

10 August 2010

MINUTES

**MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 10 AUGUST, 2010 COMMENCING AT 6.35PM.**

**T172. OPENING OF MEETING**

**T172.1 Present**

Cr Alex Wilson	Presiding Member
Cr Cliff Collinson	
Cr Barry de Jong	
Cr Siân Martin	
Ms Gemma Basley	Acting Town Planner
Mrs Peta Cooper	Minute Secretary

**T173. WELCOME TO GALLERY**

There were 6 members of the public in the gallery at the commencement of the meeting.

In welcoming members of the gallery, Cr Wilson informed the applicants / owners of No. 35 Fortescue Street that their application would not be considered this evening given the officer's report was not made available to elected members until just prior to the commencement of this meeting and the matter would therefore be considered by Council on 17 August.

**T174. APOLOGIES**

An apology was submitted on behalf of Mayor Alan Ferris, Cr Rob Lilleyman, Cr Dean Nardi & Cr Maria Rico.

**T175. CONFIRMATION OF MINUTES**

**T175.1 Town Planning & Building Committee (Private Domain) – 13 July 2010**

Cr de Jong – Cr Collinson

That the Town Planning & Building Committee (Private Domain) minutes dated 13 July 2010 as adopted at the Council meeting held on 20 July 2010 be confirmed.

CARRIED

**T176. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

**T176.1 Dalgety Street No. 12 (Lot 12)**

Submission received from Gerard McCann Architect advising that he disagreed with overlooking issues relating to the proposed development as he did not consider it a major issue.

Cr de Jong – Cr Collinson

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T178.9).

CARRIED

**T177. REPORTS OF COMMITTEES**

**T177.1 Town Planning Advisory Panel – 27 July 2010**

Cr Wilson – Cr de Jong

That the minutes of the Town Planning Advisory Panel meeting held on 27 July 2010 be received and each item considered when the relevant development application is being discussed.

CARRIED

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**T178. REPORTS OF OFFICERS**

**T178.1 Receipt of Reports**

**Cr Collinson – Cr Martin**  
**That the Reports of Officers be received.**

CARRIED

**T178.2 Order of Business**

**Cr Collinson – Cr Martin**  
**The order of business be altered to allow members of the public to speak to relevant agenda items.**

CARRIED

**T178.3 Moss Street No. 38 (Lot 12)**  
**Applicant: Rodney O'Byrne Design**  
**Owner: Farrington Nominees**  
**Application No. P122/2010**

By Gemma Basley, Acting Town Planner on 5 August 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for boundary fencing and a new weatherboard and iron garage at No. 38 Moss Street, East Fremantle, which is a corner lot also fronting Fletcher Street opposite to Locke Park, is the subject of this report.

The application involves the removal of an existing fibro fence that extends to a height in the order of 1.5 metres along the Fletcher Street boundary and to a height of about 1.2 metres along the Moss Street boundary. The existing fence does not have a truncation. The application proposes to replace this with a new rendered brick low wall with open iron infill to a height of 1.8 metres on the Moss Street boundary and extending eastwards along Fletcher Street to the proposed garage. The fence will then extend eastwards along Fletcher Street from the garage to the rear boundary but will be a new solid rendered brick wall to a height of 1.8 metres.

The application also proposes to earthwork and landscape a new garden that will have the opportunity to open into the adjoining properties gardens (37 Hamilton Street), which are owned by the same family.

**Description of site**

The subject site is:

- an 890m<sup>2</sup> block
- zoned Residential R12.5
- developed with a dwelling on-site
- registered on the Towns Municipal Inventory (MI) with a rating of B<sup>A</sup>
- located in the Woodside Precinct

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Impact on Public Domain**

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

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Streetscape : The re-fencing of the property and construction of a new weatherboard and iron garage will see the property viewed differently from the street.

**Documentation**

Plans and relevant forms date stamp received on 26 July 2010

**Date Application Received**

26 July 2010

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

14 days

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

Nil.

**Advertising**

The subject application was not advertised to adjoining landowners because the property is in the same ownership.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

The Panel viewed the proposal on 27 July 2010. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Planning Response
Plans supported overall.	Noted.
Removal of finial detail on garage is preferred as this garage does not form part of the original estate.	<p>The Acting Town Planner has discussed this comment with the applicant who has informed that the finial detail has been included because the intended design (including the restoration of the residence) is federation. The applicant also put forward that it was intended for the garage to look like part of the original estate.</p> <p>The Acting Town Planner is confident that the residence will be restored in time and that the finial detail will be in context then and until then, it is not considered to be a detriment to the streetscape.</p> <p>The option of constructing a contemporary garage has been discussed with the applicant but this is considered undesirable, especially to be in keeping with the Fletcher streetscape of the adjoining residence.</p>
Query any restoration plans for the dwelling at 38 Moss street.	<p>The owners intend to fully restore the residence to a standard similar to 37 Hamilton Street. The commencement of this will depend on the costs after completion of the garage, fence and gardens.</p>

The Acting Town Planner is comfortable with the applicant's reason for including the finial details on the garage and in light of the proposed restoration of the residence; this is considered to be acceptable.

**REPORT**

**Comment**

Approval is sought for the replacement of a dated fibro boundary fence with a new rendered brick and iron infill fence and the construction of a garage fronting Fletcher Street and significant internal retaining and landscaping to create a central garden area between the residences at 38 Moss Street and 37 Hamilton Street.

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The proposal is to visually improve the streetscape view of 38 Moss Street from both Moss and Fletcher Streets by removing the fibro fencing and replacing this with new and attractive fencing that will tie in with the adjoining development. The proposed fencing and weatherboard garage are considered by the Acting Town Planner to be sympathetic to the residence and to the locality.

