

11 August 2009

MINUTES

**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 11 AUGUST, 2009 COMMENCING AT 6.35PM.**

**T64. OPENING OF MEETING**

**T64.1 Present**

Cr Stefanie Dobro	Presiding Member
Cr Barry de Jong	
Cr Richard Olson	
Cr Maria Rico	
Cr Alex Wilson	
Mr Chris Warrener	Town Planner
Mrs Peta Cooper	Minute Secretary

**T65. WELCOME TO GALLERY**

There were 11 members of the public in the gallery at the commencement of the meeting.

**T66. APOLOGIES**

An apology was submitted on behalf of Mayor Alan Ferris and Cr Dean Nardi.

**T67. CONFIRMATION OF MINUTES**

**T67.1 *Town Planning & Building Committee (Private Domain) – 14 July 2009***

**Cr de Jong – Cr Wilson**

**That the Town Planning & Building Committee (Private Domain) minutes dated 14 July 2009 as adopted at the Council meeting held on 21 July 2009 be confirmed.**

CARRIED

**T68. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

**T68.1 *King Street No. 98 (Lot 348) – Residential Attitudes***

Email received from adjoining neighbour at 96 King Street submitting comment on the proposed two storey dwelling.

**Cr Rico – Cr de Jong**

**That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T70.8)**

CARRIED

**T68.2 *King Street No. 98 (Lot 348) – Residential Attitudes*  
*Hubble Street No. 82 – Summit Projects***

Email received from resident at 90 King Street submitting comment on the proposed two storey dwellings.

**Cr Rico – Cr de Jong**

**That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T73.2)**

CARRIED

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**T69. REPORTS OF COMMITTEES**

**T69.1 Town Planning Advisory Panel – 28 July 2009**

**Cr de Jong – Cr Wilson**

That the minutes of the Town Planning Advisory Panel meeting held on 28 July 2009 be received and each item considered when the relevant development application is being discussed. CARRIED

**T70. REPORTS OF OFFICERS**

**T70.1 Receipt of Reports**

**Cr Wilson – Cr Rico**

That the Reports of Officers be received. CARRIED

**T70.2 Order of Business**

**Cr Wilson – Cr Rico**

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

**T70.3 Preston Point Road No. 124 (Lot 4960)**

**Applicant: Brian Burke Homes**

**Owner: Dreamview Developments Pty Ltd**

**Application No. P97/2008**

By Chris Warrener, Town Planner on 28 July 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for amended plans for the 2-storey house at 124 Preston Point Road, comprising a 1.8m high wall along the front boundary corner truncation. kitchen/dining room, living room, study, alfresco area with barbeque, and 2 balconies.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Hill Precinct (LPS)

**Relevant Council Policies**

Local Planning Policy No. 143 – Fencing (LPP 142)

**Documentation**

Plans and cover letter date stamp received on 17 July 2009

**Date Application Received**

16 May 2008

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

24 days

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

17 November 1998 Council grants special approval for setback variations for a garage extension;

2 December 1998 Building Licence 179/2754 approved for garage extension;

27 May 2008 Demolition Licence B08/109 issued for single storey house;

15 July 2008 Council grants approval for a 2-storey house;

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10 September 2008 CEO acting under delegated authority approves minor plan changes for the 2-storey house.

**CONSULTATION**

**Site Inspection**

By Town Planner on 3 June 2008

**REPORT**

**Issues**

Front Fence Design

The amended plans are for a front fence, a portion of which comprises a 4.3m long section of the corner truncation proposed to be solid up to 1.8m high tapering down to 1.2m.

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)

3.1 Maximum Height

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

**Discussion**

The applicant states that the reason for the request for the fence in the corner truncation to be solid varying up to 1.8m high is *“to provide some protection from car headlights as they come up from the river on Wauhop Road to the roundabout on Preston Point Road.”*

On 3 August 2007 following a site visit Council considered a somewhat similar application from the owners of 122 Preston Point Road on the opposite street corner for an over-height front fence.

The Council decided to approve a fence up to 1.5m high surrounding the entire frontage of 122 Preston Point Road for the purposes of providing privacy for a swimming pool in the front setback and to ameliorate the effect of on-coming car head-lights on the indoor and outdoor living areas behind the pool.

In this case the property at 124 Preston Point Road is more elevated than 122 Preston Point Road and the finished floor level of the indoor and outdoor living areas behind the swimming pool is around 1m above natural ground level.

This application is only for a small portion of the front fence to be over-height, the applicant maintains that at 1.5m a solid fence in the corner truncation does not prevent headlight glare from affecting the house however at 1.8m high a 4.3m long section of the fence in the corner is an effective headlight barrier.

It was evident during an inspection by Council officers that headlight glare would be a problem in this location especially at the corner, and the application to build a section of the fence to 1.8m high visually impermeable along the truncation is supported.

Under special circumstances including those listed below LPP 143 states that Council may approve a fence to be less visually permeable and or with a maximum height greater than 1.8m:

“4.1 a higher fence/wall is required for noise attenuation.

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- 4.2 *a less visually permeable fence would aid in reducing headlight glare from motor vehicles. This would apply more particularly where the subject property is opposite or adjacent to an intersection which could lead to intrusion of light into windows of habitable rooms.*
- 4.3 *where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of a higher fence.*
- 4.4 *where the applicant can demonstrate to Council that there is a need to provide visual screening to an outdoor living area. This may apply in situations where there is no alternative private living space other than in the front of the residence or for part off the secondary side boundary of a corner lot.”*

Given that the remainder of the front fence complies with LPP 143, and the fact that the policy allows for the exceptional circumstances prevailing in this instance (namely item 4.2), and considering that the visual impact of the non-compliant section of fence will not have any impact on the local streetscape, the application is supported.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 143 – Fencing to permit a visually non-permeable section of fence up to 1.8m high in the corner truncation of the property at No. 124 (Lot 4960) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 17 July 2009.

Mr Mike Burke (applicant) addressed the meeting in support of his application.

**RECOMMENDATION TO COUNCIL**

**Cr Wilson – Cr Dobro**

**That Council exercise its discretion in granting approval for a variation to Local Planning Policy 143 – Fencing to permit a visually non-permeable section of fence up to 1.8m high x 4.3m wide in the corner truncation of the property at No. 124 (Lot 4960) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 17 July 2009 and subject to the planting of suitable native vegetation within the truncated area to the satisfaction of the Chief Executive Officer in consultation with relevant officers.** CARRIED

Under s.5.21(4)(b) of the Local Government Act 1995, Cr de Jong requested that his vote against the recommendation to Council be recorded.

*Cr Rico having declared an interest in the following item as her property abuts the south east corner of the subject property left the meeting at 7.04pm.*

*Cr Wilson made the following impartiality declaration in the matter of 80 Oakover Street: “As a consequence of the applicant 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.*

**T70.4 Oakover Street No. 80 (Lot 313)**  
**Applicant: West Coast Sheds**  
**Owner: Domenic McKenna & Mary Anne Kenny**  
**Application No. P94/2009**  
By Chris Warrener, Town Planner on 27 July 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for an outbuilding comprising an 11m long x 8m wide x 4.472m high colorbond shed in the southeast corner of 80 Oakover Street

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**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  
Footpath : No impact

**Documentation**

Plans and relevant forms date stamp received on 8 July 2009

**Date Application Received**

8 July 2009

**Advertising**

Adjoining land owners only

**Date Advertised**

9 July 2009

**Close of Comment Period**

23 July 2009

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

33 days

**CONSULTATION**

**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 1 submission was received.

*M Rico*  
*11 Petra Street*

- size of shed exceeds Residential Design Codes acceptable development;
- setbacks do not comply;
- severe impact on visual amenity.

**Site Inspection**

By Town Planner on 27 July 2009

**REPORT**

**Issues**

*Size of Outbuilding*                      The proposed shed will have a floor area of 88m<sup>2</sup>, a wall height of 3.4m, and a roof height of 4.472m.

The relevant acceptable development provisions in the RDC state:

"A1    *Outbuildings that:*  
*i       are not attached to a dwelling;*

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- ii are non-habitable;
- iii collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- iv do not exceed a wall height of 2.4 m;
- v do not exceed ridge height of 4.2 m;
- vi are not within the primary street setback area;
- vii do not reduce the amount of open space required in table 1; and
- viii comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1.”  
(RDC, 6.10 Incidental development requirements)

Therefore Council's discretion is required to be exercised to permit variations to the size of the proposed shed, wall height and roof height.

