

8 June 2010

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 8 JUNE, 2010 COMMENCING AT 6.33PM

T153. OPENING OF MEETING

T153

Present

Cr Alex Wilson	Presiding Member
Mayor Alan Ferris	
Cr Cliff Collinson	
Cr Rob Lilleyman	
Cr Dean Nardi	
Mr Stuart Wearne	Chief Executive Officer (To 7.10pm)
Ms Gemma Basley	Acting Town Planner (From 6.45pm)
Ms Janine May	Minute Secretary

T154. WELCOME TO GALLERY

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

T155. APOLOGIES

Apologies were submitted on behalf of Crs de Jong, Martin & Rico. It was explained the Acting Town Planner was arriving late for the meeting and the Chief Executive Officer would, meanwhile, take that role.

T156. CONFIRMATION OF MINUTES

T156.1

Town Planning & Building Committee (Private Domain) – 11 May 2010

The Committee noted the following errors were contained in the officer's reports which form part of the Minutes:

- bottom of page 4 - Under the "Building Height" section, the variation should read "0.8m" not "0.3m";
- page 35 – Officer's recommendation should read "plans date stamped 8 February and 22 March 2010" not "plans date stamped 5 May 2010".
- page 54 - The second paragraph should be deleted from the report as the house was no longer located on the lot;

and subsequently the Committee's recommendation on page 36 should read "plans date stamped 8 February and 22 March 2010" not "plans date stamped 5 May 2010".

Mayor Ferris – Cr Nardi

That the Town Planning & Building Committee (Private Domain) minutes dated 11 May 2010 (with the above errors noted) as adopted at the Council meeting held on 25 May 2010 be confirmed. CARRIED

T157. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

T158. REPORTS OF COMMITTEES

T158.1

Town Planning Advisory Panel – 25 May 2010

Cr Wilson – Mayor Ferris

That the minutes of the Town Planning Advisory Panel meeting held on 25 May 2010 be received and each item considered when the relevant development application is being discussed. CARRIED

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T159. REPORTS OF OFFICERS

T159.1 *Receipt of Reports*

Cr Collinson – Cr Nardi
That the Reports of Officers be received.

CARRIED

T159.2 *Order of Business*

Cr Lilleyman – Mayor Ferris
The order of business be altered to allow members of the public to speak to relevant agenda items.

CARRIED

T159.3 *No. 88 (Lot 433 & 534) George Street, East Fremantle*

Applicant: Peter Broad: In House Building Design

Owner: Puresea Investments Pty Ltd

Application No.: P83/2008

By Gemma Basley, Acting Town Planner on 3rd June 2010

BACKGROUND

Description of subject site

The subject site is:

- zoned Mixed Use;
- located in the Plympton Precinct
- 794m² in area;
- developed with single-storey commercial building that is included on the Town's Municipal Inventory (management category B[^]); and
- located within the George Street Heritage Precinct. The George Street Precinct is listed in the Town Planning Scheme 3 Heritage List.

Description of Proposal

It is proposed to amend a previous approval of Council dated 15th December 2009. The previous approval is for a three-storey mixed-use development.

The amendments the subject of this application involves:

- removal of the existing façade and return walls;
- preservation of some original materials, particularly the ornate facade pediment; and
- the reconstruction of the original façade and return walls in a manner to replicate the façade in the way it was originally built.

The applicants have advised that it is their intention to remove the ornate facade pediment and place this on polystyrene on the vacant block next door. At this time it will be restored appropriately.

The proposed amendments are in response to a Structural Engineers Report, which will be discussed later in this report.

Statutory Considerations

- Town Planning Scheme No. 3 (TPS3)
- TPS3 Local Planning Strategy

Relevant Council Policies

None

Date Application Received

26th March 2010

Date Advertised

8th April 2010

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Close of Comment Period

23rd April 2010

Site Inspection

By Acting Town Planner on 3rd June 2010

No. of Days Elapsed between Lodgement & Meeting Date

76 days

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

15 July 2008 Council approves a planning application for a three-storey mixed-use development at the subject site.

15th December 2009 Council approves an amended planning approval for a three storey development, by approving additional floor space.

CONSULTATION

Principal Building Surveyor's Comment

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

Town Planning Advisory Panel

This application was considered by the Town Planning Advisory Panel at its meeting held on 27th April 2010 and the following comments were made:

TPAP Comment	Applicant Response
Disagree with Engineer's recommendation.	Noted
Believe that the wall can be stabilised through retention of the wall/building to ensure no further damage.	There are other options available such as pumping a cement like compound diagonally underneath the existing footings to try and create a compact and stable footing. This work is significant and there would still be a risk that in this process the original facade could be further damaged.
Engineer's report does not say wall cannot be fixed.	The Engineers recommendation states that to replace the bracing and implement the redevelopment as per the current approval (retaining the façade) would not prevent further potential settlement of the wall and consequential cracking.
Original development approval would have required the retention of the façade – this requirement should be reinstated.	The original approval required <i>the original façade to be researched to allow it to be authentically restored</i> . The research that has been undertaken has recommended that to enable it to be restored, the issues that are causing its rotation, cracking and lean should be resolved first and the wall then reinstated.

In response to the above comments the previous applications and Council approvals have been investigated by the Acting Town Planner. The original approval by Council resolution dated 15th July 2008 included Condition No. 1, which is quoted below:

- "1. Prior to the issue of a building licence the following be submitted to the satisfaction of the Chief Executive Officer in consultation with relevant officers:
- (a) a schedule of colours and finishes for the new addition
 - (b) amended plans showing:

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- (i) *the original façade having been researched to allow it to be authentically restored;*
- (ii) *window openings on the southern side to be of a similar proportion to the original”*

The amended planning approval (Council resolution 15th December 2009) did not make any amendments to the original approval regarding the retention of the façade or the return walls.

Heritage Council of WA (HCWA)

The subject site is not included on the State Heritage Register and hence referral to the Heritage Council of WA is at the Town's discretion. Based on the concerns raised by the Town Planning Advisory Panel, the proposal was referred to the HCWA.

The HCWA have responded to the Town and advised that a Conservation Officer has assessed the development referral in the context of the identified heritage significance of the place and further advise that they have no objection to the proposal and provide the following comment:

“1. The reconstruction works should utilise as much of the existing fabric as possible.”

Public Submissions

No submissions received.

REPORT

Considerations

A site inspection of the property has confirmed the major cracking in the return walls and the significant lean of the façade toward and over the footpath. The building, the site and its location fronting George Street is significant.