**Considerations**

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

Requirement	Proposed	Planning Officer Comments
<p><b>LPP 143</b> <u>Fence height</u> Maximum height of 1.8 metres</p>	Maximum height of 2.2 metres	<p><b>Supported</b> – The increased fence height on Fletcher Street is in response to the fall of the land. Only one pier will be over height and the solid infill sections will all be at 1.8 metres.</p>
<p><b>LPP 142</b> Garage to be located at or behind the main line of the dwelling and to be set back consistent with adjoining buildings.</p>	Garage setback 1.0 metres from the Fletcher Street boundary	<p><b>Supported</b> – The reduced setback enables the garage to form part of the boundary fencing and provides for future extensions to the existing residence. The reduced setback of the garage does not occur on the primary street but on the secondary street and this is considered to be acceptable.</p> <p>The garage does not look out of place, despite it is the only garage facing Fletcher street in this block. It is evident that this was the approximate location of the earlier garage.</p>
<p><u>Excavation &amp; Fill</u> Cut/fill not to exceed 0.5 metres</p>	Retaining in portions of the site exceeds 0.5m	<p><b>Supported</b> – This is a result of the stepped down garden that is proposed. The increased retaining does not result in the property being viewed any differently from the street and does not impact on the height or appearance of the fencing.</p>

Given that the proposal meets the majority of the requirements of the Residential Design Codes and the Town's Local Planning Policies, the application can be supported. Whilst variations are being pursued it is considered that the variations are minor in nature and that they are warranted for a development that will be such an improvement to the streetscape.

**RECOMMENDATION**

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

- variation to LPP 143 to allow a maximum fence height of 2.2 metres as shown on the approved plans;
  - variation to LPP 142 to allow the garage to be setback 1.0 metre from the Fletcher Street boundary; and
  - variation to the R-Codes to allow retaining in portions of the site to exceed 0.5 metres;
- for the construction of a new boundary fence to front Moss and Fletcher Street, a garage on Fletcher Street and a landscaped garden area at No. 38 Moss Street, East Fremantle

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in accordance with the plans date stamp received on 26 July 2010 subject to the following conditions:

1. A schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer 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 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. 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.
6. 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.
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. 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).*

Mr Rodney O'Byrne (designer) addressed the meeting in support of the officer's recommendation.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Collinson**

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

- **variation to LPP 143 to allow a maximum fence height of 2.2 metres as shown on the approved plans;**
- **variation to LPP 142 to allow the garage to be setback 1.0 metre from the Fletcher Street boundary; and**
- **variation to the R-Codes to allow retaining in portions of the site to exceed 0.5 metres;**

**for the construction of a new boundary fence to front Moss and Fletcher Street, a garage on Fletcher Street and a landscaped garden area at No. 38 Moss Street, East Fremantle in accordance with the plans date stamp received on 26 July 2010 subject to the following conditions:**

1. **A schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.**

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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. 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.
6. 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.
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. 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).***

**CARRIED**

**Reason for Supporting Officer's Recommendation**

The Committee were of the view that as Fletcher Street is the secondary street in this instance, the reduced setback for the garage as proposed is considered acceptable and can therefore be supported.

*Crs de Jong & Wilson made the following impartiality declaration in the matter of 3 Chauncy Street: "As a consequence of having served on Council with the adjoining neighbour at 1 Chauncy Street, Mr David Martin, who has made comment on the proposal, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".*

*Cr de Jong made the following impartiality declaration in the matter of 3 Chauncy Street: "As a consequence of the applicant being known to me as a neighbour and who is also related to very close friends of mine, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".*

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**T178.4**      **Chauncy Street No. 3 (Lot 5040)**  
**Applicant: Tangent Nominees Pty Ltd**  
**Owner: Lizabella Pty Ltd**  
**Application No. P112/2010**  
By Clare Roszak, Acting Planning Officer on 29 July 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for alterations and additions to the existing two-storey house located at No 3 Chauncy Street is the subject of this report. The application includes alterations and additions to the existing two-storey dwelling located on site.

**Description of site**

The subject site is:

- a 736m<sup>2</sup> block
- zoned Residential R12.5
- developed with a dwelling on-site
- located in the Richmond Hill Precinct

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Impact on Public Domain**

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

**Documentation**

Plans and relevant forms date stamp received on 24 June 2010  
Revised plans received on 15 July 2010

**Date Application Received**

24 June 2010

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

46 days

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

19 July 2007                      The Council granted the owner(s) of No 3 Chauncy Street Planning Approval for rear additions to the existing residence including a garage/store, swimming pool and landscaping.

**Advertising**

The subject application was advertised to adjoining landowners for the standard 2 week period from the 6 July – 21 July 2010. Two comments were received during this time, the concerns raised are detailed below.

*David Martin  
& Sue-Ellen Symons  
1 Chauncy Street*

The proposed reduction of the primary street setback to the upper balcony/verandah is considered to disturb the existing continuity and rhythm of the established streetscape. Additionally, a reduction to the setback

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would adversely impact upon the amenity provided by view corridors. Support for all other elements of the proposed alterations and additions are included within the submission.

*Antony Svilicich*  
19 View Terrace

1. The proposed windows to the first floor dining and family rooms do not comply with section 6.8.1 of the R-Codes 2008 relating to privacy setbacks.
2. The proposed rear balcony does not comply with section 6.8.1 of the R-Codes relating to privacy setbacks
3. Modification to the existing front balcony will have an undue impact on the owners of No 5 Chauncy Street, particularly taking their previous planning approval for a front pool within the front setback area.
4. The proposed extension of the existing residence and balcony into the front setback area will have a detrimental impact to the character of the existing streetscape.

**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 27 July 2010 and made the following comments:

- elevation is inconsistent with existing residence.
- prefer additional roof to be flat or continue existing roofline.

**REPORT**

**Comment**

Approval is sought for alterations and additions to the existing dwelling, located at No 3 Chauncy Street, East Fremantle.

There are two major components to this application, firstly the alterations and additions to the ground floor comprising of a new verandah to the front of the property, a rear alfresco area as well as internal changes to convert the existing garage and laundry into a games room and 'semi-ensuite' bedroom

The second component of the development proposes alterations and additions to the existing upper floor of the dwelling comprising of a rear and front balcony addition. As the proposed renovations are removing the current parking provisions, the applicant proposes a garage located towards the rear corner of the lot, a new crossover to provide access, as well as a hard stand area located within the front setback area to address the parking requirements of the Residential Design Codes 2008. The existing crossover currently being utilized as shown on the revised plans 15 July 2010 is proposed to be removed.

The design of the proposal has largely been supported by the Town Planning Advisory Panel, and furthermore is considered to have had due regard for the Town's requirements relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. As such the variations sought by the proposal are considered minor and furthermore seen to pose no adverse impact on the adjoining property owners or on the Chauncy Street streetscape.

