

13 October 2009

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 13 OCTOBER, 2009 COMMENCING AT 6.35PM.

T86. OPENING OF MEETING

T86.1 Present

Cr Stefanie Dobro	Presiding Member
Mayor Alan Ferris	
Cr Dean Nardi	
Cr Richard Olson	
Cr Maria Rico	
Cr Alex Wilson	
Mr Stuart Wearne	Chief Executive Officer
Mr Rohan Doust	Acting Town Planner
Mrs Peta Cooper	Minutes Secretary

T87. WELCOME TO GALLERY

There were 2 members of the public in the gallery at the commencement of the meeting.

T88. APOLOGIES

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

T89. CONFIRMATION OF MINUTES

T89.1 Town Planning & Building Committee (Private Domain) – 8 September 2009

Mayor Ferris – Cr Wilson

That the Town Planning & Building Committee (Private Domain) minutes dated 8 September 2009 as adopted at the Council meeting held on 15 September 2009 be confirmed.

CARRIED

T90. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T90.1 T92.3 Woodhouse Road No. 18 (Lot 6)

Email received from owner seeking a concession with regard to the privacy screening.

Cr Rico – Mayor Ferris

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T92.3)

CARRIED

T91. REPORTS OF COMMITTEES

T91.1 Town Planning Advisory Panel – 22 September 2009

Cr Rico – Cr Olson

That the minutes of the Town Planning Advisory Panel meeting held on 22 September 2009 be received and each item considered when the relevant development application is being discussed.

CARRIED

T92. REPORTS OF OFFICERS

T92.1 Receipt of Reports

Cr Olson – Mayor Ferris

That the Reports of Officers be received.

CARRIED

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T92.2 Order of Business

Cr Olson – Mayor Ferris

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

Cr Dobro made the following impartiality declaration in the matter of 18 Woodhouse Road: "As a consequence of the owner, Ms Vanessa Collins, being a member of the Town Planning Advisory Panel of which I am Chairperson, 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".

T92.3 Woodhouse Road No. 18 (Lot 6)
Applicant: Gerard McCann Architect
Owner: K Nikellys & V Collins
Application No. P114/2009

By Chris Warrener, Town Planner on 30 September 2009

BACKGROUND

Description of Proposal

Application for planning approval to extend and cover an existing upper level deck to the rear of an existing two-storey single house at 18 Woodhouse Street.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and relevant forms received on 26 August 2009

Date Application Received

26 August 2009

Advertising

Adjoining landowners and sign on site

Date Advertised

3 September 2009

Close of Comment Period

17 September 2009

No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

23 September 1991	Building Permit 131/1866 approved for a timber balcony;
18 April 1994	Council approves reduced setbacks for additions including a carport;
8 August 1994	Building Permit 138/2198 approved for additions;
18 September 1995	Council approves reduced setbacks for a carport and enclosure of area below the residence;
1 April 1996	Building Permit No 130A/2390 approved for an under-croft and an isolated carport;
28 June 1996	Town Planner approves variations to walls and roof of the carport;
21 November 2000	Council decides to replace verge tree.

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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 no submissions were received.

REPORT

Considerations

Overlooking

A small portion of the proposed deck addition lies within the 7.5m setback area required for privacy under the R-Codes.

It is recommended that any development approval include a condition to ensure additional privacy screening be provided so that the proposal meets visual privacy requirements. It's anticipated that only a minor amount of additional screening would be needed to comply.

RECOMMENDATION

That Council approve the planning application to extend and cover an existing upper level deck to the rear of an existing two-storey single house at No. 18 (Lot 6) Woodhouse Road, East Fremantle in accordance with plans dated 26 August 2009, subject to the following conditions:

1. Additional screening is to be provided to the deck addition to ensure the proposal meets the 7.5m privacy setback provision of the Residential Design Codes, details of which are to be provided at the Building Licence stage and to the Town's satisfaction.
2. Works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the roofed deck may not be enclosed without the prior written consent of Council.*
- (e) *the proposed window changes shown on the plans aren't considered to constitute development, and as a result don't require planning approval*

An email referred from MB Ref. T90.1 was tabled.

Ms Vanessa Collins (owner) addressed the meeting seeking a concession for the privacy screening.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Olson

That Council approve the planning application to extend and cover an existing upper level deck to the rear of an existing two-storey single house at No. 18 (Lot 6) Woodhouse Road, East Fremantle in accordance with plans dated 26 August 2009, subject to the following conditions:

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

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the roofed deck may not be enclosed without the prior written consent of Council.*
- (e) *the proposed window changes shown on the plans aren't considered to constitute development, and as a result don't require planning approval.*

CARRIED

Reason For Not Supporting Condition (1) of Officer's Report

The Committee considered the 1m² variation to the privacy provisions of the Residential Design Codes as minor and given the substantial vegetation on both the subject property and that of the adjoining property, where it was reasonable to expect that this will remain, the Committee were of the view that the deletion of Condition (1) of the officer's report could be supported.

T92.4

Pier Street No. 41 (Lot 303)

Applicant: Classic Home & Garage Improvements

Owner: Sheila Lansbury

Application No. P110/2009

By Chris Warrener/Rohan Doust (Town Planner) on 8 October 2009

BACKGROUND

Description of Proposal

Application for Planning Approval to construct a patio to the east (rear) side of an existing two-storey house at 41 Pier Street (Lot 303).

The patio is proposed to be single storey, 4.2m x 10.0m in area, and constructed of Colorbond.