*Setbacks*

The shed is proposed to be set back 0.5m from the south side boundary common with 82 Oakover Street.

The RDC specify a 1.5m setback.

*Submission*

The submission from the owner of 11 Petra Street objects to the application on the basis the proposed shed will have a detrimental impact on her visual amenity.

**Discussion**

*Size of Outbuilding & Setbacks*

The applicant has not provided any reason for wanting to have, or to justify having an outbuilding, which exceeds the relevant acceptable development provisions in the RDC relating to the size of outbuildings, nor for wanting an outbuilding which does not comply with the setbacks pursuant to the RDC.

*Submission*

The property at 11 Petra Street is situated on higher ground than the subject land; 11 Petra Street overlooks 80 Oakover Street.

From the rear of 11 Petra Street there are quite expansive views to the west with the Fremantle War Memorial clearly visible in the distance. The views westward also take in much of the residential area of Woodside and the vegetation in between.

The proposed outbuilding will effectively block out all of these views and have a significant impact on the visual amenity presently enjoyed from the rear of 11 Petra Street.

Notwithstanding that the outbuilding does not meet the relevant acceptable development standards under the RDC, if a proposed development does not meet these standards then the RDC allow for a development to be assessed against the applicable "performance criteria".

In the case of outbuildings the relevant performance criteria states:

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*"P1 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."*

**Conclusion**

The proposed shed will likely not be visible from Oakover Street in its proposed location however it will, if approved and built, have a detrimental impact on the visual amenity of the property at 11 Petra Street, and is not supported.

**RECOMMENDATION**

That Council refuses to grant approval for an outbuilding comprising an 11m long x 8m wide x 4.472m high colorbond shed in the southeast corner of No. 80 (Lot 313) Oakover Street, East Fremantle in accordance with the plans date stamp received on 8 July 2009 on the grounds that the application does not comply with the acceptable development provisions applicable to outbuildings nor does it meet the relevant performance criteria under the Residential Design Codes because it will have a detrimental impact on the visual impact of the adjoining property at 11 Petra Street.

Ms Mary Anne Kenny (owner) addressed the meeting in support of her application and advised that she was prepared to lower the wall height of the shed thereby reducing its impact on adjoining properties.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Olson**

**That the application for an 11m long x 8m wide x 4.472m high colorbond shed in the southeast corner of No. 80 (Lot 313) Oakover Street, East Fremantle be deferred pending the submission of revised plans that comply with the acceptable development provisions applicable to outbuildings and the relevant performance criteria under the Residential Design Codes.**

CARRIED

*Cr Rico returned to the meeting at 7.21pm and it should be noted that she neither spoke nor voted on the foregoing item.*

**T70.5**

**Sewell Street No. 84 (Lot 296)**

**Applicant: Gerard McCann Architect**

**Owner: AM Martino & SD Wheeler**

**Application No. P89/2009**

By Chris Warrener, Town Planner on 3 August 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for additions and alterations to the single storey house at 84 Sewell Street comprising:

- remove WC & lean-to covered verandah at the rear, lower the floor level & convert the area to a living wing & outdoor living area;
- extend the south wing of the house & convert the walls to glazing;
- remove the skillion roof for the south wing, & re-pitch a hipped roof at plate level;
- extend the proposed bathroom on the south side, & build a landing & access stairs for a new laundry;
- convert part of the existing roof space to a bedroom wing;
- add timber framed walls to the internal layout of the existing house, reinstate previous walls that had been removed to create discrete rooms again;
- add a north facing window to front bedroom 2;
- build a studio in the northeast corner;
- build a new wall on the north side boundary to maintain a height of 2.4m, & enclose the proposed deck & verandah outdoor living areas;
- extend the verandah & deck timber along the east side.

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**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5  
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

**Documentation**

Plans and relevant forms date stamp received on 30 June 2009

**Date Application Received**

30 June 2009

**Advertising**

Adjoining land owners only

**Date Advertised**

2 July 2009

**Close of Comment Period**

20 July 2009

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

41 days

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

11 March 1997	Council approves additions plus an isolated workshop;
13 March 1987	Building License 035/2508 approved for extension to residence + workshop;
21 May 2002	Council grants special approval for south side setback variation for additions at the rear;
13 January 2003	Building License 56/3350 approved for additions to residence.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

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

- strong support for renovation of the heritage dwelling.
- very much appreciate the detailed drawings.
- well considered additions.
- contextually appropriate and compatible addition.
- could be used as an example of modern adaptation of an existing heritage home.

**Principal Building Surveyor's Comment**

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



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**Public Submissions**

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

- J & T Holder*  
*87 King Street*
- concerns regarding potential loss of privacy to garden & family living area;
  - existing jacaranda tree does not provide sufficient screening;
  - upper level and west facing windows can be looked out of.

<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		513m <sup>2</sup> Existing
Open Space	50%	55.5% Acceptable
Zoning		R20
<b><u>Setbacks:</u></b>		
Front	Not applicable – Additions are at rear	
Rear (east)		
<i>Ground Deck</i>	1.5	16.2 Acceptable
<i>Studio</i>	1.5	3.4 Acceptable
<i>Upper Ensuite &amp; Bed 1</i>	4.5	21.4 Acceptable
Side (north)		
<i>Ground Studio</i>	Nil	Nil Acceptable
<i>Deck</i>	1.0	0.7 <b>Discretion Required</b>
<i>Living &amp; Lounge</i>	1.5	0.7 <b>Discretion Required</b>
<i>Upper Bed 1</i>	1.2	2.1 Acceptable
Side (south)		
<i>Ground Bathroom</i>	1.0	1.8 Acceptable
<i>Laundry</i>	1.0	1.5 Acceptable
<i>Dining</i>	1.5	2.3 Acceptable
<i>Studio</i>	1.5	6.7 Acceptable
<i>Upper WIR &amp; Ensuite</i>	1.2	2.8 Acceptable
<b><u>Height:</u></b>		
Wall	6.0	5.22 Acceptable
Building	9.0	6.62 Acceptable

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**Overshadowing:** N/a

**Privacy/Overlooking:** N/a

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**REPORT  
Issues**

*Setbacks* The application proposes additions on the north side comprising an extended deck, a family & lounge rooms, which are set back 0.7m from the north side boundary common with 82 Sewell Street.

The RDC specify a 1m setback for the deck and a 1.5m setback for the family and lounge rooms.

*Submission* The submission is from the owners of the property that is diagonally adjacent to the northeast corner of the subject land.

Their concerns relate to the potential overlooking from the proposed upper floor bedroom, and the west facing window of the proposed studio.

**Discussion**

*Setbacks* The proposed setback variation for the additions on the north side is considered relatively minor and does not negatively impact on the amenity of the adjoining property, and is supported.

*Submission* It is very difficult to imagine how there could be any overlooking from the studio given that this is a ground level structure and a standard height 1.8m boundary fence would prevent there from being any direct overlooking between properties.

In regard to the potential for overlooking from the proposed upper floor bedroom windows these are set back more than 21 metres from the rear boundary common with the objectors' property. The setback specified under the RDC is 4.5m therefore the proposal is for a setback that is nearly 5 times the specified setback.

In these circumstances the submission is not considered a reasonable ground for refusal.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to the north side boundary setback for a deck and family and lounge rooms pursuant to the Residential Design Codes from 1m and 1.5m respectively to 0.7m for the construction of additions and alterations to the single storey house at No. 84 (Lot 296) Sewell Street, East Fremantle comprising:

- remove WC & lean-to covered verandah at the rear, lower the floor level & convert the area to a living wing & outdoor living area;
- extend the south wing of the house & convert the walls to glazing;
- remove the skillion roof for the south wing, & re-pitch a hipped roof at plate level;

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- extend the proposed bathroom on the south side, & build a landing & access stairs for a new laundry;
- convert part of the existing roof space to a bedroom wing;
- add timber framed walls to the internal layout of the existing house, reinstate previous walls that had been removed to create discrete rooms again;
- add a north facing window to front bedroom 2;
- build a studio in the northeast corner;
- build a new wall on the north side boundary to maintain a height of 2.4m, & enclose the proposed deck & verandah outdoor living areas;
- extend the verandah & deck timber along the east side;

in accordance with the plans date stamp received on 30 June 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 alterations and additions and the studio are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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. the proposed studio is not to be occupied for residential purposes.
8. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
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) *the deck extension and verandah for the studio may not be enclosed without the prior written consent of Council.*

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Mr Gerard McCann (architect) addressed the meeting in support of the proposal.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Olson**