**Considerations**

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



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Requirement	Proposed	Planning Officer Comments
<p><b>R-Codes</b> <u>Building Setbacks</u></p> <p>Upper Floor North/West 4.2 metres</p> <p>South/East 3.3 metres</p>	<p>4.1 – 4.9 metres</p> <p>3.2 metres</p>	<p><b>Supported</b> – The proposed upper floor maintains the existing residence which is the non-compliant element. The proposed new additions have been adequately setback in accordance with the building setbacks of the Residential Design Codes 2008. As such the proposed extension of the upper floor is considered to have no undue impact on the adjoining neighbour.</p> <p><b>Supported</b> – The reduced setback variation is minor and therefore considered to have no undue impact on the adjoining property owner. Further to the above no objections relating to the proposed building setback variations were received during the community consultation period.</p>
<p><u>Privacy Setback</u></p> <p>Upper Floor North-West (Balcony) 7.5 metres</p>	<p>4.05 metres to the north-west boundary</p>	<p><b>Supported</b> – The proposed privacy setback is not considered to have an undue impact on the western property, as the applicants have incorporated a screen wall to the height of 2.6 metres above the NGL, and 1.6 metres above the FFL of the alfresco area into their design. The wall is located between the proposed alfresco area and the western boundary and meets the performance criteria of Clause 6.8.1 of the R-Codes 2008.</p>
<p><u>Minor Incursion to the Front Setback Area</u> A porch, balcony, verandah, chimney or the equivalent may not project more than 1.0 metre into the FSA.</p>	<p>Front verandah project 0.26 metres into the FSA.</p>	<p><b>Supported</b> – the minor incursion into the front setback area of 260 millimetres is considered to be minor and pose no undue impact on the Chauncy Street streetscape. The application has proposed a minor addition to the front of the existing dwelling however, is largely compliant with the 7.5 metres front setback requirement of the Residential Design Codes 2008. As such the proposed variation is not considered to adversely affect the adjoining property owners, or the appearance of the Chauncy Street streetscape.</p>

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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. Whilst variations are being pursued it is considered that the variations are minor in nature.

**RECOMMENDATION**

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

- variation to the building setback on the north-west elevation (side 2) being 4.1 metres in lieu of the required 4.2 metres, and the south-east elevation (Side 4) being 3.2 metres in lieu of the required 3.3 metres as per the building setback requirements of the Residential Design Codes 2008;
- variation to the proposed privacy setback on the north-west elevation (side 2) being 4.05 metres and the south east elevation being 3.1 in lieu of the required 7.5 metres as per the Residential Design Codes 2008;
- variation to the minor incursion into the street setback area being 1.26 metres in lieu of the permitted 1.0 metre maximum as per the Residential Design Codes 2008;

for the construction of alterations and additions at No. 3 (Lot 5040) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 15 July 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. 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.
3. 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.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
6. any new crossovers which are constructed under this approval 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.
7. 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.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

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Mr Andrew Mitchell (owner) addressed the meeting in support of his proposal.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Collinson**

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

- variation to the building setback on the north-west elevation (side 2) being 4.1 metres in lieu of the required 4.2 metres, and the south-east elevation (Side 4) being 3.2 metres in lieu of the required 3.3 metres as per the building setback requirements of the Residential Design Codes 2008;
- variation to the proposed privacy setback on the north-west elevation (side 2) being 4.05 metres and the south east elevation being 3.1 in lieu of the required 7.5 metres as per the Residential Design Codes 2008;
- variation to the minor incursion into the street setback area being 1.26 metres in lieu of the permitted 1.0 metre maximum as per the Residential Design Codes 2008;

for the construction of alterations and additions at No. 3 (Lot 5040) Chauncy Street, East Fremantle in accordance with the plans date stamp received on 15 July 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. 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.
3. 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.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
6. only one crossover is approved for Lot 5040 as part of this planning approval. Refer to Conditions 7 & 8 which relate to new and existing crossovers.
7. any new crossovers which are constructed under this approval 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.
8. 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.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

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

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- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended). CARRIED

**T178.5 Fletcher Street No. 14 (Lot 6)**  
**Applicant / Owner: Stephen & Julie Dark**  
**Application No. P90/2010**  
By Gemma Basley, Acting Town Planner 9 August 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a front boundary fence located at No. 14 Fletcher Street, East Fremantle is the subject of this report. Council previously considered a similar proposal for a solid front fence and resolved at the 20 July meeting to defer the application.

The applicant's have submitted a revised plan which seeks to addresses the concerns previously raised by the Council. More specifically, the applicants accept that a solid front fence is not desirable and now propose a front fence that is solid to 1.2 metres and with 600mm of aluminium infill panels, which are in the order of 70mm wide and with a 30mm wide space between each panel. The fence would also include limestone piers and overall would extend to a maximum height of 1.8 metres.

The subject application requests that Council exercise its discretion in approving a variation to the Local Planning Policy 143 – Fencing to allow reduced visual permeability.

**Description of site**

The subject site is:

- a 490m<sup>2</sup> block
- zoned Residential R12.5
- developed with a single storey residence
- located in the Woodside Precinct

**Statutory Considerations**

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

**Relevant Council Policies**

Local Planning Policy No. 143 : Fencing (LPP 143)  
Local Planning Policy No. 142 : Residential Development

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : No impact  
Footpath : No impact  
Streetscape : New front fencing will result in the property being viewed differently

**Documentation**

Plans and relevant forms date stamp received on 20 July 2010

**Date Application Received**

25 May 2010

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

76 days (application deferred at the applicants' request)

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

20 July 2010 Council resolved to defer determination of the application for a solid front fence.

**Advertising**

The subject application was advertised to adjoining landowners for the standard 2 week period from the 9/6/2010 to the 24/6/2010. There were no comments received during the advertising period.

**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 22 June 2010. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Town Planner Response
Solid infill fence not supported existing compliant fence preferred.	<p>A revised plan has been submitted which proposes a front fence to a height of 1.8 metres, which will be solid to a height of 1.2 metres, with the exception of the piers which will be solid and which will extend to 1.8 metres in height. The balance of the fence will be visually permeable. The plans propose vertical gaps of 30mm in width. This still requires a minor variation to the fencing policy however, only a very minor variation, which has been approved elsewhere in the Town.</p> <p>The fencing is only proposed to address privacy and security concerns that arise from the site's outdoor living area being in the front setback area and from being located on a busy street. The revised fencing proposal meets the intent of the Fencing Policy whilst still providing for some privacy and security in the front setback area of 14 Fletcher Street.</p>
Consider denser plantings.	Vegetation screening already exists and does not provide sufficient security or privacy.