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Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans received 17 August 2009 and 17 September 2009

Date Application Received

8 September 2009

Additional information

None

Advertising

Adjoining land owners

Date Advertised

21 August 2009

Close of Comment Period

4 September 2009

No. of Days Elapsed between Lodgement & Meeting Date

35 days

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

2 April 1979	Building Permit No 20 approved for extension of asbestos fence;
19 December 1988	Council decides to advise the WAPC that it supports the subdivision of 41 Pier Street into two lots;
14 February 1989	WAPC conditionally approves the subdivision of 41 Pier Street;
20 March 1989	Council defers its decision on an application for two two-storey houses;
26 April 1989	Demolition Licence No 270 granted;
13 June 1989	WAPC approves the survey diagram for the subdivision of 41 Pier Street into 2 lots (474m ² and 456m ² in area), creating 41 Pier Street and 2 Easton Street;
1 August 1989	Building Permit 122/89/1595 approved for brick-and-tile dwelling;
17 February 2004	Council grants special approval for plot ratio, building height & setback variations for upper-level additions and balcony;
6 June 2004	Building Licence 221/3578 approved for garage and second storey.

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 one submission was received.

Site Inspection

By Town Planner on 31 August 2009



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REPORT

Considerations

Discrepancy in Plans

Site plans received 17 August 2009 show the roof of the patio being set back 0.75m from the eastern boundary. However, elevations received 16 September 2009 show a 0.5m setback. The applicant has confirmed that a setback of 0.75m is proposed.

Setback Variation

The patio is proposed to be set back 0.75m from the eastern boundary. The R-Codes require a setback of 1.5m.

This variation may be supported as:

- The subject site is lower than the adjoining property. The plans indicate that the height of the proposed patio would, at the boundary, be lower than that of the dividing fence. Accordingly, the setback variation would generally be unnoticeable from the adjoining property.
- The proposed reduced setback is adjacent to the driveway of the eastern adjoining property and would not impact on that property's outdoor living areas or major openings.
- The proposal would not result in any additional overshadowing of neighbouring properties as measured by the R-Codes.
- Any impact on the streetscape would be low.

Given that the subject site is somewhat overdeveloped from previous approvals, it's recommended that any development approval include a condition requiring the roof of the patio be set back further to at least 1.0m from the eastern boundary in order to address concerns raised by the adjoining landowner (see below).

It's noted that the proposed patio includes four metal uprights along the boundary itself. The R-Codes are unclear on whether or not these count as a wall. In this case, the uprights weren't considered to form a wall as they would not exceed the height of the diving fence (due to the change in level between the two lots). The patio roof was used for setback calculations instead.

Submission

An adjoining landowner raised concerns about stormwater run-off, encroachment, and the proposed setback variation.

Stormwater and encroachment matters are addressed at the Building Licence stage subsequent to any Planning Approval.

With respect to the setback variation, the landowner has suggested that a 1.0m setback be considered. It is agreed that this would be an appropriate outcome in this case.

RECOMMENDATION

That Council approve the planning application for a single-storey patio the east (rear) of the two-storey house at No. 41 (Lot 303) Pier Street, East Fremantle in accordance with plans dated 17 August 2009 and 17 September 2009, subject to the following conditions:

1. The roof of the patio is to be set back at least 1.0m from the eastern boundary.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

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5. The proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the patio may not be enclosed without the prior written consent of Council.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Wilson

That Council approve the planning application for a single-storey patio the east (rear) of the two-storey house at No. 41 (Lot 303) Pier Street, East Fremantle in accordance with plans dated 17 August 2009 and 17 September 2009, subject to the following conditions:

1. **The roof of the patio is to be set back at least 1.0m from the eastern boundary.**
2. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
4. **With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
5. **The proposed patio is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
6. **This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *the patio may not be enclosed without the prior written consent of Council.*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

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

T92.5 View Terrace No. 19 (Lot 247)

Applicant: John Chisholm

Owner: Rex Harrison Pty Ltd

Application No. P132/2009

By Chris Warrener/Rohan Doust (Town Planner) on 8 October 2009

BACKGROUND

Description of Proposal

Application for planning approval for the construction of a pedestrian access point, steps and terracing to the front setback area of the two-storey single dwelling at 19 View Terrace.

Planning Approval is also sought for unauthorised existing development at the subject site. The unauthorised works comprise a 2.7m high and 4.5m long brick wall enclosing the southern (rear) facade of the existing garage.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (TPS3)

Local Planning Strategy – Richmond Hill Precinct (LPS)

Residential Design Codes (R-Codes)

Relevant Council Policies

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

Local Planning Policy 143 – Fencing (LPP 143)

Documentation

Plans received on 1 September 2009

Date Application Received

1 September 2009

Advertising

Adjoining land owners only

Date Advertised

9 September 2009

Close of Comment Period

23 September 2009

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

10 September 1980 Council approves development of street verge with fine red pebble finish;

29 March 1982 Building Licence issued for timber framed asbestos clad second storey additions;

10 March 1987 Building Licence issued for upper floor extensions;

17 June 1996 Council grants special approval for extension of a terrace and the erection of a wall on the western boundary;

30 October 1998 Building Licence issued for a screen wall to the carport;

1 June 2005 WAPC refuses an application to subdivide 19 View Terrace into 2 lots (2 x 445m²);

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- 20 December 2006 CEO acting under delegated authority conditionally approves significant alterations and additions to the ground and upper floors of the existing dwelling;
- 19 February 2008 Council grants approval for rear additions including a pavilion and decking;
- 28 January 2009 CEO acting under delegated authority approves a highlight window on the east side for an upper floor theatre room.

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

No submissions were received.

Site Inspection

By Town Planner on 23 September 2009

REPORT

Considerations

Modifications to the Front Setback Area

It's proposed to introduce a pedestrian access point, steps and terracing to the front setback area of the subject property. This aspect of the proposal complies with the Town's Fencing Policy (LPP 143) and can be supported.

Unapproved Development

A 2.7m high and 4.5m long brick wall has been constructed in order to enclose the southern (rear) facade of the garage. This work does not have planning approval.

Clause 8.4 of TPS3 deals with unauthorised existing development and states that the local government may grant planning approval for development already carried out. In this instance the unapproved development is minor in nature and does not result in any variations to any planning requirements and so is recommended to be approved.