The application includes a Structural Engineers Report, which was commissioned by the applicant. The Engineering Report concludes that the *“front wall has settled and rotated significantly, probably due to inadequate soil compaction. Repairs comprising steel rods and plates bracing to the roof structure and interior rear walls has previously been undertaken in order to stabilise the front wall.”* The Engineers recommendation indicates restoration of the façade and return walls will not necessarily prevent further settlement of the wall and consequential leaning and cracking.

The TPAP did not support the Engineers recommendation and have pointed out that the recommendations contained in this report are not definitive.

In discussion with the Chief Executive Officer it has been decided that further engineering advice should be obtained, in this case from an engineer specialising in heritage issues. This has been discussed with and agreed by the applicant who has also agreed that a final decision on the application should be deferred until this has occurred.

The arrangements for commissioning this report have already been made.

Based on the above it is recommended that the application should be deferred pending receipt and assessment of the engineering advice referred to above.

Meanwhile, the inclusion of this report in the current agenda will allow elected members to raise any other issues, at the earliest opportunity, for the benefit of the applicant and Council officers.

RECOMMENDATION

Council defer the determination of the application to replace the façade and return walls of the building at 88 (Lots 433 & 534) George Street pending the receipt of further

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engineering advice by the applicant, which responds specifically to the concerns raised by the Town Planning Advisory Panel.

Mr Broad (applicant) tabled copies of a further engineering report regarding the feasibility of retaining the front façade of 88 George Street which he had received late this afternoon and had subsequently emailed to the Acting Town Planner.

The Acting Town Planner entered the meeting at 6.45pm.

Mr Riccardi (owner) advised the meeting that he wished to retain as much of the façade as possible but expressed his concern about the major cracks and outward lean of the building.

Mr Broad presented sample mouldings that could be manufactured to replicate what was not possible to retain.

The Chief Executive Officer explained that in the absence of the Acting Town Planner this afternoon, the engineer's report had not been received by elected members, or himself, until Mr Broad had tabled the report at the meeting. In the circumstances the Chief Executive Officer recommended that the Committee defer consideration of the matter to allow time for an officer assessment of the engineer's report.

Cr Wilson – Cr Collinson

The Committee defers making a recommendation on the application to replace the façade and return walls of the building at 88 George Street (Lots 433 & 534), pending an officer assessment of the engineering advice tabled by the applicant at the meeting, with a revised report, which should address the means of retaining as much as possible of the existing fabric, to be considered at the next Council Meeting.

CARRIED

The Chief Executive Officer left the meeting at 7.10pm.

T159.4 No. 111 (Lot 430) Petra Street, East Fremantle
Applicant: Ms Teresa Marra and Mr David Hayden
Owner: Ms Teresa Marra and Mr David Hayden
Application No. P80/2010

By Gemma Claire Basley, Acting Town Planner on 3rd June 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for extensions to an existing single storey residence, including a proposed parapet wall on the northern boundary.

Description of site

The subject site is:

- a 804m² block
- zoned Residential R12.5
- developed with a single storey residence listed on Council Draft Municipal Inventory (B- Management Category); and
- adjoins two residential premises

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development

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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 2nd June 2010

Date Application Received

27th April 2010

Additional information

Revised plans were submitted by the applicant on the 2nd June 2010 in response to the Town Planning advisory Panel comments.

Advertising

Adjoining land owners only

Date Advertised

10th May 2010

Close of Comment Period

25th May 2010

No. of Days Elapsed between Lodgement & Meeting Date

42 Days

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

Nil

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 25th May 2010 and the following comments were made with a response from the applicant also provided below:

TPAP Comment	Applicant Response
Garage form will detract from the heritage fabric of the existing building.	The materials and finishes will ensure that the garage does not detract from heritage fabric and it is only the applicant's intention to further restore the house.
Consider 'lighter' flat roof construction abutting a parapet wall.	The applicants accept the expert advice of the panel and have submitted amended plans that lower the boundary wall and provide a flatter roof form.

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 had been received from the neighbour who adjoins the northern boundary in support of the parapet wall.

Site Inspection

By Acting Town Planner on 3rd June 2010

REPORT

The application has been assessed against the requirements of the R12.5 provisions of the R-Codes and LPP No. 143. The application complies with the setback requirements, height requirements, access and parking requirements, privacy requirements and design for climate requirements. The only non compliant part of the application is the open space provision.

The R12.5 provisions require that 55% of the site be retained for open space. The application identifies that the proposed extensions in addition to the existing outbuildings and studio in the rear of the block will total 424.87m², which equates to 52.8% site cover and only retains 47.2% of the site as open space.

It is noted that there is a carport and garage in the rear yard that will become inaccessible once the proposed additions are constructed. It is therefore recommended that one or both of these structures be removed in order to provide additional open space.

This has been discussed with the applicant who has agreed to remove the rear carport and garage as part of the redevelopment. By removing these structures the site cover will become 388.73m² which will equate to 48.3% and will provide for 51.7% open space. Whilst this requires a variation to the open space requirements of the R-Codes, it is considered to be an acceptable variation based on the retention of the existing dwelling and the undertaking of additions in a single storey manner.

Given the proposal meets the majority of quantitative provisions of TPS No. 3, the R-Codes and Council Policies, given only one variation is being requested, and is considered minor, the application is considered acceptable and recommended for Council approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the open space requirements to provide 51.7% in lieu of the 55% required under the R-Codes for additions and renovations at 111 Petra Street in accordance with the plans date stamp received on 2 June 2010 subject to the following conditions:

1. a schedule of materials and finishes are to be provided to the satisfaction of the CEO prior to issuance of a Building Licence. The materials and finishes are to be of a high standard to complement the existing dwelling and the streetscape.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed 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 stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all 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.

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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) 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) 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.*

Mr Hayden (owner) advised that he supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Mayor Ferris – Cr Lilleyman

That Council exercise its discretion in granting approval for a variation to the open space requirements to provide 51.7% in lieu of the 55% required under the R-Codes for additions and renovations at 111 Petra Street in accordance with the plans date stamp received on 2 June 2010 subject to the following conditions:

- 1. a schedule of materials and finishes are to be provided to the satisfaction of the CEO prior to issuance of a Building Licence. The materials and finishes are to be of a high standard to complement the existing dwelling and the streetscape.**
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 5. the proposed 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 stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 7. all 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.*

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- (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) *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.* CARRIED

Cr Wilson made the following impartiality declaration in the matter of 24 Osborne Road: "As a consequence of the owners of the property being friends of mine through Richmond Primary School, 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".