**Other Agency/Authority**

Not Applicable.

**REPORT**

The application requests approval for a 1.8 metre high limestone block front fence which is visually permeable above 1.2 metres. The vertical gaps proposed in the front fence although providing visual permeability does not meet the minimum requirements of the Policy on Local Laws relating to Fencing. More specifically, the applicants propose a vertical gap of 30mm between each infill section whereas the Local Laws require a 50mm vertical gap.

The Applicant's request Council's support in exercising its discretion to approve a minor variation to the Local Laws to enable the construction of fencing that provides for increased security and privacy whilst still being visually permeable and not concealing the house from the street.

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**Considerations**

LPP 143 states:

**Part 3 - Fence Design**

*Council requires front fences and walls above 1.2m to be visually permeable defined as:*

*Continuous vertical gaps of at least 50mm width occupying not less than 60% of the face in aggregate of the entire surface that is at least 60% of the length of the wall must be open.*

The Policy provides for special circumstances under which variations may be considered as follows:

**Part 4– Council Approval Required**

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

- 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 4.4 is applicable to the subject site and are therefore arguably appropriate grounds to vary Council's LPP 143.

As highlighted within the applicant's submission the front setback area is the dwelling's only outdoor living and entertaining area and is regularly utilized by the applicant's for recreational purposes. The reduced permeable of the fence is considered to assist in providing privacy and safety to the applicant's only outdoor area.

In light of the above, the application seeking planning approval for a front fence with reduced visual permeability at 14 Fletcher Street is supported.

**RECOMMENDATION**

That Council exercise its discretion in granting approval for a variation to Local Planning Policy 143 for a less visually permeable front fence to be constructed at No.14 (Lot 6) Fletcher Street, East Fremantle as shown on plans received 20 July 2010 and 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. a schedule of materials and finishes for the visually permeable sections of fence is to be submitted prior to the issue of a Building Licence.
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. this planning approval to remain valid for a period of 24 months from date of this approval.

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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).*

Mr & Mrs Stephen & Julie Dark (owners) addressed the meeting in support of their proposal.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Wilson**

**That Council exercise its discretion in granting approval for a variation to Local Planning Policy 143 for a less visually permeable front fence to be constructed at No.14 (Lot 6) Fletcher Street, East Fremantle as shown on plans received 20 July 2010 and 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. a schedule of materials and finishes for the visually permeable sections of fence is to be submitted prior to the issue of a Building Licence.**
- 3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. this planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

**T178.6**

**Speedy Cheval No. 34 (Lot 18)**

**Applicant / Owner: Michael Diblasi**

**Application No. P107/2010**

By Gemma Claire Basley, Acting Town Planner on 4 August 2010

**BACKGROUND**

**Description of Proposal**

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

The application requests approval for a covered patio area at the rear of the dwelling that has been constructed.

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**Description of site**

The subject site is:

- a 252m<sup>2</sup> strata block
- zoned Residential R40
- developed with a two storey townhouse

**Statutory Considerations**

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

**Relevant Council Policies**

Local Planning Policy No. 142 : Residential Development

**Impact on Public Domain**

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

**Documentation and Date Application Received**

Plans and relevant forms date stamp received on 21 June 2010

**Advertising**

The application for retrospective planning approval was advertised to adjoining neighbours. Comment was also sought from the Strata Manager.

**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**

**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 3 August 2010

**REPORT**

This application is for retrospective approval for a covered patio at the rear of an existing townhouse. The subject patio has an area of 13.5m<sup>2</sup> and is setback 0.5 metres from the western boundary and 1.5 metres from the rear boundary. This meets the setback requirements of TPS No. 3 and the Residential Design Codes.

The structure has a height of 2.6 metres, which meets the requirement for outbuildings as specified in the Residential Design Codes.

It is considered that the covered patio is appropriate for the site and the locality. The patio meets all of the TPS No. 3 and Residential Design Code requirements. The patio has been constructed to a high standard and is aesthetically pleasing.

The application for retrospective planning approval is therefore supported.



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**RECOMMENDATION**

That Council grant retrospective planning approval for a covered patio at the rear of No. 34 (Lot 18) Speedy Cheval Street, East Fremantle as shown on plans received 21 June 2010 and subject to the following conditions:

1. With regard to the plans submitted with respect to the application for Building Approval Certificate, 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.

Footnote:

*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 Building Approval Certificate is to conform to the approved plans unless otherwise approved by Council.*

**RECOMMENDATION TO COUNCIL**

**Cr Martin – Cr de Jong**

That Council grant retrospective planning approval for a covered patio at the rear of No. 34 (Lot 18) Speedy Cheval Street, East Fremantle as shown on plans received 21 June 2010 and subject to the following conditions:

1. With regard to the plans submitted with respect to the application for Building Approval Certificate, 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.

Footnote:

*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 Building Approval Certificate is to conform to the approved plans unless otherwise approved by Council.*

CARRIED

**T178.7**

**Riverside Road No. 9 (Lot 1)**

**Applicant: Perth Home Improvements**

**Owner: Gary Sprunt & Gwen Parry**

**Application No. P111/2010**

By Gemma Basley Acting Town Planner on 5 August 2010

**BACKGROUND**

**Description of Site**

The subject site is:

- a strata titled 220m<sup>2</sup> block
- zoned Residential R20/40
- located in the Plympton Precinct
- the subject site is currently developed with one of a group of four terrace units.

**Description of Proposal**

An Application for Planning Approval to erect a covered patio over the existing courtyard area at the front of the unit at No. 9 Riverside Road, East Fremantle is the subject of this report.

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The application has been referred to Council for determination because of the location of the proposed structure in the front of the unit

**Statutory Considerations**

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

**Relevant Council Policies**

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

**Impact on Public Domain**

Tree in Verge : No impact  
Light Pole : No impact  
Crossover : No impact  
Footpath : No impact

**Date Application Received**

Plans and relevant forms date stamped received on 24 June 2010

**Advertising**

The subject application was advertised to adjoining landowners between 12 July 2010 and 27 July 2010. No comments or objections were received during the consultation period.

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

46 days

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

Nil.