That Council exercise its discretion in granting approval for a variation to the north side boundary setback for a deck and family and lounge rooms pursuant to the Residential Design Codes from 1m and 1.5m respectively to 0.7m for the construction of additions and alterations to the single storey house at No. 84 (Lot 296) Sewell Street, East Fremantle comprising:

- remove WC & lean-to covered verandah at the rear, lower the floor level & convert the area to a living wing & outdoor living area;
- extend the south wing of the house & convert the walls to glazing;
- remove the skillion roof for the south wing, & re-pitch a hipped roof at plate level;
- extend the proposed bathroom on the south side, & build a landing & access stairs for a new laundry;
- convert part of the existing roof space to a bedroom wing;
- add timber framed walls to the internal layout of the existing house, reinstate previous walls that had been removed to create discrete rooms again;
- add a north facing window to front bedroom 2;
- build a studio in the northeast corner;
- build a new wall on the north side boundary to maintain a height of 2.4m, & enclose the proposed deck & verandah outdoor living areas;
- extend the verandah & deck timber along the east side;

in accordance with the plans date stamp received on 30 June 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 alterations and additions and the studio are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. 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. the proposed studio is not to be occupied for residential purposes.
8. development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

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**Footnote:**

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

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

**CARRIED**

**T70.6**

***Millenden Street No. 2 (Lot 2)***

***Applicant: Gerard McCann Architect***

***Owner: Ian & Asha Wright***

***Application No. P90/2009***

By Chris Warrener, Town Planner on 27 July 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for ground floor additions and alterations to the 2-storey grouped dwelling at 2 Millenden Street comprising:

- remove the brick wall from the garage and the convert the laundry to a storage area;
- extend northwards a new laundry and bathroom in the north-east corner;
- extend northwards the east side boundary parapet wall, and increase the height of this wall from 2.0 metres to 2.4 metres;
- remove the internal entry, family/dining area central windows, and build a larger family area under the upper floor balcony;
- modify the windows on the north side of the study to allow a new alfresco area to be built adjacent;
- remove the swimming pool and two small trees, and build a new alfresco area in the north-west corner of the property, with a storeroom in the western alcove between 16 Fortescue Street and 2 Millenden Street. The addition will have a masonry parapet wall on a nil setback along the north side boundary common with 14 Fortescue Street, and increase the height of the boundary wall common with 16 Fortescue Street from 2.4 metres to 3.0 metres;
- remove an internal robe wall on the upper floor, convert the upper floor study to a dressing room, and remove the window from the east 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)

Local Planning Policy No. 143 - Fencing

**Impact on Public Domain**

Tree in verge : No impact

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Light pole : No impact  
Crossover : No impact  
Footpath : No impact

**Documentation**

Plans and relevant forms date stamp received on 30 June 2009

**Date Application Received**

30 June 2009

**Advertising**

Adjoining land owners only

**Date Advertised**

2 July 2009

**Close of Comment Period**

20 July 2009

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

41 days

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

18 July 1985	Council approves an application to erect a Class 1 dwelling with garage attached.
22 November 2000	Council grants special approval for a two storey house with a reduced setback to balcony and new carport wall.
25 May 2001	Council grants special approval for a zero setback for the carport parapet wall on the east side boundary for amended plans for the erection of a two storey house;
28 February 2002	Council grants special approval for reduced setbacks and increased wall height for a further set of amended plans for an additional two storey house.

**CONSULTATION**

**Public Submissions**

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

**Site Inspection**

By Town Planner on 3 July 2009.

**STATISTICS**

	<i>Required</i>	<i>Proposed</i>
Land Area		405m <sup>2</sup> Existing
Open Space	55%	53.1% <b>Discretion Required</b>
Zoning		R12.5
Heritage Listing		Not listed

**Setbacks:**

Rear (north)		
<i>Ground Spa, Bath, Laundry</i>	6.0	2.8 <b>Discretion Required</b>

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STATISTICS		Required		Proposed
	Verandah	6.0		7.2 Acceptable
	Family/Dining	6.0		5.5 <b>Discretion Required</b>
	Alfresco	6.0	LPP 142	Nil <b>Discretion Required</b>
(west)	Ground Store, Alfresco	1.5	LPP 142	Nil <b>Discretion Required</b>
(east)	Ground Porch	1.0	LPP 142	Nil <b>Discretion Required</b>
	Laundry	1.0		1.63 Acceptable

**Overshadowing:** N/a

**Privacy/Overlooking:** No privacy concerns from additions/alterations.

**REPORT  
Issues**

*Boundary Walls*

The application proposes to increase the height of the boundary wall on the west side common with 16 Fortescue Street from 2.4m to 3m. This wall is 12m long. It presently provides a privacy barrier between a covered alfresco area at the rear of 16 Fortescue Street and an uncovered paved courtyard at the rear of 2 Millenden Street (subject property).

The application proposes the construction of a roofed alfresco living area over the paved courtyard that incorporates this wall as a parapet.

Council's discretion is required to be exercised for this wall because it is more than 9m long.

The application proposes that this roofed alfresco living area extend northwards to the rear (north side) boundary common with 14 Fortescue Street to incorporate a 4.5m long x 3m high.

This wall is acceptable development because it complies with LPP 142.

On the east side it is proposed to increase the height of a boundary wall from 2m to 2.4m, and extend an existing parapet wall a distance of approximately 1m.

Council's discretion is required to be exercised for this wall because it exceeds the 1.8m fence height limit specified in LPP 143.

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*Setbacks*

North Side (common with 14 Fortescue Street)

The proposed alfresco living area will be set back 0m from the north side boundary common with 14 Fortescue Street.

The other additions at the rear are set back 5.7m and 2.8m respectively from the rear boundary.

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

*Open Space*

The application if implemented will result in a property which contains 53.1% open space.

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

**Discussion**

*Boundary Walls*

The boundary walls that are proposed as an integral part of the proposed development will provide increased privacy between the neighbouring properties; the walls do not have any impact on solar access to the neighbouring properties, and the potentially affected neighbouring property owners have not objected to the application.

The proposed variations to permit the boundary walls are supported.

*Setbacks*

North Side (common with 14 Fortescue Street)

The alfresco area which involves the north side setback variation is considered to be effectively screened by the proposed boundary wall. The potentially affected property owner has not objected to the application; the setback variation is considered minor and is supported.

*Open Space*

The property comprises an area more suited to an R20 density code for which 50% open space is recommended under the RDC.

At 53.1% the open space variation is considered relatively minor for the additions and alterations to the existing residence and is supported.

**RECOMMENDATION**

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

- (a) variation to Local Planning Policy 142 to permit walls along 3 side boundaries, with the wall along the west side being longer than 9m;
  - (b) variation to Local Planning Policy 143 to permit a fence/boundary wall along a portion of the east side boundary to be up to 2.4m high;
  - (c) variation to the percentage of open space required for an R12.5 coded property pursuant to the Residential Design Codes from 55% to 53.1%;
- for ground floor additions and alterations to the 2-storey grouped dwelling at No. 2 (Lot 2) Millenden Street, East Fremantle comprising:



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- remove the brick wall from the garage and the convert the laundry to a storage area;
- extend northwards a new laundry and bathroom in the north-east corner;
- extend northwards the east side boundary parapet wall, and increase the height of this wall from 2.0 metres to 2.4 metres;
- remove the internal entry, family/dining area central windows, and build a larger family area under the upper floor balcony;
- modify the windows on the north side of the study to allow a new alfresco area to be built adjacent;
- remove the swimming pool and two small trees, and build a new alfresco area in the north-west corner of the property, with a storeroom in the western alcove between 16 Fortescue Street and 2 Millenden Street. The addition will have a masonry parapet wall on a nil setback along the north side boundary common with 14 Fortescue Street, and increase the height of the boundary wall common with 16 Fortescue Street from 2.4 metres to 3.0 metres;
- remove an internal robe wall on the upper floor, convert the upper floor study to a dressing room, and remove the window from the east side;

in accordance with the plans date stamp received on 30 June 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. the proposed additions and alterations are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. 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) *the alfresco may not be enclosed without the prior written consent of Council.*

Mr Gerard McCann (architect) addressed the meeting in support of the proposal.