T159.5 No. 24 (Lot 305) Osborne Road, East Fremantle

Applicant: Marcus Burt Landcraft

Owner: Philip and Elizabeth Grainger

Application No. P76/2010

By Janelle Pirone, Acting Planning Officer on 28 May 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the existing single house at the subject property of, No. 24 Osborne Road. The alterations include internal renovations to the existing garage (granny flat) and roof space of the dwelling to introduce 'bedroom 5' and a change of ground level to the front of the house. The additions include proposed spa, water feature, boundary fence, front wall/fence and rear pergola adjacent to the existing summer house.

Description of site

The subject site is:

- a 1006m² block
- zoned Residential R12.5
- developed with a dwelling on-site
- located in the Richmond Precinct
- portions of the structures are included in the 'Woodlawn' Heritage and Conservation Plan.

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)

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

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

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : No impact

Documentation

Plans and relevant forms date stamp received on 21 April 2010 and 25 May 2010.

Date Application Received

21 April 2010

8 June 2010

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No. of Days Elapsed between Lodgement & Meeting Date

48 days

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

15 June 1999 – The Council at its Meeting resolved to approve a planning application submitted for the subject site, for the construction of a two storey residence.

Advertising

The subject application was advertised to adjoining landowners for the standard 2 week period from the 4/5/2010 to the 19/5/2010. There were no comments received during this time.

CONSULTATION

Principal Building Surveyor's Comment

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

Town Planning Advisory Panel Comments

The Panel viewed the proposal on 25 May 2010 and the Panel's advice is set out and responded to below:

Advisory Panel Comments	Town Planner Response
Too much unnecessary detail on plans. Clarity required in delineating between existing residence and proposed internal and external alterations.	Noted and agreed. Discussed with applicant. See "Report" section, which addresses this issue.
Council to investigate any heritage considerations for the rear garage/proposed granny flat (originally forming part of the 'Woodlawn' Estate).	The subject site for development (24 Osborne Road) is part of the heritage impact assessment states as the "Woodlawn Estate". However given that the document states that the main heritage significance of the Woodlawn Estate is at the surrounding properties of: Nos. 20 Osborne Road and 208 – 210 Canning Highway, and that the buildings on the subject site (24 Osborne Rd) have no significant heritage or cultural significance, the proposal can be supported.

Other Agency/Authority

Not Applicable.

REPORT

Considerations

The proposal meets the quantitative provisions of TPS3, the R-Codes and applicable Local Planning Policies with the exception of the following:

Requirement	Proposed	Planning Officer Comments
R-Codes: <u>Dividing Fences</u> 1.8 metres in height.	2.75 metres in height to the northern neighbour.	Supported – The proposed dividing fence height was a request by the northern neighbour (26 Osborne Road), in order to protect their privacy, as per the location of the proposed spa. The over height boundary wall will only exist as a small portion of the northern boundary, and the remainder of the boundary fence will be the standard 1.8 metres high. The

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Requirement	Proposed	Planning Officer Comments
		<p>boundary wall will not impact the Osborne Road streetscape. Given the particular circumstances of the spa, is not regarded as setting any form of adverse precedent.</p> <p>Therefore this is considered as supportable.</p>

Discussion

Proposal:

There are a number of small components that are included with this planning application, as mentioned above in the description of proposal.

“The alterations include, internal renovations to the existing garage (granny flat) and roof space of the dwelling to introduce ‘bedroom 5’ and a change of ground level to the front of the house. The additions include proposed spa, water feature, boundary fence, front wall/fence and rear pergola adjacent to the existing summer house.”

Internal renovations to the existing garage: The existing garage on the subject site is a 4 car garage with individual doors facing the southern direction. As shown in the site plan, the fourth bay will be altered internally to propose ancillary accommodation. As per the ancillary accommodation requirements of the Residential Design Codes, the proposal is compliant. The proposed doors to the habitable room do not have any negative effects on the site, streetscape or neighbours. A condition (1) has been added to this approval to ensure that the ancillary accommodation is only used by a member of the family of the occupier to the main dwelling.

Internal renovations to the roof space of the existing house: As per ‘drawing 8’ of the plans, this shows the renovation of the existing roof space in order to construct bedroom 5 with an ensuite. As the proposed bedroom is located within the existing roof space, this does not affect requirements of the scheme. However, the proposed windows of the room, shown in drawings 11 and 14 do. As the windows are in the roof, this will limit overlooking to the neighbours as the sight will mainly be high.

Change of ground level at the front: As the proposed ground level at the front of the residence is not greater than 500 millimetres from the existing level, this is compliant with the requirements of the R-Codes in relation to cut and fill. The applicant has said that the reasons for the increased level are:

1. *Lawn will grow better on a level area. Water will not run off and as a result less water will be required to keep the lawn in a healthy condition.*
2. *The existing front fence slopes down the street while the proposed new wall will be stepped in sections. As a result of this stepping the ground behind the wall can be also made level.”*

Rear Additions: The proposed rear additions include a pergola (adjacent to the existing summer house), spa, water feature and boundary fence. The pergola has no variations to the R-Codes and does not have a fully-covered roof (as seen in perception drawing 12). The spa and water features are supportable. The over height boundary fence is supported as per the above.

Front Fence: The proposed front fence is compliant with the Town’s policies relating to front fencing. The design of the proposed fence is considered to complement the house and Osborne Road streetscape and therefore is supported. The Town Planning Advisory Panel supported the proposed front fence.

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Heritage Comment:

Although the subject site exists within the area of the 'Woodlawn Estate', most of the proposed alterations and additions are internal or minor and therefore will not affect the heritage significance of the site.

The proposed variations to the planning application for alterations and additions of the subject site are supported.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the diving fence on the northern boundary being 2.75 metres high, in lieu of the required 1.8 metre requirement for Dividing Fences for the construction of alterations and additions at 24 Osborne Road in accordance with the plans date stamp received on 25 May 2010 subject to the following conditions:

1. the proposed ancillary accommodation is only to be used by a member of the family, that is of the occupier of the main dwelling.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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

Mr Burt (applicant) advised that he supported the officer's recommendation.

RECOMMENDATION TO COUNCIL

Cr Nardi – Mayor Ferris

That Council exercise its discretion in granting approval for a variation to the diving fence on the northern boundary being 2.75 metres high, in lieu of the required 1.8 metre requirement for Dividing Fences for the construction of alterations and additions at 24 Osborne Road in accordance with the plans date stamp received on 25 May 2010 subject to the following conditions:

1. the proposed ancillary accommodation is only to be used by a member of the family, that is of the occupier of the main dwelling.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. the proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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(f) **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 33 Hubble Street: "As a consequence of my friendship with the applicant (John Chisholm), 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 Collinson made the following impartiality declaration in the matter of 33 Hubble Street: "As a consequence of the neighbour (Janet Machin) being known to me through my association with Glyde-In, 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 Wilson made the following impartiality declaration in the matter of 33 Hubble Street: "As a consequence of the neighbour (Janet Machin) being known to me through my association with Glyde-In, 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".