RECOMMENDATION

That the CEO acting under delegated authority approve the planning application for:

- (a) a pedestrian access point, steps and terracing to the front setback area; and
- (b) existing development comprising a brick wall to the southern (rear) elevation of the existing garage;

at No. 19 (Lot 247) View Terrace, East Fremantle in accordance with plans dated 1 September 2009, subject to the following conditions:

1. Modifications to the front fence are to accord with the visual permeability requirements of the Town's Local Planning Policy 143 – Fencing (LPP 143).
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The works to enclose the southern elevation of the garage be the subject of a Building Approval Certificate issued to the satisfaction of Council's Building Surveyor.
3. With regard to the plans submitted with respect to the Building Approval Certificate and building licence applications, 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. 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) 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.
- (b) 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).
- (c) matters relating to dividing fences are subject to the Dividing Fences Act 1961.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council approve the planning application for:

- (a) a pedestrian access point, steps and terracing to the front setback area; and
- (b) existing development comprising a brick wall to the southern (rear) elevation of the existing garage;

at No. 19 (Lot 247) View Terrace, East Fremantle in accordance with plans dated 1 September 2009, subject to the following conditions:

1. Modifications to the front fence are to accord with the visual permeability requirements of the Town's Local Planning Policy 143 – Fencing (LPP 143).
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The works to enclose the southern elevation of the garage be the subject of a Building Approval Certificate issued to the satisfaction of Council's Building Surveyor.
4. With regard to the plans submitted with respect to the Building Approval Certificate and building licence applications, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. 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) 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.
- (b) 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).
- (c) matters relating to dividing fences are subject to the Dividing Fences Act 1961. **CARRIED**

Cr Dobro made the following impartiality declaration in the matter of 59 Duke Street: "As a consequence of my relationship with the applicant due to consulting works he is currently undertaking for 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".

T92.6

Duke Street No. 59 (Lot 383)

Applicant: Gerard McCann Architect

Owner: AT & RJ McIntyre

Application No. P119/2009

By Chris Warrener/Rohan Doust (Town Planner) on 8 October 2009

BACKGROUND

Description of subject site

The site features a single-storey single dwelling constructed in limestone with a corrugated metal roof. The property is included on the Town's TPS3 Heritage List and

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the Municipal Heritage Inventory. The subject site is also located within a TPS3 Heritage Area (Plympton).

Description of Proposal

An Application for Planning Approval for demolition of a rear veranda and outbuilding, restoration works to the existing dwelling, and construction of a large two-storey rear addition at 59 Duke Street.

Statutory Considerations

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

Relevant Council Policies

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

Documentation

Plans and accompanying report received 1 September 2009

Date Application Received

1 September 2009

Advertising

Adjoining landowners and sign on site

Date Advertised

10 September 2009

Close of Comment Period

23 September 2009

No. of Days Elapsed between Lodgement & Meeting Date

42 days

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

18 October 1993 Council approves unauthorised extensions with the exception of an observation deck attached to a studio which must be demolished.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 22 September 2009. The Panel's comments are addressed below.

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

No submissions were received.

Site Inspection

By Town Planner on 30 October 2009

STATISTICS

File	P/Duk59
Zoning	R20
Lot Area	509m ²

STATISTICS

Heritage Listing Municipal Inventory

Site:	Required	Proposed	Status
Open Space	50%	57%	Acceptable
Overshadowing	70m ² of 508 m ² = 13.8%		

Height:	Required	Proposed	Status
Wall	6.0	4.1	Acceptable
Ridge	9.0	6.6	Acceptable
Roof type	Pitched		

Setbacks:		Wall	Wall	Wall	Major	Required	Actual	Status
Orientation	Wall Type	height	length	opening	Setback	Setback		
Front								
	<i>Ground</i> (Not applicable – no change apart from verandah refurbishment)							
	<i>Upper</i>							
Rear (west)								
	<i>Ground</i>	<i>Verandah</i>	2.2	2.4	Yes	1.0	11.7	Acceptable
		<i>WC</i>	2.4	1.5	No	1.0	11.1	Acceptable
		<i>Laundry</i>	2.2	1.0	No	1.0	12.7	Acceptable
	<i>Upper</i>	<i>Stairs, Landing</i>	4.5	6.0	No	1.1	15.1	Acceptable
Side (north)								
	<i>Ground</i>	<i>Dining*</i>	2.2	2.1	Yes	1.5	6.2	Acceptable
		<i>Sitting*</i>	2.1	5.2	Yes	1.5	7.2	Acceptable
		<i>Lobby, Verandah</i>	2.2	4.5	Yes	1.0	7.2	Acceptable
	<i>Upper</i>	<i>Ensuite, Bedroom*, Landing</i>	4.2	10.2	Yes	4.5	6.2	Acceptable
Side (south)								
	<i>Ground</i>	<i>Laundry, Sitting*, Pantry</i>	2.5	11.7	No	Nil	1.5	Discretion (LPP 142)
	<i>Upper</i>	<i>Landing</i>	3.6	2.4	No	1.1	Nil	Discretion
		<i>Bedroom*, WIR</i>	4.3	7.1	No	1.1	2.0	Acceptable

NB: (* denotes habitable room)

Privacy/Overlooking: No overlooking from subject property

REPORT

Considerations

Streetscape

The proposal includes a two-storey component. The second storey is set back well into the lot and is incorporated into the proposed roof form. The proposed addition is considered to be well designed and would not have an adverse impact on the streetscape.

Heritage Considerations

The Town Planning Advisory Panel have not objected to the demolition of the existing veranda and outbuilding, nor the construction of the proposed two-storey extension. The upgrades to the existing dwelling have been commended. It's considered the proposal would not detract from the heritage significance of the existing dwelling and can be supported.