**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**

The Panel viewed the proposal on 27 July 2010. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Acting Town Planner Comments
More detailed plans required to accurately assess this proposal.	The Acting Town Planner has approached the applicant to obtain more detailed plans. The applicant advised that it is difficult to show any more detail on the plans because of the simplicity of the structure. The applicant further explained that because it was difficult to illustrate the appearance of the structure, the plan had been annotated to describe the visual appearance.  The applicant has provided pictures of similar structures and details of the proposed solar span roof.  The additional information that has been submitted is considered to be satisfactory to the Acting Town Planner and is adequate for the application to be determined.

**REPORT**

**Comment**

Approval is sought to erect a patio on the north-west elevation, located at the front of the dwelling and partly within the front setback area, at No. 9 Riverside Road, East

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Fremantle. The application proposes a patio which is 2.3 metres high, 4.5 metres long and 4.55 metres wide. The application proposes a setback of 1.5 metres to the western boundary satisfying the R-Code 2008 requirements relating to building setbacks.

It could be argued that the proposed patio structure could be considered to be a building and as such would have to meet the requirements of LPP No. 142. In this regard, the application proposes to replace an existing structure, which is already forward of the main building line. The application is considered to meet all relevant requirements of the R-Codes 2008, and applicable Local Planning Policies.

The proposal slightly encroaches the front setback area however, is compliant with Clause 6.2.2 of the Residential Design Codes 2008 relating to minor incursions within the street setback area, which permits a maximum encroachment 1.0 metre for a verandah, patio or the like to be located within the 7.5 metre setback area.

The proposed structure is to be constructed on the existing raised terrace, which is behind the limestone retaining wall and which is substantially screened.

The application is being referred to Council due to the location of the proposed patio at the front of the dwelling. Although compliant with the R-Code requirement 6.2.2 relating to minor incursions within the front setback area, concerns have been raised regarding the structure's impact on the amenity of the area, more specifically relating to its visual impact on the Riverside Road streetscape appearance.

The additional information submitted by the applicant's has demonstrated that the proposed structure will be a significant improvement to the existing timber structure and that it will be in keeping with the existing development. It is the assessment of the Acting Town Planner that the proposed patio structure will not have any adverse visual impact and will not be to the detriment of the streetscape. On this basis the application is supported.

**RECOMMENDATION**

That approval be granted for the construction of a patio at No. 9 (Lot 1) Riverside Road, East Fremantle in accordance with the plans date stamp received on 24 June 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;
3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention;
4. the patio structure is not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers; and
5. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

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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); and  
(d) the patio may not be enclosed without the prior written consent of Council.

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Martin**

**That the application for a patio at No. 9 (Lot 1) Riverside Road, East Fremantle be deferred pending the submission of a composite streetscape elevation. CARRIED**

*Cr Martin made the following impartiality declaration in the matter of 17 Preston Point Road: "As a consequence of the applicant being my hairdresser, 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".*

**T178.8      *Preston Point Road No. 17 (Lot 2)***  
***Applicant / Owner: Penelope Ann Johnson***  
***Application No. P110/2010***  
By Clare Roszak, Acting Planning Officer on 5 August 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for a home occupation with respect to a proposed hair salon at No. 17 Preston Point Road is the subject of this report.

**Description of site**

The subject site is:

- a 304m<sup>2</sup> block
- zoned Residential R12.5
- developed with an existing dwelling on site
- listed on the Town's MI with a rating of B
- located in the Riverside Precinct.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5  
Local Planning Strategy – Riverside Precinct (LPS)  
Residential Design Codes 2008

**Relevant Council Policies**

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 : The provision of signage to advertise the proposed hair salon is the only aspect which will result in the property being viewed differently from the street.

**Documentation**

Plans and relevant information date stamped received on 22 June 2010

**Date Application Form Received**

22 June 2010

**Advertising**

The advertising process occurred during the standard 2-week time frame of 7 July 2010 to 22 July 2010, in which the proposed development was sent to the surrounding

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landowners for comment. During this community consultation period one response was received from the neighbour located at No. 15 Preston Point Road. The comments are partly stated below:

- *Traffic movement to be kept to a minimum and only in normal business hours.*
- *Parking and traffic not to impact neighbour or to occur offsite.*
- *No illuminated/permanent signage that will impact on the residential nature of the area.*

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

48 days

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

- 17 December 1997 The Council conditionally approved an application for the restoration of the existing shop/residence and the construction of a four-storey dwelling at the rear of the existing development at No. 17 Preston Point Road, East Fremantle.
- 26 February 1998 Council resolved to grant special approval for the revised plans submitted on the 28 January 1998 for the above mentioned application.
- 22 August 2003 Council resolved to grant approval for a Home Occupation for the purpose of 'picture restoration' for No. 17 Preston Point Road, East Fremantle.
- 13 December 2004 A home occupation renewal was lodged with the Town for No. 17 Preston Point Road, East Fremantle, for the previously approved home occupation for the purpose of 'picture restoration'.

**CONSULTATION**

**Town Planning Advisory Panel Comments**

As the development application comprises of minor internal changes associated with the proposed salon no significant changes to the Preston Point Road streetscape are proposed (with the exception of potential signage), as such 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 (hair salon) at No. 17 Preston Point Road, East Fremantle. The application proposes no external changes to the existing dwelling but proposes minor internal changes to the existing studio located towards the front of the dwelling, in order for it to be utilized as the proposed salon.

Taking the previously approved home occupation for the subject dwelling for the purpose of a picture restoration facility into consideration, the newly proposed home occupation for the purpose of a hair salon is considered to be suited to residential area and to be less intrusive than the previous picture restoration.

**Considerations**

Home Occupation

The applicant is seeking approval for Home Occupation – Hair Salon. The following information outlines the use and hours of operation of the home occupation:

- The applicant is the sole employee.
- There will be a two client maximum at any given time.
- The hours of operation will be Tuesday – Saturday 9:00am – 5:00pm,
- Adequate space available towards the western boundary within the front setback to park, in addition to on street parking.

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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 20.0m <sup>2</sup> as noted on plans.
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.
Schedule 11 of TPS 3 identifies car parking requirements and specifies that 2 spaces are required per dwelling as per the Residential Design Codes 2008.	The subject application provides 2-car parking bays onsite.