T159.6 No. 33 (Lot 68) Hubble Street, East Fremantle

Applicant: John Chisholm Architects

Owner: R Payne

Application No. P60/2010

By Gemma Claire Basley, Acting Town Planner on 4th June 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for proposed renovations and additions to the existing residence and comprising the demolition of the lean to at the rear of the existing building is the subject of this report.

Description of site

The subject site is:

- a 509m² block
- zoned Residential R20
- developed with a an existing residence listed on Council's Draft Municipal Inventory listed under the C Management Category
- adjoins 35 Hubble Road to the south which is developed with an attached terrace house on a lot with an area of 254m²; and
- adjoins 31 Hubble street to the north, which contains an existing dwelling that is well setback from the boundary

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 66 : Roofing (LPP 066)

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

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

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Date Application Received and Documentation

Plans and relevant forms date stamp received on 24th March 2010

Revised Plans received on 31st May 2010 and 4th June 2010

No. of Days Elapsed between Lodgement & Meeting Date

76 Days since original application lodged and 7 days since revised plans lodged

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

Nil

CONSULTATION

Advertising

Adjoining land owners were advised of the proposed development and had an opportunity to lodge submissions between the period of the 8th and the 23rd April 2010.

During the advertising period only one submission was received the details of which are listed below with a response from the applicant.

Objection	Applicant Response
<p>Dr Janet Machin of 35 Hubble Street objected to the proposal on the following grounds:</p> <ol style="list-style-type: none"> 1. No consent for parapet walls. 2. Significant decrease in solar access to my outdoor living area and habitable rooms. The proposed parapet walls will reduce my access to natural light by up to 33%. 3. Noise Pollution as a result of the location of air-conditioning units directly opposite a major habitable room and outdoor living area. 4. Loss of Amenity as a result of the size and scale of the proposed parapet walls. 	<p>The applicant has submitted revised drawings which aim to address the concerns raised by the adjoining owner.</p> <ol style="list-style-type: none"> 1. Revised plans remove any parapet walls and instead propose a boundary wall for the kitchen setback by 0.3m. The height of this wall has also been reduced to 2.4m in order to further reduce any impact of overshadowing. 2. The existing development on 33 Hubble and the existing dividing fence already cause significant overshadowing and in fact results in a total of 134m² of the adjoining lot being overshadowed. The lodgement of revised plans has reduced the potential additional overshadowing by half and will only result in a further 12.5m² of the adjoining lot being overshadowed, of which approximately half will occur over the roof of the adjoining dwelling. 3. The intended air conditioning units will be Fujitsu ASTA12LCC/18LCC or equivalent, which give a sound pressure level of 49 to 50 dBa at 1 metre. This will be further reduced as a result of the dividing fence and will further be reduced by the use of acoustic dampening screens in the courtyard. 4. The proposal was designed to cause minimal loss of amenity. <p>The intention of the limestone dividing fence was to assist in any perceived loss of amenity during construction and to assist in noise amelioration.</p> <p>The revised proposal goes further to move the walls away from the boundary, reduce them in height to only 2.4m and the use of acoustic</p>

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Objection	Applicant Response
5. No consultation occurred with me from the adjoining owner.	5. Based on the original design being relatively compliant, consultation was not undertaken. Upon advice from the Town that an objection had been raised, liaison occurred with the southern neighbour to go through the plan.
6. The proposal exceeds the site cover requirements of the R20 Code.	6. The revised plans reduce the footprint of the building so that it now complies with the requirements of the R-Codes.

The Acting Town Planner has referred the revised plans to the owners of 33 Hubble Street, who objected above and provided them with an opportunity to comment on the revised plans. The following comments have been received by the owner's son and are also attached:

Objection	Applicant Response
Restriction in solar access to the outdoor living area and habitable rooms of 35 Hubble Street.	The proposed addition will result in an additional 4.93% of overshadowing. None of this will restrict access to the habitable rooms as the sunlight to these is already blocked by the existing dividing fence and the existing residence on 33 Hubble Street. The owner has already sacrificed land, reduced wall heights to a very low 2.4m, utilised a minimum pitch to avoid overshadowing, and offered a limestone replacement fence / boundary wall to assist in acoustics, aesthetics and amenity.
Risk of increased noise, above background levels, from the proposed air-conditioning.	The owner has sought the quietest air conditioning units and will install acoustic screens to completely minimise any disturbance.
Setback of kitchen wall does not comply with the R-Codes as it contributes to the restriction of the solar access and loss of 35 Hubble Street's amenity.	The setback of the kitchen results in maybe 1% of additional overshadowing.

Further to the above, the above objector has asked for an extension in the community consultation period (28 days) to allow his mother, who owns the property to view the amended plans. In response to this the Acting Town Planner advises that the owner Dr Janet Machin was aware that revised plans were being prepared in response to her objections and that if this was to occur while she was away on holidays her son was to act on her behalf. Further to this, it has been confirmed that Dr Janet Machin will be returning from holidays in time to review the amended plans and attend the Council meeting of the 15th June 2010. On this basis, the Acting Town Planner does not recommend support for the extension of the consultation period.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 27th April 2010 and the following comments were made:

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TPAP Comment	Town Planner/Applicant Response
Overcome overshadowing if possible by pulling back side boundary slightly	Amended plans have been submitted that pull back the walls and reduce overshadowing
Improvement and conservation works to existing dwelling commended thereby maintaining the character of the Plympton Ward	Noted and agreed

Principal Building Surveyor's Comment

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

Site Inspection

By Acting Town Planner on 31st May 2010

REPORT

In response to the initial objections raised by the adjoining neighbour to the south (35 Hubble Street) the applicant has submitted substantially revised plans. The main changes to the plans are listed below:

- The master bed and ensuite have been pulled northwards by 1 m (away from the northern boundary of 35 Hubble Street), which results in a reduction in the overshadowing.
- The kitchen has been pulled northwards by 0.3m and the roof has been changed to a flat roof with the wall height being also reduced to 2.4m, which results in a reduction in the overshadowing.
- An upper floor is now proposed, which meets all of the R-Code setback requirements and privacy requirements through the use of hi-lite windows and by pushing this upper floor as far north as possible.
- The attached plans show two options. The difference between the plans is the roof line. One option is for a pitch and the other option is for a skillion roof.

