7.2m in the northeast corner to 6.8m, and from 7.1m in the northwest corner to 6.7m.

LPP 142 specifies a 6.5m height limit for a concealed/flat

roof.

Overall building height has been reduced from 8m to 7.7m (approximately).

Discussion

Building Height

Building height in this area of East Fremantle is a particularly serious issue given the potential impact on river, city and ocean views that new development can have on existing surrounding development.

In this case the applicant, in an effort to minimise the impact on views from properties at the rear, designed a 2-storey house so that it will be oriented in a way that results in the least impact, and has lowered internal ceiling heights to achieve further reductions in overall building height.

While the application continues to propose height variations, these are considered quite minor, they do not have any impact on surrounding property views, and are supported.

There were no objections to the application, which is considered unusual given the location of the property and the concerns usually raised by established residents to new development in this part of East Fremantle.

The amended plans are supported.

RECOMMENDATION

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

- (a) variation to the south side (rear) boundary setback for a garage pursuant to the Residential Design Codes from 6m to 4.11m;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°;
- (c) variation to wall height on the east side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 6.8m;
- (d) variation to wall height on the west side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 6.7m;

for the construction of a 2-storey house at No. 114 (Lot 4965) Preston Point Road, East Fremantle comprising:

Ground Floor: alfresco, porch, entry, family room, 2 bedrooms, powder room, bathroom, laundry, verandah & double garage at the rear;

First Floor: balcony, living, dining, kitchen, 2 bedrooms, 2 built-in-robos, en-suite & toilet;

in accordance with the amended plans date stamp received on 21 May 2009 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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. the proposed dwelling is not to be occupied until all conditions attached to this

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- 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. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 8. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr de Jong

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

- (a) **variation to the south side (rear) boundary setback for a garage pursuant to the Residential Design Codes from 6m to 4.11m;**
- (b) **variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 15°;**
- (c) **variation to wall height on the east side towards the front for a concealed roof pursuant to Local Planning Policy 142 from 6.5m to 6.8m;**
- (d) **variation to wall height on the west side towards the front for a concealed roof**

pursuant to Local Planning Policy 142 from 6.5m to 6.7m;
for the construction of a 2-storey house at No. 114 (Lot 4965) Preston Point Road,
East Fremantle comprising:

Ground Floor: alfresco, porch, entry, family room, 2 bedrooms, powder room,
bathroom, laundry, verandah & double garage at the rear;

First Floor: balcony, living, dining, kitchen, 2 bedrooms, 2 built-in-robos, en-
suite & toilet;

in accordance with the amended plans date stamp received on 21 May 2009
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. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
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. 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) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (f) the alfresco may not be enclosed without the prior written consent of Council.
- (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

CARRIED

Cr Wilson returned to the meeting at 8.53pm and it should be noted that she neither spoke nor voted on the foregoing item.

T51. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T51.1 Heritage Awards & Design Guidelines Information Booklet

Cr Dobro addressed the Committee on matters relating to the recent Heritage Awards and a Design Guidelines Information Booklet and suggesting that Council moves forward in putting together an advert inviting submissions from interested persons / panel of architects to consider the Design Guidelines.

T52. CLOSURE OF MEETING

There being no further business the meeting closed at 9.00pm.

I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **9 June 2009**, Minute Book reference **T44. to T52.** were confirmed at the meeting of the Committee on

.....

Presiding Member