Given, that the proposal is considered to meet the relevant provisions of TPS No. 3 and Council's policies, and given there are only minor variations being requested, the application is considered acceptable and recommended for council approval.

**RECOMMENDATION**

That approval be granted for the existing studio to be used for the proposed home occupation (Hair Salon) at the property No. 17 (Lot 2) Preston Point Road, East Fremantle, in accordance with documentation date stamped received on 22 June 2010 and subject to the following conditions:

1. The proposed hair salon is not to occupy an area greater than 20 square metres.
2. The proposed hair salon is not to display a sign exceeding 0.2 square metres, unless a separate planning application is submitted and approved by the Town;
3. The proposed hair salon will not involve the retail, sale, display or hire of goods of any nature.
4. 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.
5. 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.
6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.

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7. Clients visiting No. 17 (Lot 2) Preston Point Road, East Fremantle for the use of home occupation (hair dressing) must park on-site.
8. The hours of operation for the home occupation (hair salon) are to be Tuesday – Saturday 9:00am – 5:00pm.
9. 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.
10. The hair salon to comply with the requirements of the Department of Health Code of Practice for Skin Penetration Procedures.
11. 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).*

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Martin**

**That approval be granted for the existing studio to be used for the proposed home occupation (Hair Salon) at the property No. 17 (Lot 2) Preston Point Road, East Fremantle, in accordance with documentation date stamped received on 22 June 2010 and subject to the following conditions:**

1. **The proposed hair salon is not to occupy an area greater than 20 square metres.**
2. **The proposed hair salon is not to display a sign exceeding 0.2 square metres, unless a separate planning application is submitted and approved by the Town;**
3. **The proposed hair salon will not involve the retail, sale, display or hire of goods of any nature.**
4. **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.**
5. **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.**
6. **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.**
7. **Clients visiting No. 17 (Lot 2) Preston Point Road, East Fremantle for the use of home occupation (hair dressing) must park on-site.**
8. **The hours of operation for the home occupation (hair salon) are to be Tuesday – Saturday 9:00am – 5:00pm.**
9. **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.**
10. **The hair salon to comply with the requirements of the Health Act 1911 relating to Hairdressing Establishment Regulations 1972 and Health (Skin Penetration Procedure) Regulations 1998.**
11. **This planning approval for the building works will 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.*
- (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

**T178.9 Dalgety Street No. 12 (Lot 12)**  
**Applicant / Owner: Malcolm & Diana Edinger**  
**Application No. P113/2010**

By Clare Roszak, Acting Planning Officer on 5 August 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for partial demolition of and, alterations and additions to the existing single house located at No. 12 Dalgety Street, East Fremantle is the subject of this report.

The application involves the removal of a portion of the existing east wall of the enclosed verandah/sleepout, as well as the removal of the existing patio and the addition of a new bedroom, bathroom and sitting room with an attached verandah. The application also includes a new alfresco area and a new verandah which abuts the existing kitchen and laundry towards the eastern elevation.

**Description of site**

The subject site is:

- a 1012m<sup>2</sup> block
- zoned Residential R12.5
- developed with a dwelling on-site
- registered on the heritage MI, with a rating of B
- located in the Woodside Precinct

**Statutory Considerations**

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

**Relevant Council Policies**

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

**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 received on 24 June 2010

**Date Application Received**

24 June 2010

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

46 days



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

Nil.

**Advertising**

The subject application was advertised to adjoining landowners for the standard 2 week period from the 12 July to 27 July 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 28 July 2010. The Panel's advice is set out and responded to below:

- The Panel supports the proposed additions and alterations.
- The panel appreciates the detail and thoroughness of the application, particularly with regard to provision of photographic material as an historic record of the art deco interior which is being maintained.

**REPORT**

**Comment**

Approval is sought for the partial demolition of and, alterations and additions to the existing dwelling, located at No. 12 Dalgety Street, East Fremantle.

The proposal is seen to have no adverse impact on the Dalgety Street streetscape, and is believed to have conscientiously adopted the existing dwelling's design characteristics into the new proposal and furthermore, proven to be sympathetic to the heritage characteristics of the dwelling. There will be no change to the property from the street view as all of the proposed changes are single-storey and fall towards the rear of the dwelling. The proposal includes the addition of a bedroom (Bed 3) and adjoining bathroom, a dining room with an attached terrace, a rear verandah and an outdoor alfresco/living area.

**Considerations**

In addition to the above, 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
<b>R-Codes</b> <u>Building Setbacks</u> North 4.5 metres	3.61 metres – 3.72 metres	<b>Supported</b> – The reduced setback is not considered to have an undue impact on the adjoining property or on the Dalgety Street streetscape, no objections were received during the community consultation period. Additionally, the proposed addition maintains the existing building line and setback of the existing dwelling as such satisfying the performance criteria of requirement 6.2.1 of the R-Codes 2008.
<u>Building Height</u> Category A (Single Storey Development):	Southern Elevation (External Wall): 3.1 – 3.35 metres	<b>Supported</b> – The increased wall height of the proposed additions is not considered to have an undue impact on

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Requirement	Proposed	Planning Officer Comments
<p>Top of external wall: 3m</p> <p>Top of pitched roof: 6m</p>	<p>Northern Elevation (External Wall): 3.4 – 3.7 metres</p> <p>Rear Elevation: 3.1 – 3.3 metres</p>	<p>the adjoining property or on the streetscape. The proposed wall height has demonstrated an attempted to comply with the R-Code requirements as well as maintaining the character of the existing dwelling, which currently exceeds the maximum wall height requirement of the Residential Design Codes 2008.</p> <p><b>Supported</b> – As above.</p> <p><b>Supported</b> – As above.</p>
<p><u>Privacy Setbacks</u> North (Bed 3) 4.5 metres</p>	<p>1.8 metres to northern boundary</p>	<p><b>Not supported</b> – The proposed privacy setback encroachment is considered to be severe and as such is seen to pose an undue impact on the adjoining neighbour. A condition to comply with the R-Code requirement referring to Clause 0.0.0 has been applied.</p>
<p>North (Sitting Room): 6.0 metres</p>	<p>1.8 metres to northern boundary</p>	<p><b>Not supported</b> – As above</p>
<p><u>Excavation and Fill</u> Cut/fill not to exceed 0.5 metres</p>	<p>Fill in portions of the site exceeds 0.5m</p>	<p><b>Supported</b> – There is only a small portion of the proposed addition which seeks a variation to the 0.5 metre maximum fill requirement of the Residential Design Codes 2008. As such it is considered more appropriate to have this section of the proposal in line with the existing dwelling, rather than to have the dwelling stepped down. Furthermore, the proposed fill retains the visual impression of the natural level of the site, as seen from the Dalgety Street streetscape, as such satisfying the performance criteria for requirement 6.6.1 of the R-Codes 2008.</p>

Given the proposal meets the majority of the requirements of the Residential Design Codes and the Town's Local Planning Policies, the application can be supported. Whilst variations are being pursued it is considered that the variations are minor in nature.