The revised plans as lodged are generally compliant with the requirements of the R-Codes in terms of setbacks, open space provision, access and parking, streetscape, site works and privacy requirements. There are only two variations, which are sought by the applicant and are listed and justified below:

R-Code Requirements	Proposed	Acting Town Planner Comment
<p><u>Solar Access for Adjoining Sites</u> On adjoining properties coded R25 and lower – 25% of the site area can be subject to overshadowing from the adjoining development.</p>	<p>The existing residence at 33 Hubble and the existing dividing fence between 33 and 35 Hubble Street already overshadows 52% of 35 Hubble Street, which far exceeds the R-Codes requirements.</p> <p>The application proposes to increase the overshadowing by 4.93% or 12.5m².</p>	<p>Supported The current excess overshadowing is largely attributed to the narrowness of 35 Hubble Street (effectively a half lot in the order of 12.7m wide).</p> <p>The increase in overshadowing will not impact upon any habitable rooms as they are already overshadowed by the dividing fence. The overshadowing will impact a further 4.93% of the outdoor living area of 35 Hubble Street. Although not ideal, the minor increase is considered to be acceptable in light of the adjoining</p>

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R-Code Requirements	Proposed	Acting Town Planner Comment
		block being so narrow. In addition, the existing house is being retained, which already results in some overshadowing. The retention of the house is a positive element of the design.
<u>Maximum Building Heights</u> Top of External Wall (roof above) 6m Top of pitched roof 9m.	Maximum wall/plate height of 6.85m Maximum roof and building height 7.71m	<p>Supported</p> <p>The increased wall height occurs on the northern side of the upper floor roof and does not have any further impact on the solar access of 35 Hubble Street.</p> <p>In addition, the increased wall height is significantly offset by a reduced roof height, which is significantly below the maximum permitted under the R-Codes.</p>

Conclusion

The proposed renovations and additions at 33 Hubble Street complies with the boundary setback requirements, height requirements, access requirements, open space requirements, privacy requirements and open space requirements of the R-Codes. The two variations, which are being sought, are considered small and acceptable. The proposal involves the retention of a property included on Council's Draft Municipal Inventory whilst improving its appearance and the general amenity of the surrounding area (with the exception of the Adjoining 35 Hubble street, which will incur minor additional overshadowing – 4.93%).

It is the assessment of the Acting Town Planner that the majority of the neighbour's objections have been resolved through the lodgement of revised plans. The increase in overshadowing of outdoor living areas by up to 4.98% is considered to be minimal and acceptable, especially considering that the majority of the overshadowing comes from the existing dividing fence. The willingness of the applicant to respond to the neighbour's concerns is commended.

Given the proposal meets the majority of quantitative provisions of TPS No. 3, the R-Codes and Council Policies and given the variations being requested are minor, the plans is considered acceptable and recommended for Council approval.

RECOMMENDATION

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

- (a) variation to the overshadowing requirements of the R-Codes caused by the proposed additions by 12.49m²; and
 - (b) variation of 0.85m to the wall height requirements of the R-Codes.
- for renovations and additions, including a second storey at 33 Hubble Street in accordance with the plans date stamp received on 31st May 2010 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 placement of air-conditioning units and the placement of acoustic dampening screens in the courtyard to be to the satisfaction of the Chief Executive Officer in

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- consultation with relevant officers. In the event of concerns, with respect to compliance with the Environmental Protection Noise Regulations 1997, a specialist's report required by Council to be at the applicant's expense.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 4. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 5. the proposed extension is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 7. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 8. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 10. 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.
 11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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

Mr Machin (owner's son) conveyed his mother's concerns regarding loss of amenity caused by the increased overshadowing and potential noise problems by the location of airconditioning units adjacent to her outdoor living area. Mr Machin disputed the overshadowing calculations provided by the applicant.

Mayor Ferris – Cr Nardi

That the application be deferred to allow the applicant the opportunity to respond to the neighbour's concerns regarding overshadowing. CARRIED

T159.7 No. 66 (Lot 502) Duke Street, East Fremantle
Applicant and Owner: Allison Travis
Application No. P41/2010

By Gemma Basley, Acting Town Planner on 1 June 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval to enclose existing decking and to create a room for a proposed home occupation (cosmetic tattooing) at 66 Duke Street, East Fremantle is the subject of this report.

Description of site

The subject site is:

- a 516m² (battleaxe) block
- zoned Residential R20
- developed with an existing dwelling on site
- located in the Plympton Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes 2008

Relevant Council Policies

Council Policy on Roofing (LPP066)
Local Planning Policy – Residential Development (LPP142)

Impact on Public Domain

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

Documentation

Plans and relevant information date stamped received on 19 March 2010

Date Application Form Received

3 March 2010

ADVERTISING

The advertising process occurred during the standard 2-week time frame of 8 April 2010 to 22 April 2010, in which the proposed development was sent to the surrounding landowners for comment. During this community consultation time, one objection was received from the neighbour at No. 64 Duke Street. The comments are partly stated below (also see attachment 3):

- Parking issues with Duke Street.

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- The extension to 66 Duke Street (decking) has caused a permanent viewing platform into the neighbouring property at No. 64 Duke Street, and therefore as the room of the tattoo clients will be from this area, the clients will view into the neighbouring property.

Requesting that:

- Client parking to the proposed home occupation be on-site at No. 66 Duke Street;
- Business hours be restricted to weekdays only, in light of the intrusive nature of the extension that is proposed; and
- Council to explain why it allowed this deck extension (approved 11 April 2003) without consultation to 64 Duke Street when there is a negative impact on the neighbouring property.

The advertising process also involved a referral of the application/officer's report to elected members under the delegated authority provisions. Subsequently one elected member requested a referral of the application to the committee which has been effected, in accordance with the delegated authority process.

Town Planner Response to Neighbour Objections:

- The applicant has outlined in their submission that the parking of the clients will be situated on-site. Furthermore condition 4 has been added to this planning approval, to reaffirm this requirement.
- The Town's records indicate that the planning application for alterations and additions for 66 Duke Street (approved 11 April 2003) were advertised to 64 Duke Street on the 26 March 2003, who had until 7 April 2003 to respond. As the applicant did not respond, the Town was under the impression that no objections were received from the neighbours at 64 Duke Street.
- The proposed alterations (decking) are located on the southern side of the lot and will include enclosing the openings and providing only a highlight window to face No. 64 Duke Street. As such there will be no potential for clients of the home occupation to look into 64 Duke Street.

No. of Days Elapsed between Lodgement & Meeting Date

97 days

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

11 April 2003 – The Town under delegated authority approved a planning application submitted by the subject site for alterations and additions to the existing single house.

CONSULTATION

Town Planning Advisory Panel Comments

As this development application proposal consists of rear additions (pool, decking and shed) to the subject site, and there are no changes to the May Street streetscape, the application was not referred to the Town Planning Advisory Panel for comment.