The Town Planning Advisory Panel have also noted a that the proposal could be improved by incorporating a link to better separate the old and new portions of the dwelling. In response, the Town considers that the current proposal provides sufficient articulation between the old and new sections, and a redesign isn't warranted.



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Boundary Wall Variation

The site is currently developed with a 2.5m high and 6.8m long wall along the southern (side) boundary. It is proposed to extend this wall to a length of 11.7m, and, for a distance of 2.4m, increase its height to 3.6m.

The provisions of LPP 142 limit this wall to 9.0m in length and 3.0m in height. It is recommended that a variation be supported in this case as:

- the variation is relatively minor;
- the proposed boundary wall affects the side setback area of the adjoining property, and accordingly does not impact unduly on that property's outdoor living areas or major openings; and
- the proposal accords with overshadowing, height and open space provisions.

RECOMMENDATION

That Council approve the planning application dated 1 September 2009 for the demolition of a rear veranda and outbuilding, restoration works to the existing dwelling, and construction of a two-storey rear addition at No. 59 (Lot 383) Duke Street, East Fremantle as shown on plans dated 1 September 2009 and subject to the following conditions:

1. Boundary walls are to be finished to the same standard as the rest of the development.
2. Works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
7. That the Zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *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 boundary walls it is recommended that the applicant consult with the neighbour.*
- (g) *the veranda may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council approve the planning application dated 1 September 2009 for the demolition of a rear veranda and outbuilding, restoration works to the existing dwelling, and construction of a two-storey rear addition at No. 59 (Lot 383) Duke Street, East Fremantle as shown on plans dated 1 September 2009 and subject to the following conditions:

- 1. Boundary walls are to be finished to the same standard as the rest of the development.**
- 2. Works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. The proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 7. That the Zinalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.**
- 8. This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) 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 boundary walls it is recommended that the applicant consult with the neighbour.*
 - (g) *the veranda may not be enclosed without the prior written consent of Council.*
 - (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- CARRIED**

Mayor Ferris made the following impartiality declaration in the matter of 82 Hubble Street: "As a consequence of the owner, Paul Filippin, being known to me due to my having worked with him for a number of years, 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."

Cr Nardi made the following impartiality declaration in the matter of 82 Hubble Street: "As a consequence of the owner, Paul Filippin, 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."

T92.7 Hubble Street No 82 (Lot 28)
Applicant: Summit Projects
Owner: Romano, Maria and Filippin
Application No. P83/2009
By Chris Warrener, Town Planner on 30 September 2009

BACKGROUND

Description of subject site

The site is developed with a single-storey single house. The existing house is included in the Town's Municipal Heritage Inventory. It is intended to demolish this house.

Description of Proposal

It's proposed to construct a two-storey single house at the subject site. The proposed house is to be constructed form face limestone and rendered brick with a Colorbond roof. The design is contemporary Australian in nature

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)

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 received on 15 June 2009

Date Application Received

15 June 2009

Additional information

Amended plans received on 3 September 2009. These amended plans are the subject of this report.

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Advertising

Adjoining land owners only

Date Advertised

Submitted plans: 23 June 2009

Amended plans: 8 September 2009

Close of Comment Period

Submitted plans: 7 July 2009

Amended plans: 23 September 2009

No. of Days Elapsed between Lodgement & Meeting Date

120 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;

18 August 2009 Council decides to defer the application *“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.”*

CONSULTATION

Town Planning Advisory Panel Comments

On 28 July 2009 the Town Planning Advisory Panel considered the initial application shown on plans dated 15 June 2009. The Panel did not support the initial proposal and amended plans were requested to address the Panel's concerns.

Amended plans were received on 3 September 2009 and were considered by the Panel at its meeting on 22 September 2009. The Panel's advice is set out below.

Public Submissions

No submissions were received

Site Inspection

By Town Planner on 24 June 2009.

STATISTICS

File P/Hub82
Zoning R20
Lot Area 506m²
Heritage Listing Municipal Inventory

Site:	Required	Proposed	Status
Open Space	50%	59.28%	Acceptable
Overshadowing	10.87%		

Height:	Required	Proposed	Status
Wall	6.0	6.0	Acceptable
Ridge	9.0	9.0	Acceptable

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STATISTICS

Roof Type Pitched

Setbacks:

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (west)							
Ground	Study*	3.2	3.8	Yes	6.0	7.3	Acceptable
	Verandah*	3.0	6.3	Yes	6.0	6.0	Acceptable
	Entry, Garage	3.2	7.3	Yes	6.0	8.5	Acceptable
Upper	Bed 3*, Stairs, Bath	6.0	9.1	No	6.0	14.5	Acceptable
Rear (east)							
Ground	Laundry, kitchen*	2.3	6.5	No	1.0	11.5	Acceptable
	Alfresco	2.6	4.1	Yes	1.0	11.5	Acceptable
Upper	Bed 1*, Activity*	5.4	9.0	No.	2.5	19.183	Acceptable
Side (north)							
Ground	Alfresco, Family*, Ensuite, WIR	3.0	15.3	Yes	1.5	1.65	Acceptable
	Master*, Study*	3.0	7.3	No	1.0	1.1	Acceptable
Upper	Activity*, Bed 3*	5.8	7.29	No	1.2	1.65	Acceptable
Side (south)							
Ground	Garage, Store	2.762	9.59	No	1.0	Nil	Discretion
	Theatre*, Dining*	2.3	7.36	Yes	1.5	1.58	Acceptable
	W/C, Laundry	2.414	5.4	No	1.0/Nil	Nil	Acceptable (LPP 142)
Upper	Bath, WC, Bed 2*	4.5	7.84	No	1.1	1.58	Acceptable

NB: (* denotes habitable room)

Privacy/Overlooking: No overlooking from subject property

REPORT

Considerations

Town Planning Advisory Panel Comments

The advice of the Town Planning Advisory Panel is set out below and is accompanied by the Town's response:

<u>Panel's Advice</u>	<u>Town's Response</u>
1. Original home should not be demolished but instead restored and extended.	The demolition of the existing dwelling does not form part of the application currently under consideration.
2. Pseudo heritage finials should be removed as they detract from the proposed development.	Whilst the finials are relatively minor and unobtrusive the applicant has agreed to their removal.
3. Appropriate finishes are required to create a quality appearance, including the provision of timber-framed windows on the front facade.	Agreed. It's recommended that this aspect of the proposal be addressed via conditions of any planning approval.
4. Concerns raised regarding solar access to the kitchen from the east.	Agreed. It is recommended and any development approval include a condition requiring the provision of additional windows to the eastern facade of the proposed kitchen.