**RECOMMENDATION**

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

- variation to the external wall height on the southern elevation being 3.1 metres – 3.35 metres, the northern elevation being 3.4 metres – 3.7 metres and the western elevation being 3.1 – 3.3 metres high, in lieu of the required 3.0 metre requirement of the R-Codes 2008;
- an increase in the retaining and fill up to a height of 1.2m in lieu of the 0.5 metres required under the R-Codes;

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- variation to the building setback on the northern elevation being 3.61 metres to 3.72 metres in lieu of the required 4.5 metres; and
- variation to the proposed boundary wall height being 3m in lieu of the 2.7m average required under the R-Codes'

for the construction of alterations and additions at No. 12 (Lot 12) Dalgety Street, East Fremantle in accordance with the plans received on 24 June 2010 subject to the following conditions:

1. Prior to the issue of a building licence revised plans are to be submitted and approved demonstrating the windows to Bedroom 3 and the sitting room on the northern elevation be screened with an obscure non-removable material to the height of 1.65 metres above the finished floor level.
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. 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).*

Correspondence referred from MB Ref: T176.1 was tabled.

**RECOMMENDATION TO COUNCIL**

**Cr Martin – Cr de Jong**

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

- **variation to the external wall height on the southern elevation being 3.1 metres – 3.35 metres, the northern elevation being 3.4 metres – 3.7 metres and the western elevation being 3.1 – 3.3 metres high, in lieu of the required 3.0 metre requirement of the R-Codes 2008;**
- **an increase in the retaining and fill up to a height of 1.2m in lieu of the 0.5 metres required under the R-Codes;**
- **variation to the building setback on the northern elevation being 3.61 metres to 3.72 metres in lieu of the required 4.5 metres; and**
- **variation to the proposed boundary wall height being 3m in lieu of the 2.7m average required under the R-Codes;**

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for the construction of alterations and additions at No. 12 (Lot 12) Dalgety Street, East Fremantle in accordance with the plans received on 24 June 2010 subject to the following conditions:

1. Prior to the issue of a building licence revised plans are to be submitted and approved demonstrating the windows to Bedroom 3 and the sitting room on the northern elevation be screened with an obscure non-removable material to the height of 1.65 metres above the finished floor level.
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. 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).*

CARRIED

**T178.10 Irwin Street No 11 (Lot 188)**

**Applicant: National Estate Builders (WA) Pty Ltd**

**Owner: Tiffany Vinka Brown & Gavin Kerruish**

**Application No. P109/2010**

By Gemma Basley, Acting Town Planner and Clare Roszak Acting Planning Officer on 5 August 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for alterations and additions to the existing single storey house located at No. 11 Irwin Street is the subject of this report. The application proposes to demolish the rear section of the existing dwelling and to remove portion of the garage and set this back behind the main building line of the house.

The house at 11 Irwin Street is an inter war period bungalow and is constructed of red brick and tile. Despite its more modern appearance (as a result of the garage location), 11 Irwin Street is included in the Town's Municipal Inventory as a 'B- Category.

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**Description of site**

The subject site is:

- a 1012m<sup>2</sup> block
- zoned Residential R12.5
- registered on the Town's MI with a rating of B-
- developed with a dwelling and outbuilding
- located in the Woodside Precinct

**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)

**Impact on Public Domain**

Tree in verge : No impact  
Light pole : No impact  
Crossover : No impact  
Footpath : No impact  
Streetscape : The residence will be viewed differently from the street with the increased garage setback and the two storey extension.

**Documentation**

Plans and relevant forms date stamp received on 22 June 2010

**Date Application Received**

22 June 2010

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

48 days

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

Nil.

**Advertising**

The subject application was advertised to adjoining landowners for the standard 2 week period from the 6 July – 21 July 2010.

**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 27 July 2010. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Planning Response
Panel commends compatible additions.	Noted.
Removal of carport supported.	Noted.
Wall heights should be compliant.	As noted within the applicants' submission the wall in question on the south elevation is over height by approximately 100 – 150 millimetres. The resultant top of roof height is 8.24 metres, which also exceeds the

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Advisory Panel Comments	Planning Response
	<p>roof height limit by 240 millimetres. This section of wall is however, proposed to be set back 2 metres from the southern boundary.</p> <p>Whilst the applicants have put forward that there will be no adverse impact from the increased building height on the neighbouring properties because it has no major openings, it is the assessment of the Acting Town Planner that there could be a minor increase in the overshadowing of the lot that adjoins to the south. The increase in overshadowing however would not exceed the requirements of the R-Codes and would not restrict sunlight or ventilation to habitable rooms or outdoor living areas and therefore meets the performance criteria of the R-Codes.</p> <p>It is also accepted that the increased wall heights are an extension from the existing development, which incorporates wall heights of 3.19 metres.</p>

The Planner accepts the Panel's comments relating to complying with building height however has undertaken further assessment to determine if the increased height will have an adverse impact. It is the conclusion of the planner that the increased building height can still meet the performance criteria of the codes and as such is considered to be acceptable.

**REPORT**

**Comment**

Approval is sought for alterations and additions to the existing dwelling, located at No 11 Irwin Street, East Fremantle.

There are two major components to this application, firstly the application proposes alterations and additions to the ground floor comprising of a new store, alfresco area to the rear, a side and a north facing verandah as well as internal additions/alterations involving the construction of a new laundry, lobby, kitchen and family/dining room. The proposal also includes changes to the garage to pull this behind the main building line. The second component of the development proposes an upper floor addition including the construction of three new bedrooms, a bathroom and activity room.