Principal Building Surveyor's Comment

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

REPORT

Comment

Approval is sought for a proposed home occupation (cosmetic tattooing), and enclosing the existing decking, to form the room for the proposed home occupation, at 66 Duke Street, East Fremantle.

The proposed planning application has two major components. The first being that the existing decking at the rear property is to be enclosed to form a room, which includes full

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height windows to the east/rear yard and a highlight window to the North and no windows to the south. As part of this development the spa will be removed.

The use of this room is the second component of the planning application, which will be used for a proposed home occupation for cosmetic tattooing.

Issues

Home Occupation

The applicant is seeking approval for Home Occupation – Cosmetic Tattooing. The following information outlines the use and hours of operation of the home occupation;

- The revised spa deck will be used for cosmetic tattooing only.
- The applicant is the sole employee.
- There will be one client maximum at any given time.
- The hours of operation will be Monday – Friday 10:30am – 6pm, Saturday 10:30am – 5pm.
- Adequate space available in the backyard to park.

Home Occupation is a “D” use in the Residential zone, which means:

“that the use is not permitted unless the local government has exercised its discretion by granting planning approval.” (TPS 3, sub-clause 5.3.2)

Home Occupation - Required	Comment
Does not employ any person not a member of the occupier’s household	Owner is only employee
Will not cause injury to or adversely affect the amenity of the neighbourhood	No Impact on neighbourhood
Does not occupy an area greater than 20 square metres	Proposed room to have an area of 17.6m ² & meets this requirement
Does not display a sign exceeding 0.2 square metres	Condition applied
Does not involve the retail sale, display or hire of goods of any nature	Condition applied
In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;	Condition applied
Does not involve the use of an essential service of greater capacity than normally required in the zone;	Complies

The proposal meets the provisions of TPS3, the R-Codes and applicable Local Planning Policies with the exception of the following:

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Requirement	Proposed	Town Planner Comments
R-Codes: <u>Building Setbacks:</u> - South 1.5 metres	1 metre	Supported – There is an existing common driveway to the south of the property for the use of No. 66 Duke Street and No. 68 Duke Street. Therefore as the building wall will directly abut the driveway, the variation can be supported. Furthermore no objections were received from 68 Duke Street.
<u>Privacy Setbacks:</u> - South Eastern Window to be setback 7.5 metres from the southern boundary.	2.5 metres setback from the southern boundary.	Supported – There is an existing common driveway to the south of the property for the use of No. 66 Duke Street and No. 68 Duke Street. Therefore as the overlooking of the window will be directly into the driveway and the 7.5 metre cone of vision will not extend into 68 Duke Street, the variation can be supported. In addition a boundary fence between the two lots will minimise any potential overlooking impacts. Furthermore no objections were received from 68 Duke Street.

Given, that the proposal meets the majority of the quantitative provisions of TPS No. 3, the R-Codes and Council's policies & given there are only minor variations being requested, the application is considered acceptable and recommended for council approval.

RECOMMENDATION

That Council exercise its discretion for:

- (a) the proposed building setback to the south of 1.5 metres, in lieu of the required 1 metre as per the requirements of the Residential Design Codes in relation to building setbacks;
- (b) the proposed privacy setback to the south (eastern window) of 2.5 metres, in lieu of the required 7.5 metres as per the requirements of the Residential Design Codes in relation to privacy setbacks;
- (c) the proposed 2 car bays on site, in lieu of the required 3 bays on site as per the requirements of Home Occupations in the Town Planning Scheme No 3.

to enclose the existing decking structure to form a room, to be used for the proposed home occupation (cosmetic tattooing) at the property No. 66 (Lot 502) Duke Street, East Fremantle, in accordance with documentation date stamped received on 19 March 2010, subject to the following conditions:

- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- 2. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

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3. 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. clients visiting No. 66 Duke Street for the use of home occupation (permanent cosmetic make up) must park on-site.
5. The hours of operation for the home occupation (cosmetic permanent make up) are to be Monday – Friday 10:30am – 6pm and Saturday 10:30 – 5pm.
6. the Home Occupation approval to remain valid for a period of 12 months from the date this approval and will be subject to review prior to any extension.
7. the cosmetic tattooing to comply with the requirements of the Department of Health Code of Practice for Skin Penetration Procedures. Note: Appendix (2) Special Requirements for Tattooing.
8. this planning approval for the building works will 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.*
- (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).*

Considerable discussion took place regarding the concerns of the adjoining neighbour.

RECOMMENDATION TO COUNCIL

Cr Nardi – Mayor Ferris

That Council exercise its discretion for:

- (a) **the proposed building setback to the south of 1.5 metres, in lieu of the required 1 metre as per the requirements of the Residential Design Codes in relation to building setbacks;**
- (b) **the proposed 2 car bays on site, in lieu of the required 3 bays on site as per the requirements of Home Occupations in the Town Planning Scheme No 3.**

to enclose the existing decking structure to form a room, to be used for the proposed home occupation (cosmetic tattooing) at the property No. 66 (Lot 502) Duke Street, East Fremantle, in accordance with documentation date stamped received on 19 March 2010, subject to the following conditions:

1. **the provision of privacy screening to the south to the satisfaction of the Chief Executive Officer in consultation with relevant officers prior to the issue of a building licence.**
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. **clients visiting No. 66 Duke Street for the use of home occupation (permanent cosmetic make up) must park on-site with access being obtained only from Duke Street.**
6. **The hours of operation for the home occupation (cosmetic permanent make up) are to be Monday – Friday 10:30am – 5pm and Saturday 9.00am – 12 noon.**

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7. the Home Occupation approval to remain valid for a period of 12 months from the date this approval and will be subject to review prior to any extension.
8. the cosmetic tattooing to comply with the requirements of the Department of Health Code of Practice for Skin Penetration Procedures. Note: Appendix (2) Special Requirements for Tattooing.
9. this planning approval for the building works will 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.*
- (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).*

CARRIED

T160. EN BLOC RECOMMENDATION TO COUNCIL

Mayor Ferris - Cr Nardi

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee Meeting of 8 June 2010 in respect to Items MB Ref: T160.1 to T160.4.

CARRIED

T160.1 No. 37 (Lot 615) May Street, East Fremantle

Applicant: Treadgold and Perkin

Owner: John and Victoria O'Connor

Application No. P62/2010

By Janelle Pirone, Acting Planning Officer on 24 May 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for a proposed swimming pool, pergola, decking and store room, at the rear of the property at 37 May Street, East Fremantle.