**RECOMMENDATION TO COUNCIL**

**Cr Wilson – Cr Dobro**

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

- (a) variation to Local Planning Policy 142 to permit walls along 3 side boundaries, with the wall along the west side being longer than 9m;**
- (b) variation to the percentage of open space required for an R12.5 coded property pursuant to the Residential Design Codes from 55% to 53.1%;**

**for ground floor additions and alterations to the 2-storey grouped dwelling at No. 2 (Lot 2) Millenden Street, East Fremantle comprising:**

- **remove the brick wall from the garage and the convert the laundry to a storage area;**
- **extend northwards a new laundry and bathroom in the north-east corner;**
- **extend northwards the east side boundary parapet wall;**
- **remove the internal entry, family/dining area central windows, and build a larger family area under the upper floor balcony;**
- **modify the windows on the north side of the study to allow a new alfresco area to be built adjacent;**
- **remove the swimming pool and two small trees, and build a new alfresco area in the north-west corner of the property, with a storeroom in the western alcove between 16 Fortescue Street and 2 Millenden Street. The addition will have a masonry parapet wall on a nil setback along the north side boundary common with 14 Fortescue Street, and increase the height of the boundary wall common with 16 Fortescue Street from 2.4 metres to 3.0 metres;**
- **remove an internal robe wall on the upper floor, convert the upper floor study to a dressing room, and remove the window from the east side;**

**in accordance with the plans date stamp received on 30 June 2009 subject to the following conditions:**

- 1. prior to the issue of a building licence revised plans be submitted showing the height of the fence/boundary wall along a portion of the east side boundary being reduced to 2.0m 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 building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. the proposed additions and alterations are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**

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

CARRIED

T70.7

**Wolsely Road No. 18 (Lot 2)**

**Applicant: Jeff Swinyard**

**Owner: Renata Stazzonelli**

**Application No. P30/2009**

By Chris Warrener, Town Planner on 3 August 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a two storey house at 18 Wolsely Road comprising:

Ground Floor: Entry, double garage & store, 2 bedrooms, 3 built-in-robos, 2 bathrooms, games room & laundry;

First Floor: Outdoor dining, balcony, kitchen & dining, stairwell, master bedroom, built-in-robe, en-suite, powder room & study.

Overshadow of the adjoining property to the south (60 Staton Road) comprises 6.9%.

Open space comprises 54.9%. The application was assessed against the requirements for development coded R20, for which 50% open space is needed.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5, sub-clause 5.3.1

Local Planning Strategy - Richmond Precinct (LPS)

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Residential Design Codes (RDC)

**Relevant Council Policies**

Local Planning Policy 066: Roofing (LPP 066)  
Local Planning Policy 142: Residential Development (LPP 142)

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : Existing bitumen crossover will need to be upgraded  
Footpath : No footpath

**Documentation**

Amended plans date stamp received on 10 June 2009

**Date Application Received**

3 March 2009

**Advertising**

Adjoining landowners only

**Date Advertised**

17 June 2009

**Close of Comment Period**

1 July 2009

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

61 days

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

15 June 2004 Council decides to advise the WAPC that the subdivision of 62 Staton Road is supported subject to conditions;  
19 July 2004 WAPC conditionally approves the subdivision of 62 Staton Road into 2 survey strata lots;  
30 August 2007 WAPC endorses Survey-Strata Plan 53809;  
3 April 2008 Survey-Strata Plan 53809 registered by the Registrar of Titles;  
21 April 2009 Council decides to defer an application for a two-storey house to allow the applicant to reconsider the design.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

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

- improvement on previous plans.
- acceptable.
- proposed dwelling lines up with heritage building on corner of Staton Road.
- contemporary design is appropriate contrast to adjacent heritage building.

**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 13 March 2009.

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STATISTICS		<i>Required</i>	<i>Proposed</i>
Land Area			430m <sup>2</sup> Existing
Open Space		55%	54.9% <b>Discretion Required</b>
Zoning			R12.5
Heritage Listing			Not listed
<b><u>Setbacks:</u></b>			
Front (north)			
	<i>Ground</i>		
	<i>Store</i>	6.0	8.8 Acceptable
	<i>Void</i>	6.0	5.5 <b>Discretion Required</b>
	<i>Garage</i>	6.0	6.8 Acceptable
	<i>Entry</i>	6.0	5.5 <b>Discretion Required</b>
	<i>Beds 1 &amp; 2</i>	6.0	4.8 <b>Discretion Required</b>
	<i>Upper</i>		
	<i>Ensuite</i>	6.0	8.8 Acceptable
	<i>Void</i>	6.0	5.5 <b>Discretion Required</b>
	<i>Balcony</i>	6.0	5.5 <b>Discretion Required</b>
	<i>Outdoor Dining</i>	6.0	4.8 <b>Discretion Required</b>
Rear (south)			
	<i>Ground</i>		
	<i>Games</i>	1.5	4.57 Acceptable
	<i>Hallway</i>	1.0	3.32 Acceptable
	<i>Guest</i>	1.5	1.62 Acceptable
	<i>Upper</i>		
	<i>Kitchen</i>	2.3	4.57 Acceptable
	<i>Hallway</i>	1.1	3.32 Acceptable
	<i>Study</i>	2.3	5.0 Acceptable
	<i>WC</i>	1.1	6.8 Acceptable
Side (east)			
	<i>Ground</i>		
	<i>Ensuite, Laundry</i>	1.0	3.39 Acceptable
	<i>Store</i>	1.0	1.79 Acceptable
	<i>Garage</i>	1.0	3.34 Acceptable
	<i>Void</i>	1.0	2.44 Acceptable
	<i>Upper</i>		
	<i>Balcony</i>	1.1	2.4 Acceptable

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STATISTICS	<i>Required</i>	<i>Proposed</i>
<i>Master (wall height)</i>	5.6	5.9 <b>Discretion Required</b>
<i>Ensuite (wall height)</i>	5.6	5.8 <b>Discretion Required</b>
<i>Study (wall height)</i>	5.6	5.7 <b>Discretion Required</b>
<i>Hallway</i>	1.1	9.5 Acceptable
Side (west)		
<i>Ground Bed 1 &amp; WR</i>	1.0	1.3 Acceptable
<i>Bath</i>	1.0	1.0 Acceptable
<i>Games</i>	1.5	1.501 Acceptable
<i>Guest</i>	1.5	11.6 Acceptable
<i>Upper Outdoor Dining</i>	2.0	1.3 <b>Discretion Required</b>
<i>Shelving</i>	1.1	0.9 <b>Discretion Required</b>
<i>Kitchen, Dining</i>	1.2	1.3 Acceptable
<i>Hallway</i>	1.2	8.6 Acceptable
<b>Height:</b>		
Wall	5.6	5.8 <b>Discretion Required</b>
Building	8.1	6.68 Acceptable
<b><u>Overshadowing:</u></b>	69.75m <sup>2</sup> into Staton Road	
<b><u>Privacy/Overlooking:</u></b>	N/a	

**REPORT**

**Background**

At its meeting held on 21 April 2009 Council resolved that the application for a two-storey residence at 18 Wolsely Road be deferred to "allow the applicant to reconsider the design, particularly:

- the bulk and scale;
- roof form; and
- the relationship of the design to the surrounding properties on the southern side of Wolsely Road."

The amended plans propose to reconfigure the upper floor by reducing the ridge point of the house from 8.1m to 6.68m above natural ground level to address the bulk and scale of the house in relation to other properties in the local streetscape.

The roof form has been amended from a mixture of flat and pitched custom orb roof sheeting to a predominately skillion roofed 2-storey house.

The maximum wall height has been reduced from 6.2m to 5.8m.

The application also proposes to increase ground floor setbacks on the west side.

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**Issues**

This application is for a 2-storey house on a property that is the result of a corner lot subdivision therefore assessment of the proposed development is based on the following provision under TPS 3:

"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 application has therefore been assessed based on the R20 density code.

Building Setbacks

*Front (North) Boundary*

On the ground floor the entry is set back 5.5m, a wall for the void is setback 5.5m and bedrooms 1 and 2 are setback 4.8m from the front boundary.

On the upper floor a balcony is set back 5.5m, a wall for the void is setback 5.5m and an outdoor dining area is set back 4.8m from the front boundary.

Under the RDC the specified setback is 6m.

*Side (West) Boundary  
common with 62 Staton  
Road*

On the upper floor an outdoor dining room is set back 1.3m and an shelving area is setback 0.9m from the west side.

The RDC specify 2m and 1.1m setbacks respectively.

*Building Height – East Side*

The walls for an upper floor en-suite, study and a master bedroom vary up to 5.8m above NGL.

LPP 142 specifies a 5.6m wall height limit.