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Streetscape

The proposed two-storey dwelling will have an impact upon the existing streetscape. Nonetheless, it's considered that the proposal accords with relevant streetscape provisions as:

- the proposal generally presents as a single-storey building to the street, with the second storey component being located further back into the lot;
- the proposed single garage is located behind the primary building line; and
- the proposal is generally compatible with the character of existing development in the in the Plympton precinct.

Boundary Wall Variations

Two boundary walls are proposed to be constructed along the southern boundary. One of these walls is proposed to be 9.59m long. LPP 142 states that this wall should not exceed 9.0m in length.

In this case it is recommended that a variation be supported as:

- the variation is relatively minor;
- the boundary wall is proposed to be located adjacent to a car-parking area associated with the adjoining property, and on this basis is not considered to impact unduly on the amenity of that property; and
- the proposal accords with overshadowing, height and open space provisions.

RECOMMENDATION

That Council approve the planning application dated 5 June 2009 for the construction of a two-storey single dwelling on at No. 82 (Lot 28) Hubble Street, East Fremantle as shown on amended plans dated 3 September 2009 and subject to the following conditions:

1. Windows to the front facade are to be timber-framed, details of which are to be provided to the satisfaction of the Town prior to the issue of a building licence.
2. Finials to the front facing gables to be removed.
3. High-quality finishes are to be provided to the front facade, details of which are to be provided to the satisfaction of the Town prior to the issue of a building licence.
4. Additional opening are to be provided to the eastern facade of the kitchen to improve solar access, details of which are to be provided to the satisfaction of the Town prior to the issue of a building licence.
5. Boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to the satisfaction of the Town prior to the issue of a building licence.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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



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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.

12. 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.
13. 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.
14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes:

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

- (a) *demolition of the existing dwelling on the subject site is not covered by this approval.*
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *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.*
- (d) *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.*
- (e) *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).*
- (f) *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.*
- (g) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (h) *the alfresco area may not be enclosed without the prior written consent of Council.*
- (i) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

The Committee, in considering this application, wished it put on record that they would prefer to see the retention of the existing residence as it is a significant home within the streetscape.

RECOMMENDATION TO COUNCIL

Cr Nardi – Mayor Ferris

That Council approve the planning application dated 5 June 2009 for the construction of a two-storey single dwelling on at No. 82 (Lot 28) Hubble Street, East Fremantle as shown on amended plans dated 3 September 2009 and subject to the following conditions:

- 1. Consistent high-quality finishes are to be provided throughout, details of which are to be provided to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to the issue of a building licence.**
- 2. Finials to the front facing gables to be removed.**
- 3. Additional openings are to be provided to the eastern facade of the kitchen to improve solar access, details of which are to be provided to the satisfaction of the Town prior to the issue of a building licence.**
- 4. Boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to the satisfaction of the Town prior to the issue of a building licence.**

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes:

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

- (a) *demolition of the existing dwelling on the subject site is not covered by this approval.*
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (c) *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.*
- (d) *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.*
- (e) *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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- (f) *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.*
- (g) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (h) *the alfresco area may not be enclosed without the prior written consent of Council.*
- (i) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

T92.8

Irwin Street No. 72A (Lot 2)

Applicant: Residential Attitudes

Owner: Domenic and Catherine Carbonaro

Application No. P115/2009

By Chris Warrener, Town Planner on 30 September 2009

BACKGROUND

Description of subject Site

The subject site is a vacant battle-axe lot 544m² in area and located to the rear of an existing single-storey single dwelling.

Description of Proposal

An Application for Planning Approval for a two-storey single dwelling of a contemporary design.

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)
Local Planning Policy No. 142 : Residential Development (LPP 142)
Council Policy 138 : Development on Rear Battleaxe Lots

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : Existing bitumen crossover in good condition
Footpath : Existing bitumen footpath abuts 72 Irwin Street in good condition

Documentation

Plans and associated documentation dated 28 August 2009

Date Application Received

28 August 2009

Advertising

Adjoining landowners and sign on site

Date Advertised

3 September 2009

Close of Comment Period

17 September 2009

No. of Days Elapsed between Lodgement & Meeting Date

46 days

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Any Relevant Previous Decisions of Council

17 May 2005 WAPC endorses Survey Strata Plan 47260 for approval for the battleaxe subdivision of 72 Irwin Street into 2 lots (1 x 468m², 1 x 544m²).

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 22 September 2009. The Panel had no comment to make on this proposal.

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 3 submissions were received (see below).