Description of site

The subject site is:

- a 511m² block
- zoned Residential R20
- developed with an existing dwelling
- located in the Plympton Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Local Planning Strategy - Plympton Precinct (LPS)
Residential Design Codes 2008

Relevant Council Policies

Council Policy on Roofing (LPP066)
Local Planning Policy – Residential Development (LPP142)

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamped received on 30 March 2010

Date Application Received

30 March 2010

ADVERTISING

The advertising process occurred over 2 weeks from the 8 April 2010 to 22 April 2010, in which the proposed development was sent to the surrounding landowners for comment under the delegated authority provision (being the process initially involved). During this community consultation time no comments were received from any of the neighbours.

One elected member responded, and requested the matter be dealt with via the Committee/Council meeting process. Pursuant to the delegated authority provisions this was accordingly effected.

No. of Days Elapsed between Lodgement & Meeting Date

70 days

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

15 December 1998 – The Council at their Meeting resolved to approve a planning application submitted for the subject site, for proposed alterations and additions to the existing single house.

CONSULTATION

Town Planning Advisory Panel Comments

As this development application proposal consists of rear additions (pool, decking and shed) to the subject site, and there are no changes to the May Street streetscape, the application was not referred to the Town Planning Advisory Panel for comment.

Principal Building Surveyor's Comment

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

REPORT

Comment

Approval is sought for the construction of a swimming pool, pergola, decking and store room at the rear of the property, at 37 May Street, East Fremantle.

The site slopes westwards, which provides for an undercroft area that will compromise the store room and pool. The ground floor area will contain the pool, decking and pergola and will be directly above the store room.

The proposal meets the provisions of TPS3, the R-Codes and applicable Local Planning Policies with the exception of the following:

Requirement	Proposed	Town Planner Comments
<p>R-Codes: <u>Fill and Excavation:</u></p> <p>Not to exceed 500 millimetres above the natural ground level.</p>	<p>900 millimetres above the natural ground level.</p>	<p>Supported – The proposed further excavation of 400 millimetres is required in order to sustain the undercroft. The fact that it is cut as opposed to fill, will therefore not result in an adverse impact on the adjoining lots.</p> <p>Furthermore, given that development has complied with building setback variations</p>

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Requirement	Proposed	Town Planner Comments
		(height is compliant) and no objections were received from the surround landowners, the variation is supported.
<u>Privacy Setbacks:</u> West 7.5 metres from the northern elevation.	1.65 metres from the northern elevation.	Not Supported – Despite that there is proposed screening to the northern elevation, this does not extend out far enough to block overlooking issues from the western view of the pergola. Therefore a condition has been added to this approval in order to cater for this requirement.

Given the proposal meets the majority of the provisional requirements of the Residential Design Codes and the Town's Local Planning Policies, the application can be supported.

RECOMMENDATION

That Council grant its discretion for the cut of the proposed undercroft of 900 millimetres in lieu of the required 500 millimetres as per the Residential Design Codes (cut and fill) to construct a swimming pool, pergola, decking and store room at No. 37 (Lot 615) May Street, East Fremantle, in accordance with documentation date stamp received on 30 March 2010, subject to the following conditions:

1. prior to the issue of a building licence, revised plans shall be submitted and received demonstrating further fixed privacy screening being attached to the northern elevation in order to prevent overlooking within the required cone of vision to the neighbouring property at No. 35 May Street, East Fremantle, to the satisfaction of the CEO.
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. 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.*
- (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).*

RECOMMENDATION TO COUNCIL

That Council grant its discretion for the cut of the proposed undercroft of 900 millimetres in lieu of the required 500 millimetres as per the Residential Design Codes (cut and fill) to construct a swimming pool, pergola, decking and store room at No. 37 (Lot 615) May Street, East Fremantle, in accordance with documentation date stamp received on 30 March 2010, subject to the following conditions:

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1. prior to the issue of a building licence, revised plans shall be submitted and received demonstrating further fixed privacy screening being attached to the northern elevation in order to prevent overlooking within the required cone of vision to the neighbouring property at No. 35 May Street, East Fremantle, to the satisfaction of the CEO.
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. 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.*
- (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).*

T160.2 **No. 52 (Lot 1) Clayton Street, East Fremantle**

Applicant: Tony & Jemmina Byers

Owner: Tony & Jemmina Byers

Application No. P83/2010

By Gemma Claire Basley, Acting Town Planner on 2nd June 2010

BACKGROUND

Description of Proposal

An Application for Retrospective Planning Approval for fencing has been received and is the subject of this application.

The application requests approval for a solid fence (without visual permeability) that has been constructed to a height that exceeds the 1.2m requirement. More specifically a solid fence to a height of between 1.2m and 1.8m has been built forward of the building line on the Clayton Street frontage and the View Terrace frontage.

Description of site

The subject site is:

- a 455m² block
- zoned Residential R12.5
- developed with a two storey residence

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

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Impact on Public Domain

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

Documentation and Date Application Received

Plans and relevant forms date stamp received on 17th March and the 15th April 2010

Advertising

The application for retrospective planning approval has not been advertised for public comment.

No. of Days Elapsed between Lodgement & Meeting Date

83 days

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

16th August 2005 Council approved a two storey residence
3rd March 2010 Approval was granted for a front fence Under Delegated Authority

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 25th May 2010 and the following comments were made:

- Approval is Acceptable

Principal Building Surveyor's Comment

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

Site Inspection

By Acting Town Planner on 2nd June 2010

REPORT

This application is for retrospective approval for fencing.

The previous Planning Approval for the fence was based on the fence being compliant with the requirements of LPP 143 whereby the fence would be visually permeable above 1.2m high, with the exception of piers that would extend to 1.8m.

At the time that the fence was constructed and as a result of the slope in the land on the Clayton Street frontage and the desire to obtain greater privacy for the south facing courtyard, two sections of front fencing exceeded the 1.2m height requirement and were constructed up to 1.8m as a solid fence and without visual permeability.

The Planning Approval issued 3rd March 2010 was for plans that showed a visually permeable fence to 1.8m high above a 1.2m solid wall.

The fencing needs to either:

- accord with the Planning Approval; or
- be the subject of retrospective Planning Approval.

Considerations

The subject site is a corner lot. The Fencing Policy states that:

This Policy applies to all fences/wall forward of the building line of a property or forward of the facade (or facades for a corner lot) of the main residence.

What this means is that for corner lots, fencing to *both* frontages is required to be visually permeable above 1.2m.

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The Fencing Policy does, however, state that a variation to the maximum permitted height of 1.8m can be considered under special circumstances, including the following:

- 4.1 *a higher fence/wall is required for noise attenuation.*
- 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 of the secondary side boundary of a corner lot.*

It is considered that 4.2 to 4.4 (inclusive) are applicable to the subject site and are therefore appropriate grounds to vary Council's LPP 143.