**Discussion**

The amended plans for the two-storey house at 18 Wolsely Road propose a reduction in overall roof height from 8.1m to 6.68m. This alteration is considered to reduce the overall bulk and scale of the house in keeping with two-storey housing in the immediate locality, and sympathetic to the high ceiling'd high steep pitched roofs of the older single storey housing stock nearby.

This contemporary designed home is in an area with a wide variation of building types and styles.

Nearby, in Staton Road there is a variety of housing styles ranging from the older style homes similar to the one at 62 to quite modern two-storey grouped housing development at 63 Staton Road. In Alexandra Road housing style also varies from older style to more contemporary designs, and on the southeast corner of Wolsely Road and Alexandra Road is a 3-storey older style building comprising 12 multiple dwellings.

There is no distinctive development style or building era typical of the immediate locality, and the amended plans for the proposed house will result in a development that is not considered to detrimentally impact on the local streetscape.

*Building Setbacks*

The proposed variations to the front boundary setback are not considered to impact on street rhythm along Wolsely Road. It is anticipated that development of the

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adjoining property at 20 Wolsely Road would also seek similar setback variations to reduce the impact of development particularly upper floor development on the property at the rear.

The front setback variations are supported.

The west side boundary setback variation will not negatively impact on the amenity of the property at 62 Staton Road. The potentially affected area is not an outdoor living area, and the setback variations are considered relatively minor. The owner of 62 Staton Road has not objected to the application.

*Building Height*

The proposed wall height variations are considered relatively minor and do not apply to any significant sections of the proposed house, nor do they impact on any nearby property views and can be supported.

**RECOMMENDATION**

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

- (a) variation to the north side (front) boundary setback for the entry, bedrooms 1 and 2, a wall for the void, a balcony and upper floor dining area pursuant to the Residential Design Codes from 6m to 5.5m, 4.8m, 5.5m, and 4.8m respectively;
- (b) variation to the west side boundary setback for an upper floor dining area pursuant to the Residential Design Codes from 2m to 1.3m;
- (c) variation to the west side boundary setback for an upper floor shelving wall pursuant to the Residential Design Codes from 1.1m to 0.9m;
- (d) variation to building height for an upper floor wall for an en-suite, study and a master bedroom on the east side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;

for the construction of a two storey house at 18 Wolsely Road comprising:

Ground Floor: Entry, double garage & store, 2 bedrooms, 3 built-in-robos, 3 bathrooms, games room & laundry;

First Floor: Outdoor dining, balcony, kitchen & dining, stairwell, master bedroom, built-in-robe, en-suite, powder room & study;

in accordance with the plans date stamp received on 10 June 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



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- adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Mr Jeff Swinyard (designer) and Ms Renata Stazzonelli (owner) addressed the meeting in support of the proposed development.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Wilson**

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

- (a) **variation to the north side (front) boundary setback for the entry, bedrooms 1 and 2, a wall for the void, a balcony and upper floor dining area pursuant to the Residential Design Codes from 6m to 5.5m, 4.8m, 5.5m, and 4.8m respectively;**
- (b) **variation to the west side boundary setback for an upper floor dining area pursuant to the Residential Design Codes from 2m to 1.3m;**
- (c) **variation to the west side boundary setback for an upper floor shelving wall pursuant to the Residential Design Codes from 1.1m to 0.9m;**
- (d) **variation to building height for an upper floor wall for an en-suite, study and a master bedroom on the east side pursuant to Local Planning Policy 142 from 5.6m to 5.8m;**

**for the construction of a two storey house at No. 18 (Lot 2) Wolsely Road, East Fremantle comprising:**

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**Ground Floor:** Entry, double garage & store, 2 bedrooms, 3 built-in-robcs, 3 bathrooms, games room & laundry;

**First Floor:** Outdoor dining, balcony, kitchen & dining, stairwell, master bedroom, built-in-robe, en-suite, powder room & study;

in accordance with the plans date stamp received on 10 June 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.*
- (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*

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- otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
  - (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
  - (e) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
  - (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- CARRIED

T70.8

**King Street No. 98 (Lot 348)**

**Applicant: Residential Attitudes**

**Owner: Michael & Megan Keep**

**Application No. P68/2009**

By Chris Warrener, Town Planner on 3 August 2009

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a 2-storey house at 98 King Street comprising:  
Ground Floor: Porch, double garage & store, study, hall, free form living, kitchen, laundry, powder room, home theatre, store in stairwell, and alfresco;  
Upper Floor: 4 bedrooms, 2 bathrooms.

The garage door and its supporting structures occupy 44% of the property frontage.

**Statutory Considerations**

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

**Relevant Council Policies**

Local Planning Policy 066 – Roofing (LPP 066)  
Local Planning Policy 142 - Residential Development (LPP 142)

**Impact on Public Domain**

Tree in verge : No impact;  
Light pole : No impact;  
Crossover : Existing bitumen crossover on north side will have to be closed in favour of providing a new crossover on the south side;  
Footpath : Bitumen footpath next to property boundary in reasonable condition.

**Documentation**

Amended plans date stamp received on 23 July 2009

**Date Application Received**

19 May 2009

**Advertising**

Adjoining land owners only

**Date Advertised**

Submitted plans : 13 May 2009;  
Amended plans : Applicant contacted adjoining property owners at the front.

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**Close of Comment Period**

28 May 2009

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

83 days

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

21 May 2007 Demolition Licence DL07/140 issued;  
5 June 2008 Demolition Licence 08/125 approved, not issued;  
21 July 2009 Council decides to defer the application for a 2-storey house.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

The amended plans were tabled at the Town Planning Advisory Panel meeting held on 28 July 2009 and the following comments were made:

- dwelling remains contextually inappropriate.
- streetscape is predominantly single storey without garages.
- not appropriate infill in an historic area.
- should present to the street as single storey to the streetscape.
- porch element is not sufficient to reduce bulk of double storey element at front of dwelling.
- the Panel's comments from 23 June 2009 meeting (refer below) were reiterated:
  - .. Council should be mindful that demolition of an existing house is required to allow any new development on this site to go ahead.
  - .. contextually inappropriate to the precinct.
  - .. double garage not acceptable.
  - .. ground floor must address the streetscape.
  - .. preferable design in this location is a single storey at the front with double storey at the rear.
  - .. this house does not address the simplicity of the roofing that exists in the housing stock in the precinct. The planning of the home needs to be redesigned to allow for a more simplified roof design.
  - .. bulk and scale of the property is not acceptable in this location.
  - .. concern regarding of the overshadowing of the house next door.

**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:

- V Cook & S Avenell*  
*88 Duke Street*
- residential blocks in Plympton are quite small and proposed;
  - residence is two storey;
  - windows that overlook backyard be made opaque to maintain privacy.

**Site Inspection**

By Town Planner on 20 May 2009.

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**STATISTICS**

	<b>Required</b>	<b>Proposed</b>
Land Area		508m <sup>2</sup>
Open Space	50%	Existing 67.8%
Zoning		Acceptable R20
Heritage Listing		Draft Municipal Inventory

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STATISTICS	Required	Proposed
<b>Setbacks:</b>		
Front (west)		
Ground Study	6.0	6.0
Porch	6.0	Acceptable 4.076
Garage	6.0	<b>Discretion Required</b> 6.0
Store	6.0	Acceptable 7.6
Upper Bed 2	6.0	Acceptable 12.67
Master	6.0	Acceptable 5.8
		<b>Discretion Required</b>
Rear (east)		
Ground Home Theatre	1.5	18.0
Alfresco	1.5	Acceptable 16.3
Upper Bed 4	4.5	Acceptable 18.0
Bed 3	1.1	Acceptable 20.2
		Acceptable
Side (north)		
Ground Alfresco	1.0	1.2
Living	1.0	Acceptable 1.2
Hall	1.0	Acceptable 1.2
Study	1.0	Acceptable 1.2
Porch	1.0	Acceptable 3.1
Upper Bed 4	1.1	Acceptable 5.85
Bed 3 & 2	1.1	Acceptable 1.2
Master, Robe	1.1	Acceptable 4.2
		Acceptable
Side (south)		
Ground Porch	1.0	7.2
Garage	1.0	Acceptable 1.07
Store, laundry	Nil	Acceptable Nil
Pdr	1.0	Acceptable 1.55
Theatre	1.0	Acceptable 1.07
Upper Master & ensuite	1.2	Acceptable 1.57
Bath	1.1	Acceptable 3.0
		Acceptable

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	<i>Bed 4</i>	1.1	1.57 Acceptable
<b><u>Height:</u></b>			
Wall		6.0	5.4 Acceptable
Building		9.0	7.5 Acceptable
<b><u>Overshadowing:</u></b>		(24.89% of adjoining property)	
<b><u>Privacy/Overlooking:</u></b>		N/a	

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**REPORT**

*Amended Plans*

At its meeting held on 24 July 2009 Council considered an application for a 2-storey house at 98 King Street and resolved:

*“That the application for the construction of a 2-storey house at No. 98 (Lot 348) King Street, East Fremantle be deferred to allow the applicants to work with the Town Planner to address compliance with Clause 10.2(b) and sub clauses 10.2(i), (o) and (p) of TPS3.”*

The originally submitted plans were not acceptable because Council considered that the proposal would have an adverse impact on the local streetscape and result in development not in keeping with the character of the Plympton precinct.