Site Inspection

By Town Planner on 21 September 2009

STATISTICS

File P/IRW72A
Zoning R12.5
Lot Area 544m²
Heritage Listing Not listed

Site:	Required	Proposed	Status
Open Space	55%	64.55%	Acceptable
Overshadowing	9.6%		

Height:	Required	Proposed	Status
Wall	6.0	Various	Discretion
Ridge	9.0	7.0	Acceptable
Roof type	Skillion		

Setbacks:		Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Orientation	Wall Type						
(west)							
Ground	Living*	3.1 to 3.9	5.3	Yes	1.5	3.0	Acceptable
	Entertain*	3.9	4.2	Yes	1.5	3.0	Acceptable
	Porch	3.2	2.4	Yes	1.5	5.4	Acceptable
	Garage	3.2	5.8	No	1.0	6.0	Acceptable
Upper	Mstr*	5.7 to 6.4	4.3	No	1.2	3.0	Discretion
	Void	7.2	1.7	No	1.2	6.5	Discretion
	Robe, Bed 2*	5.9 to 6.7	6.0	Yes	4.5	6.0	Discretion
Rear (east)							
Ground	Laundry, pdr, guest*	2.5	8.1	Yes	1.5	3.054	Acceptable
	Kitchen*	3.0 to 3.6	4.2	Yes	1.5	7.2	Acceptable
	Alfresco	2.4 to 3.0	4.5	Yes	1.0	6.5	Acceptable
Upper	Bed 3* & 4*	5.0 to 5.8	8.0	Yes	4.5	4.554	Acceptable

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Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
	<i>Ensuite</i>	5.0 to 5.6	4.0	No	1.2	9.7	Acceptable
Side (north)							
Ground	<i>Alfresco</i>	2.8	4.0	Yes	1.0	1.967	Acceptable
	<i>Living*</i>	2.8	1.4	Yes	1.5	1.967	Acceptable
	<i>TV recess</i>	2.9	2.1	No	1.0	1.5	Acceptable
	<i>Living*</i>	3.0	5.0	Yes	1.5	1.967	Acceptable
Upper	<i>Bed 4*</i>	5.7	5.1	Yes	4.5	10.1	Acceptable
	<i>Ensuite, Hers WIR, Master*</i>	5.5	9.3	Yes	4.5	6.647	Acceptable
Side (south)							
Ground	<i>Garage</i>	3.5	6.2	No	1.0	1.0	Acceptable
	<i>Store & Laundry</i>	3.3	6.6	No	1.0	1.5	Acceptable
	<i>Bed 2*, Bath, Bed 3*</i>	5.6	11.5	No	1.5	1.5	Acceptable

NB: (* denotes habitable room)

Privacy/Overlooking: No overlooking from subject property

REPORT

Considerations

Building Height

The R-Codes state that wall height in this instance is limited to 6.0m

It is proposed that the northern (side) elevation have a wall height up to 6.7m. It is recommended that this variation be supported for the following reasons:

- Due to the sloping natural ground level at the site, the proposed increase in wall height arises from a desire to maintain consistent plate levels across the site.
- The section of wall of increased height meets relevant setback requirements.
- The proposal would not result in any additional overshadowing of neighbouring properties as measured by the R-Codes.
- Any impact on the streetscape would be low.

It is also noted that a small section of wall to western (front) elevation is proposed to be 7.2m in height. This aspect of the proposal provides articulation to the roof form, does not impact on any adjoining properties and so is recommended to be supported.

Roof Pitch

The application proposes that the two-storey house have a skillion-styled roof pitched at approximately 8°. The Town's LPP 066 states that dominant roof elements are to be pitched greater than 28°.

It is recommended that a variation to the required roof pitch be supported as:

- The skillion-styled roof complements the contemporary design of the proposed dwelling.
- The reduced roof pitch lessens the perceived bulk and scale of the proposal.
- The subject site is located behind an existing single-storey single house, and as a result the reduced roof pitch would not unduly affect the existing streetscape.

Submissions

Three submissions were received. The concerns raised are outlined below and are accompanied by a response form the applicant:

<u>Neighbour Comment</u>	<u>Applicant's Response</u>
1. Concerns regarding potential overshadowing.	The proposal overshadows the adjoining property 9.6%, well within the 25% allowable overshadowing stipulated by the R-Codes.
2. Concerns regarding potential overlooking from upper floor bedroom windows.	These windows accord with the privacy requirements of the R-Codes.
3. Suggest replacement of the existing side fence.	Dividing fences lie outside the scope of this development application. The applicant has advised that neighbours will be contacted and a replacement fence arranged in accordance with the Dividing Fences Act.
4. Suggest the continuation of the existing limestone fence along the northern boundary.	
4. Suggest the provision of landscaping.	Soft landscaping at the subject property is at the owners' discretion and not covered by this application.

The Town considers that the above neighbour concerns set out above are appropriately addressed by the current proposal.

RECOMMENDATION

That Council approve the planning application dated 22 August 2009 for the construction of a two-storey single dwelling on the vacant lot at No. 72A (Lot 2) Irwin Street, East Fremantle as shown on plans dated 28 August 2009 and subject to the following conditions:

1. 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnotes:

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

- (a) *the subject site includes a sewerage easement to the eastern (rear) boundary.*
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site*
- (c) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*



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- (d) *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.*
- (f) *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).*
- (g) *the alfresco may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Nardi

That Council approve the planning application dated 22 August 2009 for the construction of a two-storey single dwelling on the vacant lot at No. 72A (Lot 2) Irwin Street, East Fremantle as shown on plans dated 28 August 2009 and subject to the following conditions:

- 1. 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 introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
- 6. This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnotes:

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

- (a) *the subject site includes a sewerage easement to the eastern (rear) boundary.***
- (b) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site***
- (c) *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.***
- (d) *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.***
- (e) *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).***
- (f) *the alfresco may not be enclosed without the prior written consent of Council.***

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

Cr Dobro made the following impartiality declaration in the matter of 33 Osborne Road: "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".

T92.9 Osborne Road No. 33 (Lot 20)

Applicant: John Kirkness

Owner: Brian & Elizabeth Lovell

Application No. P181/2008

By Chris Warrener/Rohan Doust (Town Planner) on 12 October 2008

DESCRIPTION

It is proposed to rezone Lot 20 (No. 33) Osborne Road from Residential R12.5 to R17.5. The purpose of the proposed rezoning is to allow for the subdivision of the site into three lots and to facilitate the retention of the existing building on the site which is included on the Town's Municipal Inventory.