It is considered that the fence as constructed is appropriate for the locality. The increase in height of the solid fence (above 1.2m) on the Clayton Street frontage is in response to the slope of the land. The section of wall on the View Terrace frontage that is solid to 1.8m high is only marginally forward (approximately 2.5m) of the building line and the increased wall height will assist in providing privacy to the courtyard behind this section of wall.

The application for retrospective planning approval is therefore supported.

RECOMMENDATION

That Council exercise its discretion and grant retrospective planning approval for a solid fence exceeding 1.2m in height on the Clayton Street and View Terrace frontages of No. 52 Clayton, East Fremantle as shown on plans received 17th March 2010 and 15th April 2010 and subject to the following conditions:

1. 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.
2. 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) *This approval does not include acknowledgement or approval of any additional 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 to the approved plans unless otherwise approved by Council.*

RECOMMENDATION TO COUNCIL

That Council exercise its discretion and grant retrospective planning approval for a solid fence exceeding 1.2m in height on the Clayton Street and View Terrace frontages of No. 52 Clayton, East Fremantle as shown on plans received 17th March 2010 and 15th April 2010 and subject to the following conditions:

1. **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.**
2. **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:

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- (a) *This approval does not include acknowledgement or approval of any additional 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 to the approved plans unless otherwise approved by Council.*

160.3 **No. 24 (Lot 59) Walter Street, East Fremantle**
Applicant: Mario Figliomeni Design Better Buildings
Owner: Lisa Ann Stanley
Application No. P74/2010
By Gemma Claire Basley, Acting Town Planner on 3rd June 2010

BACKGROUND

Description of Proposal

An Application to construct a new single storey brick and Colourbond residence (involving the demolition of the existing residence) is the subject of this report. The existing dwelling is not included on Council's Draft Municipal Inventory.

Description of site

The subject site is:

- a 911.43m² block
- zoned Residential R12.5
- developed with a single storey residence; and
- adjoins two residential premises

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development

Impact on Public Domain

Tree in verge:	To be removed
Light pole:	No impact
Crossover:	Crossover location to be changed
Footpath:	No impact

Documentation

Plans and relevant forms date stamp received on 28th May 2010

Date Application Received

20th April 2010

Additional information

Revised plans were submitted by the applicant on the 28th May 2010 in response to the Town Planning advisory Panel comments.

Advertising

Adjoining land owners and a sign was placed on the site

Date Advertised

3rd May 2010

Close of Comment Period

19th May 2010

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No. of Days Elapsed between Lodgement & Meeting Date

49 Days

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

Nil

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 25th May 2010 and the following comments were made with a response from the applicant also provided below:

TPAP Comment	Applicant Response
Support single storey development.	Noted
Proposed residence is a pastiche of building styles. The faux historicism detracts from the existing streetscape.	The use of suitable building materials and finishes will soften the appearance of the dwelling. In addition significant landscaping is proposed in front that will also soften the streetscape. The street contains a diverse range of housing stock and this design is not considered to be detrimental to the streetscape.
Proposal is inconsistent with the simple styling of existing dwellings and is out of context, particularly with regard to the overly complex roof forms.	The roof form can be modified if requested by Council. Refer comments above
Prominence of garage is not supported.	Revised plans have been submitted that pull the garage back toward the building line. The current position of the garage allows a neat finish for the verandah. Should the garage be pushed back being the building line, it would cause the elevation to be unbalanced.

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 no comments were received.

Site Inspection

By Acting Town Planner on 4th June 2010

REPORT

The application has been assessed against the requirements of the R12.5 provisions of the R-Codes and LPP No. 143. The application complies with the boundary setback requirements, height requirements, access requirements, open space requirements, privacy requirements and design for climate requirements. The only non compliant part of the application is the placement of the garage forward of the main building line and the proposed fill and retaining that exceeds the permitted 0.5m.

It is noted that the applicant has amended the original application to setback the garage closer to the main building line however, it is still forward of the building line and veranda's. Council's LPP No. 142 is clear in the requirement for garages to be located at or behind the main building line of the house on the property. Give the size of the block and the opportunity to move the garage further back and reduce it in size without

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compromising the design of the house, a variation to this requirement is not supported by the Acting Town Planner and will be recommended as a condition of approval.

In relation to the proposed variation of fill and retaining that exceeds 0.5 metres to be 0.6 metres, it is considered as supportable given that the dwelling is single storey and therefore will not impact the surrounding landowners, as the heights are not over powering. Furthermore the proposed retaining will balance out the levels of the residence.

Given the proposal meets the majority of quantitative provisions of TPS No. 3, the R-Codes and Council Policies and given only variation is being requested and is considered minor, the application is considered acceptable and recommended for Council approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for variation to the fill requirements to allow 0.6m in lieu of the 0.5 maximum required by the Codes.

for the development of a new single storey residence at 24 Walter Street in accordance with the plans date stamp received on 28th May 2010 subject to the following conditions:

1. Prior to the issue of a Building Licence revised plans are to be submitted to show the garage being setback behind the building line (wall of house) and in line with the most eastern front wall of Bed 1 and as marked in red on the attached to the plans to the satisfaction of the Chief Executive Officer.
2. A schedule of materials and finishes to be submitted to the satisfaction of the CEO prior to the issue of a Building Licence. The materials and finishes are to be of a high standard and to compliment the existing streetscape.
3. 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.
4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. 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.
6. 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.
7. 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.
8. 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.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.

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11. the zincalume roofing is to be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

That Council exercise its discretion in granting approval for variation to the fill requirements to allow 0.6m in lieu of the 0.5 maximum required by the Codes. for the development of a new single storey residence at 24 Walter Street in accordance with the plans date stamp received on 28th May 2010 subject to the following conditions:

1. Prior to the issue of a Building Licence revised plans are to be submitted to show the garage being setback behind the building line (wall of house) and in line with the most eastern front wall of Bed 1 and as marked in red on the attached to the plans to the satisfaction of the Chief Executive Officer.
2. A schedule of materials and finishes to be submitted to the satisfaction of the CEO prior to the issue of a Building Licence. The materials and finishes are to be of a high standard and to compliment the existing streetscape.
3. 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.
4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. 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.
6. 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.
7. 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.
8. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

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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. the zincalume roofing is to be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

T161. BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T162. CLOSURE OF MEETING

There being no further business the meeting closed at 8.00pm.

*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 **8 June 2010**, Minute Book reference **T153 to T162** were confirmed at the meeting of the Committee on*

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Presiding Member