In response to the Council decision the applicants had two meetings with Cr Dobro and the Town Planner to discuss and present an alternative house design which proposes an alternative front façade incorporating a porch forward of the garage with an entry facing the street. The originally submitted plans proposed an entry not visible to the street.

The porch element of the new frontage hides a portion of the double garage element. The originally submitted plans proposed a garage which occupied 49.7% of the property frontage; the amended plans propose that it occupy 44% of the frontage.

With the entry now facing the street, and the porch element in front, the amended plans are considered to be an acceptable alternative design for a 2-storey house at this particular property.

The following specific issues apply to the amended plans.

*Side West (Front)  
Boundary Setback*

The amended plans propose a porch set back 4.076m, and an upper floor master bedroom set back 5.789m from the front boundary.

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The specified front setback on an R20 coded property under the RDC is 6m.

In addition, LPP 142 states:

*"Part 2 – Streetscape*

- (i) Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.*
- (iii) The following street setbacks apply also to any upper storey:*
  - (a) Primary Street – minimum setback as prescribed by the Residential Design Codes – Table 1 – General Site Requirements, Column 8; and*
  - (b) Secondary Street – minimum setback 50% of Primary Street."*

*Roof Pitch*

The application proposes a 2-storey house with its roof pitched at 25° 38'.

LPP 066 states:

*"dominant elements to be greater than 28°."*

*Submissions*

In making its decision to defer the application pending the receipt of amended plans Council considered it appropriate that there be consultation with potentially affected property owners in regard to the amended plans.

The applicant has undertaken direct consultation with the property owners either side of the development in accordance with the consultation process specified under the RDC.

The neighbour at the rear was not directly consulted because there has been no change to the plans in respect to that portion of the development which may have an impact on that neighbour's property. The submission received from the owner of 83 Duke Street continues to apply to the amended plans.

The owners of 100 King Street have endorsed their support for the amended plans, the owners of 96 King Street are absentee and there has been no communication from them.

The submission from 83 Duke Street is concerned at the overlooking impact of the windows on the east side (rear) from the upper floor bedrooms 3 and 4 as well as the scale and nature of the proposed new dwelling.

*TPAP Comments*

The panel considered the amended plans but was not prepared to support the application based on the changes now proposed.

**Discussion**

*Side West (Front)  
Boundary Setback*

The proposed upper floor master bedroom front setback variation is considered acceptable given the reduced setbacks of the majority of properties including the

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adjoining properties along King Street, and in the area generally; the setback variation is supported.

In addition the proposed porch is considered to ameliorate the impact of the 2-storey element at the front, and given the predominance of reduced setbacks along King Street and in the Plympton precinct generally the setback variation for the porch is supported

*Roof Pitch*

The variation to the roof pitch is not considered to have a detrimental impact on the local streetscape or general character of housing in the area, and is supported.

*Submission*

83 Duke Street is located at the rear of 98 King Street.

The upper floor windows at the rear of the proposed development are setback 17.98m and 20.2m respectively. Under the Residential Design Codes, the required setback is 4.5m.

The area at the rear of 83 Duke Street that is overlooked comprises an extensively densely vegetated backyard not an active outdoor living area.

The applicant states that all concerns regarding privacy were taken into consideration when designing the dwelling to ensure full compliance with the Residential Design Codes 6.8 privacy requirements.

As the windows are set back to more than comply with the specified setback under the Residential Design Codes, and the area overlooked is not an outdoor living area such as a barbeque, patio or swimming pool, the proposal is supported as submitted

*Local Streetscape*

This property is in the Plympton Precinct and pursuant to the Local Planning Strategy the following design statements are made:

*Land Use*

*The Council intends to retain the area predominately for single dwellings on small lots to reflect the existing heritage character and historical development of the area.*

*Design*

*New development throughout the precinct is to be generally small scale and sympathetic to the character (form, mass and materials) of existing development...*

While the applicant has positively addressed some of the concerns that were raised in relation to the originally submitted plans, notably the location of the front door, and the introduction of a single storey element to the front, it is arguable whether the proposal is small scale or sympathetic to the character of existing development in keeping with the design objectives stated in the LPS for development in the Plympton precinct.



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**RECOMMENDATION**

That Council refuses to grant planning approval for the construction of a 2-storey house at No. 98 (Lot 348) King Street, East Fremantle comprising:

Ground Floor: Double garage & store, study, porch, entry, free form living, kitchen, laundry, powder room, home theatre, store in stairwell, and alfresco;

Upper Floor: 4 bedrooms, 2 bathrooms;

in accordance with the amended plans date stamp received on 23 July 2009 for the following reasons:

1. the application proposes development that is not small scale or sympathetic to the character (form, mass and materials) of existing development, in conflict with the Local Planning Strategy for the design of development in the Plympton precinct (TPS No. 3 sub-clause 10.2(b) refers).
2. the application is for a 2-storey house the design of which is not compatible with its setting in conflict with Town Planning Scheme No. 3 sub-clause 10.2 (j).
3. the application proposes development that will not preserve the amenity of the locality in conflict with Town Planning Scheme No. 3 sub-clause 10.2 (o).
4. the proposed development poorly relates to development on adjoining land and on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal in conflict with Town Planning Scheme No. 3 sub-clause 10.2 (p).

Correspondence referred from MB Ref. T68.1 & T68.2 was tabled.

Mr Russell Barr (Sales Consultant – Residential Attitudes) and Ms Megan Keep (owner) came to the table to address the meeting in support of the proposed development application.

At the outset Mr Barr took issue with the two late emails submitting comment on the development proposal. In response the Presiding Member stated that one email was from her partner, Dr Alan Fenna, who expressed his own views on the proposed development as he was unable to attend tonight's meeting.

The Presiding Member also stated that despite forwarding to Council the adjoining neighbours' email address it appeared from the report that the statement that the applicants had "contacted adjoining property owners at the front", it did appear that the neighbour to the north may not have been aware of the proposal. The Presiding Member stated that she had emailed the owner of 96 King Street asking if she was aware of the proposal as she had been sailing around Asia for the past 16 months.

Following her response to the questions regarding the emails the Presiding Member declared that upon joining Council she had taken an oath and stated that she would consider all matters on their merit and vote in the best interest of the Town.

Discussion ensued on matters relating to compliance with the R-Codes and that the argument relating to bulk and scale was subjective.

Ms Keep in addressing the committee stated that the current residence is rapidly deteriorating and her desire for a contemporary two storey residence was an attempt to preserve existing trees and provide a garden for her children to play in.

In closing Mr Barr stated that if the application was refused then the matter would be taken to SAT and the full weight of the company would be thrown behind their appeal.

**T71. ADJOURNMENT**

**Cr de Jong – Cr Rico**  
**That the meeting be adjourned at 8.30pm.**

CARRIED

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## T72. RESUMPTION

Cr Rico – Cr de Jong

That the meeting be resumed at 8.55pm with all those present at the adjournment in attendance. CARRIED

*The Chief Executive Officer joined the meeting.*

## T73. REPORT'S OF OFFICERS (Cont)

### T73.1 *King Street No. 98 (Lot 348) (Cont)*

#### RECOMMENDATION TO COUNCIL

Cr Wilson – Cr de Jong

That Council refuses to grant planning approval for the construction of a 2-storey house at No. 98 (Lot 348) King Street, East Fremantle comprising:

Ground Floor: Double garage & store, study, porch, entry, free form living, kitchen, laundry, powder room, home theatre, store in stairwell, and alfresco;

Upper Floor: 4 bedrooms, 2 bathrooms;

in accordance with the amended plans date stamp received on 23 July 2009 for the following reasons:

1. the application proposes development that is not small scale or sympathetic to the character (form, mass and materials) of existing development, in conflict with the Local Planning Strategy for the design of development in the Plympton precinct (TPS No. 3 sub-clause 10.2(b) refers).
2. the application is for a 2-storey house the design of which is not compatible with its setting in conflict with Town Planning Scheme No. 3 sub-clause 10.2 (j).
3. the application proposes development that will not preserve the amenity of the locality in conflict with Town Planning Scheme No. 3 sub-clause 10.2 (o).
4. the proposed development poorly relates to development on adjoining land and on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal in conflict with Town Planning Scheme No. 3 sub-clause 10.2 (p). CARRIED

### T73.2 *Hubble Street No. 82 (Lot 28)*

*Applicant: Summit Projects*

*Owner: Romano & Maria Filippin*

*Application No. P83/2009*

By Chris Warrener, Town Planner on 6 August 2009

#### BACKGROUND

##### Description of Proposal

An Application for Planning Approval for a 2-storey house at 82 Hubble Street comprising:

Ground Floor: double garage, verandah, entry, study, master suite with en-suite, store, home theatre, kitchen, dining and family room, laundry and alfresco.