This proposed rezoning is the subject of Amendment 7 to the Town's Planning Scheme No. 3.

BACKGROUND

Amendment 7 was initially considered by the Town Planning and Building Committee at its 11 November 2008 meeting. The Committee resolved to recommend to Council that Amendment No. 7 be initiated.

The proposal was then considered by Council at its 18 November 2008 meeting. Council resolved to adopt the Committee's recommendation and initiate Amendment 7 for the purposes of public advertising.

The advertising period has now closed. This report details submissions received and recommends that Scheme Amendment 7 be adopted by Council subject to conditions.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5 (TPS3)

Local Planning Strategy – Richmond Precinct (LPS)

Documentation

Letter of request and accompanying plans received 16 September 2008

Date Application Received

16 September 2008

Any Relevant Previous Decisions of Council

21 September 1992 Council grants approval for an upper storey addition & a small balcony;

18 December 2001 Council grants conditional approval for kitchen extensions & roof window;

26 November 2002 Building Licence 218/3332 approved for single storey additions;

11 November 2008 Town Planning and Building Committee resolved to advise Council to initiate Amendment No. 7 to rezone the rear of 33 Osborne Road from R12.5 to R17.5;

18 November 2008 Council resolved to initiate Amendment No. 7 to rezone the rear of 33 Osborne Road from R12.5 to R17.5.

Site Inspection

By Town Planner on 11 September 2008

CONSULTATION

Public submissions

The proposed Scheme amendment was referred to adjoining landowners. A sign was also erected on site and an advertisement placed in the local newspaper. No public submissions were received.

In addition the proposal was referred to the Western Australian Planning Commission and the Environmental Protection Authority. These agencies did not object to the proposed scheme amendment.

REPORT

Considerations

Increase in Density

Justification to increase the site's residential density from R12.5 to R17.5 is detailed in the attached report. The report concludes:

In summary there are three key planning benefits in the proposed Re-coding of the subject site from R12.5 to R17.5.

The first is that the minor increase in density proposed from R12.5 to R17 would allow two additional dwellings to be developed on a lot of approximately 500m². This would allow the heritage listed bungalow to be retained on a substantial 804m², thus allowing the heritage objectives of Local Planning Scheme and Local Planning Strategy to be fulfilled. The landowners have agreed to enter into a heritage agreement to ensure preservation of the interwar bungalow on the site.

Further having regard to the relatively high density of land immediately adjoining the subject, the minor density increase and the redevelopment that results would remove the abrupt differences in housing density between the properties.

Thirdly, the site's proximity to Canning Highway Activity Corridor and the East Fremantle Town Centre would mean that the planning objective outlined in the Town's Local Planning Strategy is met.

Heritage

The subject property is developed with a single-storey single house constructed circa 1940. This building is included in the Town's Municipal Inventory.

At its meeting on 18 November 2008 Council recommended that Amendment No. 7 be initiated subject to:

the owners agreeing in writing to include the existing single house on the Heritage List, and prior to finalisation of a scheme amendment for a caveat to be registered on the title of the property to ensure retention of this house and its curtilage in perpetuity.

It is intended that these conditions accompany any final approval to adopt Amendment No. 7.

RECOMMENDATION

1. That Council adopt Amendment 7 to the Town of East Fremantle Town Planning Scheme No 3 to rezone Lot 20 (No. 33) Osborne Road from R12.5 to R17.5 subject to the following conditions:
 - (a) The owner of the subject property to agree in writing to include the existing single house at the subject property in the Heritage List under Town Planning Scheme No. 3.
 - (b) The owner of the subject property to agree in writing to enter into a Heritage Agreement with the Agreement being to the satisfaction of the Town and approved by the Town's solicitors with any legal costs incurred with respect to the Agreement met by the applicant.

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- (c) The owner of the subject property agreeing to a caveat being registered on the relevant Certificate of Title requiring the retention, in perpetuity, of the existing dwelling and curtilage at the subject property with the caveat being to the satisfaction of the Town and drawn up by the Town's solicitors with the cost met by the applicant.
2. That pursuant to Section 87 of the Planning and Development Act 2005 Amendment 7 be submitted to the Minister of Planning and Infrastructure for approval.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Olson

1. That Council adopt Amendment 7 to the Town of East Fremantle Town Planning Scheme No 3 to rezone Lot 20 (No. 33) Osborne Road from R12.5 to R17.5 subject to the following conditions:
 - (a) The owner of the subject property to agree in writing to include the existing single house at the subject property in the Heritage List under Town Planning Scheme No. 3.
 - (b) The owner of the subject property to agree in writing to enter into a Heritage Agreement with the Agreement being to the satisfaction of the Town and approved by the Town's solicitors with any legal costs incurred with respect to the Agreement met by the applicant.
 - (c) The owner of the subject property agreeing to a caveat being registered on the relevant Certificate of Title requiring the retention, in perpetuity, of the existing dwelling and curtilage at the subject property with the caveat being to the satisfaction of the Town and drawn up by the Town's solicitors with the cost met by the applicant.
2. That pursuant to Section 87 of the Planning and Development Act 2005 Amendment 7 be submitted to the Minister of Planning and Infrastructure for approval. **CARRIED**

Cr Dobro made the following impartiality declaration in the matter of 8 Preston Point Road: "As a consequence of my friendship with the applicant, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T92.10 Preston Point Road No. 8 (Lot 10)

Applicant: John Kirkness

Owner: Ms Janet Williamson

Application No. P212/2008

By Chris Warrener/Rohan Doust (Town Planner) on 12 October 2009

DESCRIPTION

It is proposed to rezone Lot 10 (No. 8) Preston Point Road from Residential R12.5 to Residential R25. The subject site comprises two strata survey lots (Strata Plan 48701), with a dwelling on the front lot (constructed 1957) and a contemporary two-storey dwelling at the rear.