First Floor: 2 bedrooms, bathroom, activity room, and balcony.

##### Statutory Considerations

Town Planning Scheme No. 3 – Residential R20

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

##### Relevant Council Policies

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

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**Impact on Public Domain**

- Tree in verge : No impact  
Light pole : No impact  
Crossover : Existing bitumen crossover at the front on the north side will have to be replaced in favour of providing a new crossover on the south side.  
Footpath : Existing bitumen footpath in front of property in reasonable condition.

**Documentation**

Plans and relevant forms date stamp received on 15 June 2009

**Date Application Received**

15 June 2009

**Additional information**

**Advertising**

Adjoining land owners only

**Date Advertised**

23 June 2009

**Close of Comment Period**

7 July 2009

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

56 days

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

- 15 April 2008 Council decides to defer an application for the construction of a 2-storey house at 82 Hubble Street pending the submission of revised plans;
- 17 June 2008 Council decides to hold the application over for a new residence to replace the existing at 82 Hubble Street pending the arrangement of a site visit for elected members to view the existing house;
- 15 July 2008 Council defers the application for a 2 storey house to provide the opportunity for the applicant to work with Council to explore options relating to retaining and extending the existing house.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

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

- not acceptable.
- not appropriate to streetscape.
- very early home that should be restored and extended.
- form of the building doesn't fit the context.
- the proportion of the windows is out of context with surrounding properties and streetscape.
- building is two storeys on the street.
- streetscape is predominantly single storey and heritage.
- traditionally there were no garages in this neighbourhood and where garages have been approved they are single garages or carport.
- should be refused.

**Public Submissions**

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

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**Site Inspection**

By Town Planner on 24 June 2009.

<b>STATISTICS</b>	<b>Required</b>	<b>Proposed</b>
Land Area		506m <sup>2</sup> Existing
Open Space	50%	61.23% Acceptable
Zoning		R20
Heritage Listing		Draft Municipal Inventory
<b>Setbacks:</b>		
Front (west)		
<i>Ground Study</i>	6.0	6.1 Acceptable
<i>Verandah</i>	6.0	4.35 <b>Discretion Required</b>
<i>Garage</i>	6.0	5.55 <b>Discretion Required</b>
<i>Upper Balcony</i>	6.0	4.35 <b>Discretion Required</b>
<i>Bed 2</i>	6.0	6.1 Acceptable
Rear (east)		
<i>Ground Alfresco</i>	1.5	14.49 Acceptable
<i>Kitchen</i>	1.0	15.1 Acceptable
<i>Laundry</i>	1.0	15.1 Acceptable
<i>Upper Bed 3</i>	4.5	26.99 Acceptable
<i>Stairway</i>	1.1	26.99 Acceptable
<i>Bath</i>	1.1	26.99 Acceptable
Side (north)		
<i>Ground Verandah</i>	1.5	1.65 Acceptable
<i>Study, Master suite</i>	1.5	1.1 <b>Discretion Required</b>
<i>Bathroom &amp; Family</i>	1.5	1.65 Acceptable
<i>Alfresco</i>	1.5	1.1 <b>Discretion Required</b>
<i>Family</i>	1.0	1.1 Acceptable
<i>Upper Balcony, Activity &amp; Bed 3</i>	2.3	1.65 <b>Discretion Required</b>
Side (south)		
<i>Ground Garage &amp; Store</i>	1.0	Nil <b>Discretion Required</b>
<i>Home Theatre &amp; Dining</i>	1.0	2.13 Acceptable

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STATISTICS		Required	Proposed
	Laundry	1.0	Nil
	Upper Bed 2 & Bathroom	1.1	Discretion Required
	Balcony	2.3	Acceptable
			6.0
			Acceptable
<b>Height:</b>			
	Wall	6.0	5.264
			Acceptable
	Building	9.0	8.0
			Acceptable

**REPORT**

**Background**

At its meeting held on 15 July 2008 Council decided to defer an application for a 2 storey house at 82 Hubble Street to "provide the opportunity for the applicant to work with Council to explore the options relating to retaining and extending the existing residence."

This application is for a new set of plans for the property.

The new plans do not propose the retention of or additions to the existing house; like the previous application it is proposed to demolish the existing house.

**Issues**

*Streetscape*

The application proposes an upper floor balcony which cantilevers out beyond the garage and main building line however the double garage is forward of the main building line.

LPP 142 states:

*"Part 2 – Streetscape*

- (i) Buildings are to be set back such a distance as is generally consistent with the building set back on adjoining land and in the immediate locality.
- (iii) The following street setbacks apply also to any upper storey:
  - (a) Primary Street – minimum setback as prescribed by the Residential Design Codes – Table 1 – General Site Requirements, Column 8; and
  - (b) Secondary Street – minimum setback 50% of Primary Street."

The proposed double garage is set back 5.55mm from the front boundary.

The garage door and its supporting structures occupy 49% of the width of the property frontage, which complies with the relevant acceptable development provision in the RDC, which states:

- "A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are not to occupy more than 50 per cent of the frontage at the setback line as

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*viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.” (RDC, 6.2 Streetscape requirements)*

*Setbacks*

Front (West Side) – Ground Level

The proposed double garage is set back 5.55m from the front boundary.

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

Front (West Side) – Upper Floor

The proposed upper floor balcony is setback 4.35m from the front boundary; it comprises a 1.65m incursion into the street setback area.

The relevant RDC acceptable development provision states:

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

The upper floor balcony occupies 36.7% of the property frontage therefore Council's discretion is required to be exercised to allow the variation for the extent of the balcony incursion.

North Side – Common with 80 Hubble Street

The ground floor wall for the study and master suite is 9.14m long; it has no major openings and is set back 1.1m from the north side boundary.

The RDC recommend a 1.5m setback for walls longer than 9m with no major openings.

The upper floor wall for bedroom 3, an activity room and a balcony is set back 1.65m from the north side boundary.

The RDC recommend a 2.3m setback.

*Privacy*

The cone of vision for upper floor bedroom 2, which contains a major opening, is setback 4.483m from the south side boundary common with 84 Hubble Street.

The RDC recommend a 4.5m setback.

**Discussion**

*Streetscape*

The grouped dwelling development at 84 Hubble Street is set back more than 6m however most other properties along Hubble Street and in the immediate locality contain development which is situated less than the specified

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front setback; in some cases almost up to the front boundary. The existing house at 82 Hubble Street is set back 5.5m from the front boundary.

Based on the setbacks of development next to and in the immediate locality the proposed front setback variation is considered acceptable.

As stated in the officer's report on the previous application, there are 65 single storey houses along Hubble Street, and the vast majority are the original "worker cottage" housing stock on reduced frontages built between 1890 and 1920.

There are three properties (No's 54, and 84 & 86) which contain eleven 2-storey grouped dwellings.

16 properties contain 2-storey development. Of these 10 contain the original single storey element at the front with 2-storey additions at the rear.

This application proposes to demolish one of the 'old cottages' and replace it with a 2-storey brick and tile house with a double garage 0.5m forward of the main building line. The 2-storey element of this house is brought forward to occupy the front portion of the property as viewed from the street.

There is only one other 2-storey house in Hubble Street with a double garage forward of the main building line at No. 96 Hubble Street.

The style and type of the proposed house is considered to detrimentally impact on the character and amenity of housing within the local streetscape of Hubble Street, and contribute to a general deterioration in the character and amenity of the Plympton precinct.

While there are no adopted Residential Design Guidelines for Plympton the following extract from Council's Local Planning Strategy is relevant:

*"Design*

*New development throughout the precinct is to be generally small scale and sympathetic to the character (form, mass and materials) of existing development."*

This application if implemented is not considered to be small scale or sympathetic to the character (form and mass) of existing development, and is not supported.

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*Boundary Walls*

The proposed boundary walls about the south side boundary of 84 Hubble Street, which contains six 2-storey grouped dwellings. The potentially affected land comprises a bitumen access-way and car-parking area including a large carport for the residents of the six grouped dwellings.

The proposed additional boundary wall will not adversely affect the amenity of 84 Hubble Street, and is supported.

*Boundary Setbacks*

Front – West Side (Ground Level)

The setback variation for the garage will not adversely affect the streetscape as it will more closely match the prevailing built element setback on Hubble Street, and is supported.

However streetscape remains an issue in view of the fact that the garage is forward of the main building line of the house and appears to dominate the front façade.

Front – West Side (Upper Floor)

The proposed verandah and upper floor balcony closely match the built element setbacks along Hubble Street.

While these setback variations are supported the design of the house is not considered contextually appropriate in this particular part of East Fremantle.

North Side (Common with 80 Hubble Street)

The ground floor setback variations on the north side for the study and master-suite are considered relatively minor, they are considered not to impact negatively on the potentially affected property; the potentially affected property owner has not objected to this variation, which is supported.

The upper floor balcony, directly overlooking the front of 80 Hubble Street, and the public domain is not considered a privacy issue because of the fact that the overlooking is primarily of the front of that property visible to the public domain.

*Privacy*

The upper floor privacy setback for bedroom 2 is relatively minor at 0.017m, and is not considered to unduly affect the amenity of the affected property as it only provides overlooking into the front access way of 84 Hubble Street and therefore is supported.

**Conclusion**

The concerns Council raised in 2008 with the previous plans for this property remain in respect to the current plans.

The main issues relate to the scale, design and degree of sympathy with the local streetscape, and the Plympton precinct in general.

In light of the fact that the property is situated in an area of East Fremantle that is characterised by its significant stock of heritage housing, it would be preferable to retain



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the existing house and build sensitively designed additions at the rear.

Alternatively, the applicant should consider a redesign which is more sympathetic to the style of development in Plympton, notably positioning the upper floor element of the house to the rear so that the front façade presents as a single storey design with front door to the street, and perhaps with the inclusion of a front verandah, with the garage situated behind the main building line.

**RECOMMENDATION**

That Council refuses to grant approval for the construction of a 2-storey house at No. 82 (Lot 28) Hubble Street, East Fremantle comprising:

Ground Floor: double garage, verandah, entry, study, master suite with en-suite, store, home theatre, kitchen, dining and family room, laundry and alfresco;

First Floor: 2 bedrooms, bathroom, activity room, and balcony;

for the plans date stamp received on 15 June 2009 for the following reasons:

1. the application proposes development that is not small scale or sympathetic to the character (form, mass and materials) of existing development, in conflict with the Local Planning Strategy for the design of development in the Plympton precinct (TPS No. 3 sub-clause 10.2(b) refers).
2. the design of the 2-storey house is considered to be incompatible with its setting/local streetscape in the Plympton precinct pursuant to Town Planning Scheme No. 3, sub-clause 10.2 (j).
3. the design of the 2-storey house is considered to have a detrimental impact on the amenity of the locality pursuant to Town Planning Scheme No. 3, sub-clause 10.2 (o).
4. the development is not small scale, nor is it sympathetic to the character (form, mass, and materials) of existing development in Hubble Street; it conflicts with the intent for development stated in the Local Planning Strategy for development in the Plympton precinct, and Town Planning Scheme No. 3, sub-clause 10.2 (p).

Late correspondence referred from MB Ref. T68.2 was tabled.

Mr Quentin Lau (Designer – Summit Projects) and Mr Paul Filippin (owner) addressed the meeting in support of the proposed development.

Mr Lau sought guidance from the Committee on what they would prefer to see built on the subject lot.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Olson**

**That the application for the construction of a 2-storey house at No. 82 (Lot 28) Hubble Street, East Fremantle comprising:**

**Ground Floor: double garage, verandah, entry, study, master suite with en-suite, store, home theatre, kitchen, dining and family room, laundry and alfresco;**

**First Floor: 2 bedrooms, bathroom, activity room, and balcony;**

**be deferred to allow the applicant the opportunity to submit revised plans that are more sympathetic to the streetscape and taking into account the comments of the Town Planning Advisory Panel particularly in relation to bulk and scale and amenity issues.**

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*Cr Dobro made the following impartiality declaration in the matter of 31 Sewell Street: "As a consequence of my friendship with both the applicant and owners, 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."*

**T73.3 Sewell Street No. 31 (Lot 232)**  
**Applicant: John Chisholm Design**  
**Owner: D & D Colling**  
**Application No. P132/2008**  
By Chris Warrener, Town Planner on 23 July 2009

**BACKGROUND**

**Description of Proposal**

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

- add a 1.4m extension on the north side to form a better functioning kitchen;
- extend a dining room and deck at the rear, and
- delete the "pop out" extension to the south for the existing laundry and bathroom.

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Documentation**

Amended plans and explanatory letter date stamp received on 30 June 2009

**Date Application Received**

9 July 2008

**Advertising**

Adjoining land owners only

**Date Advertised**

Original application: 14 July 2008;  
Amended plans: 2 July 2009

**Close of Comment Period**

Original application: 24 July 2008;  
Amended plans: 20 July 2009

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

41 days

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

23 September 2008: Council approves minor additions.

**CONSULTATION**

**Public Submissions**

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

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**STATISTICS**

Land Area

*Required*

*Proposed*

506m<sup>2</sup>  
Existing

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<b>STATISTICS</b>	<b><i>Required</i></b>	<b><i>Proposed</i></b>
Open Space	50%	N/a
Zoning		R20
Heritage Listing		Draft Municipal Inventory
<b><u>Setbacks:</u></b>		
Front	Not applicable - additions at rear	
Rear (west)		
<i>Ground Dining Room</i>	1.5	14.8 Acceptable
<i>Deck</i>	1.5	12.79 Acceptable
Side (north)		
<i>Ground Kitchen</i>	1.5	1.4 <b>Discretion Required</b>
<i>Dining</i>	1.5	2.79 Acceptable
Side (south)		
<i>Ground Deck</i>	1.0	1.4 Acceptable
<b><u>Height:</u></b>		
Wall	6.0	3.2 Acceptable
Building	9.0	3.6 Acceptable
<b><u>Overshadowing:</u></b>	N/a	
<b><u>Privacy/Overlooking:</u></b>	Deck is screened on south side.	

**REPORT**

This report is submitted in response to amended plans for additions at the rear of the single storey house at 31 Sewell Street.

The amended plans are for works, which, except for one minor variation, comply with the RDC.

There is an existing verandah at the rear which the amended plans propose to extend and partially enclose for a dining room extension.

The existing verandah is unscreened however the amended plans to extend it propose screening along the south side; in its current form the verandah does not "comply" with the RDC, however the proposed screening of the enlarged verandah brings it into "compliance".

It was considered prudent to advertise the amended plans to give potentially affected adjoining property owners the opportunity to comment on the proposed changes.

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**Issues**

Boundary Setback

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

The RDC recommend a 1.5m setback

**Discussion**

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

The potentially affected property owner has not objected to the amended plans.

**RECOMMENDATION**

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

- add a 1.4m extension on the north side to form a better functioning kitchen;
  - extend a dining room and deck at the rear, and
  - delete the "pop out" extension to the south for the existing laundry and bathroom;
- in accordance with the amended plans date stamp received on 30 June 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. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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**RECOMMENDATION TO COUNCIL**

**Cr Rico – Cr Olson**

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

- add a 1.4m extension on the north side to form a better functioning kitchen;
- extend a dining room and deck at the rear, and
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in accordance with the amended plans date stamp received on 30 June 2009 subject to the following conditions:

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**Footnote:**

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

CARRIED

**T74. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

**T74.1 Design Guidelines**

The matter of the uncompleted Design Guidelines was raised.

The Chief Executive Officer advised he would speak to Phil Griffiths (Considine & Griffiths Architects) and report back at the Council meeting.

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**T75. CLOSURE OF MEETING**

There being no further business the meeting closed at 10.00pm.

*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 **11 August 2009**, Minute Book reference **T64. to T75.** were confirmed at the meeting of the Committee on*

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*Presiding Member*