The purpose of the proposed rezoning is to allow for the subdivision of the front lot so that the existing dwelling on that lot may be demolished and replaced with two grouped dwellings.

This proposed rezoning is the subject of Amendment 6 to the Town's Planning Scheme No. 3.

BACKGROUND

In July 2004 Council considered two separate applications to subdivide Lot 10 (No. 8) Preston Point Road. One application proposed to subdivide the property into three survey-strata lots, and the other application proposed its subdivision into two green title lots. Council decided to support both applications, and the WAPC granted conditional approval to them.

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For reasons unknown the Survey Strata Plan that was endorsed by the WAPC on 21 September 2006 was for only two of the three approved survey-strata lots, creating strata titles for a rear battleaxe lot (459m² in area), a front lot (731m² in area), and some common property providing access to the rear lot.

In December 2004 Town Planning Scheme No. 3 was adopted and the subject site became zoned R12.5. The R12.5 zoning means that the site can no longer accommodate the three survey strata lots. It is therefore proposed to increase its residential density by way of Amendment 6 to Town Planning Scheme No. 3 to allow for the subdivision of the front lot.

Amendment 6 was initially considered by the Town Planning and Building Committee at its 10 February 2009 meeting. The Committee resolved to recommend to Council that Amendment 6 be initiated.

Amendment 6 was then considered by Council at its 17 February 2009 meeting. Council resolved to adopt the Committee's recommendation and initiate Amendment 6 for the purposes of public advertising.

Statutory Considerations

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

Documentation

Letter of request and justification from the applicant dated 10 November 2008
Public submission received on 2 December 2008

Date Application Received

10 November 2008

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

20 July 2004	Council considers two applications for the subdivision of 8 Preston Point Road, one a 3-strata lot subdivision, the other a 2-green title lot subdivision, and decides to advise the WAPC that it conditionally supports both applications;
18 August 2004	Building Licence 139/3619 approved for internal alterations to existing dwelling;
18 August 2004	WAPC grants conditional approval for the subdivision of 8 Preston Point Road into 2 green title lots;
25 August 2004	WAPC grants conditional approval for the subdivision of 8 Preston Point Road into 3 survey-strata lots;
3 June 2006	Council advises the WAPC that the conditions of the three survey-strata lot subdivision approval have been satisfied;
18 July 2006	Council grants approval for a home occupation – screen printing business at the house on the front strata lot.
21 September 2006	WAPC endorses for final approval Survey-Strata Plan 48701 for the subdivision of 8 Preston Point Road into 2 survey-strata lots;
17 October 2006	Council grants approval for a 2-storey house on the battleaxe block at the rear of 8 Preston Point Road;
21 December 2006	Building Licence 06/300 approved for two a storey dwelling on a vacant rear survey strata lot.

REPORT

Considerations

Increase in Density

Justification to increase the site's residential density from R12.5 to R25 is detailed in the attached report. The report advises that:

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- The adjoining southern and eastern lots have been developed to a density of R25.
- A large site opposite the subject site has been developed under the former GR Codes for multiple dwellings at three storeys plus an under-croft. The density equates to R140.
- Other lots opposite have a density of R20/R25 generally.
- There exists great variation in built form in the immediate locality of the subject site; further development would not have a detrimental effect on the general amenity.
- The extant dwelling is set below the crown of the road. Redevelopment of the site would allow dwellings on the site to contribute positively to the streetscape.
- A previous subdivision of the subject land for three lots had previously been supported by Council and approved by the WAPC under Town Planning Scheme No. 2 and was not acted upon and the approval subsequently lapsed.

Heritage

The proposed rezoning implies that the existing dwelling on the front-most lot is intended to be demolished.

This dwelling is a single-storey brick and tile structure constructed in 1957. It is not listed on the Town's Municipal Inventory or the TPS3 Heritage List. The Town does not object to its demolition.

Comments from Adjoining Landowner

One submission was received during the public consultation period from an adjoining landowner. The neighbour's concerns are set out below and accompanied by the Town's response:

Neighbour Comments

Spot rezoning will diminish backyard privacy.

Proposal will create contextual and urban character inconsistencies.

Town's Response

The rezoning in of itself will not result in additional overlooking. It's noted that future development of the site will require planning approval from the Town, and any potential for overlooking will be assessed at that time.

The subject site is surrounded by a mix single, grouped and multiple dwellings of varying densities and height. The Town considers that the proposal will not be inconsistent with the character of surrounding development.

RECOMMENDATION

That Council adopt Amendment 6 to the Town Of East Fremantle Town Planning Scheme to rezone Lot 10 (No. 8) Preston Point Road from R12.5 to R17.5.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Olson

That Council adopt Amendment 6 to the Town Of East Fremantle Town Planning Scheme to rezone Lot 10 (No. 8) Preston Point Road from R12.5 to R17.5.

CARRIED

T93. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

T93.1 Locke Crescent No. 21

Copies of the perspective as previously requested by Council in relation to the proposed development on Lots 1 & 2 Locke Crescent were tabled and it was noted that this proposal will again be considered during the next available meeting round.

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T93.2 Cr Dobro – Farewell

As it was Cr Dobro's last meeting as Chair of the Town Planning & Building Committee, Cr Dobro took the opportunity to thank her fellow elected members, in particular the Mayor, whom she noted as running a very cohesive environment. Cr Dobro also expressed her appreciation to the Chief Executive Officer, the former Town Planner, Chris Warrener, and Minute Secretary, Peta Cooper, for their assistance during her term of office.

T94. CLOSURE OF MEETING

There being no further business the meeting closed at 8.20pm.

*I hereby certify that the Minutes of the meeting of the **Town Planning & Building Committee (Private Domain)** of the Town of East Fremantle, held on **13 October 2009**, Minute Book reference **T86. to T94.** were confirmed at the meeting of the Committee on*

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Presiding Member