The design of the proposal has been supported by the Town Planning Advisory Panel, and furthermore is considered to have had due regard to the Town's requirements relating to residential developments, as well as the requirements outlined within the Residential Design Codes 2008. As such the variations sought by the applicant are considered minor and furthermore seen to pose no adverse impact on the adjoining property owners or on the Irwin Street streetscape.

**Considerations**

In addition to the above, the proposal meets the majority of the quantitative provisions of TPS3, the R-Codes and applicable Local Planning Policies with the exception of the following:

Requirement	Proposed	Planning Comments
<p><b>R-Codes</b> <u>Building Setbacks:</u> South 1.0 metres</p>	<p>Nil</p>	<p><b>Supported</b> – The reduced setback is not considered to have an undue impact on the adjoining property or on the Irwin streetscape, no objections were received</p>

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Requirement	Proposed	Planning Comments
		during the community consultation period.
<p><u>Buildings on Boundary:</u> R12.5 – Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions</p>	<p>Does not abut wall or structure of similar dimensions.</p> <p>Height Maximum: 3.6 metres</p> <p>Height Average: 3.6 metres</p> <p>Length: 6.58 metres</p>	<p><b>Supported</b> – The proposed parapet wall is considered to have no undue impact on the adjoining property or on the Irwin Street streetscape, no objections were received during the community consultation process. Additionally, the proposed parapet wall is considered to meet the performance criteria of the R-Codes 2008 relating to buildings on boundaries. More specifically, the parapet wall is considered to make effective use of space, enhance the amenity of the development and not have any significant adverse effects on the amenity of the adjoining property- the location of the proposed wall will have no effect on the neighbouring properties sunlight, ventilation or cause adverse overshadowing.</p>
<p><u>Building Height</u> Category B: Top of external wall: 6.0 metres</p>	<p>North, South &amp; West 6.2 metres</p>	<p><b>Supported</b> – The proposed wall height variation is minor and is not considered to have an undue impact on the adjoining property owners, or on the Irwin Street streetscape. It should be further noted that the proposal has retained the existing dwelling on site which has a ground floor wall height of 3.19 metres, exceeding the maximum requirement of 3.0 metres.</p> <p>The proposed upper floor wall height has been kept to a minimum of 2.7 metres as such due to existing building height and the retention of the existing dwelling, a variation to the height restrictions is considered to be applicable.</p>

Given the proposal meets the majority of the provisional requirements of the R-Codes and the Town's Local Planning Policies, the application can be supported. Whilst variations are being pursued it is considered that the variations are minor in nature.

**RECOMMENDATION**

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

- variation to the building setback on the southern elevation being nil in lieu of the required 1.0 metre as per the building setback requirements of the Residential Design Codes 2008;
- variation to the building height on the north, south and west elevations being 6.2 metres in lieu of the required 6.0 metres as per the building height requirements for a category B development of the Residential Design Codes 2008;
- variation the building on boundary requirement relating to properties zoned R12.5 as per the Residential Design Codes 2008;

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for the construction of alterations and additions at No. 11 (Lot 188) Irwin Street, East Fremantle in accordance with the plans date stamp received on 22 June 2010 subject to the following conditions:

1. The activity room on the northern elevation is to be screened with a permanent non-removable obscure material to the height of 1.6 metres from the finished floor level.
2. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
3. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
4. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
6. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All storm water 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.
10. Any introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
12. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
13. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
14. This planning approval to remain valid for a period of 24 months from date of this approval.



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Footnote:

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

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

**RECOMMENDATION TO COUNCIL**

**Cr de Jong – Cr Martin**

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

- **variation to the building height on the north, south and west elevations being 6.2 metres in lieu of the required 6.0 metres as per the building height requirements for a category B development of the Residential Design Codes 2008;**
- **variation the building on boundary requirement relating to properties zoned R12.5 as per the Residential Design Codes 2008;**

**for the construction of alterations and additions at No. 11 (Lot 188) Irwin Street, East Fremantle in accordance with the plans date stamp received on 22 June 2010 subject to the following conditions:**

1. **Prior to the issue of a Building Licence the applicant to submit revised plans showing the storeroom set back 1.0m from the southern boundary as per the building setback requirements of the Residential Design Codes 2008.**
2. **The activity room on the northern elevation is to be screened with a permanent non-removable obscure material to the height of 1.6 metres from the finished floor level.**
3. **Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
4. **Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
5. **Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
6. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
7. **The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
8. **With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
9. **The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**

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10. All storm water 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.
11. Any 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.
12. 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.
13. 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.
14. 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.
15. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) ***A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (b) ***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.***
- (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) ***Matters relating to dividing fences are subject to the Dividing Fences Act 1961.***

**Reason for Not Supporting Officer's Recommendation**

The Committee were of the view that the storeroom with a proposed parapet wall to the southern boundary would have an undue impact on the potential streetscape and therefore support for the variation could not be justified given the size of the lot.

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**T178.11 Fortescue Street No. 35A (Lot 2)**  
**Owner: Michael Shand**  
**Applicant: Residential Building WA**  
**Application No. P108/2010**  
By Gemma Basley, Acting Town Planner on August 2010

**BACKGROUND**

**Description of site**

The subject site is:

- a 444m<sup>2</sup> block,
- zoned Residential R12.5;
- located in the Woodside Precinct;
- the site is currently vacant.

**Description of Proposal**

An Application for Planning Approval for the construction of a two-storey residence, located at No. 35A Fortescue Street is the subject of this report. The proposal includes the development of a two-storey dwelling including a double car garage, pool and alfresco area.

35A Fortescue Street has been created by way of a Survey Strata Approval issued by the Western Australian Planning Commission and is a rear lot accessed via a battle-axe access leg. The Survey Strata Application was supported by the Town of East Fremantle.

**Statutory Considerations**

- Town Planning Scheme No. 3 (TPS3)
- TPS3 Local Planning Strategy – Woodside Precinct
- Residential Design Codes of WA (the R-Codes)

**Relevant Council Policies**

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

**Date Application Received**

Relevant forms and plans date stamp received 22 June 2010

**Advertising**

The subject application was advertised to adjoining landowners for 2 weeks from the 6/7/2010 to the 21/7/2010. There were no comments received during the community consultation process.

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

48 days

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

Nil

**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**

The Panel viewed the proposal on 27 July 2010. The Panel's advice is set out and responded to below:

Panel Comments	Applicant Response
Query overshadowing	The applicant submitted an overshadowing diagram on 30 July 2010, the plan submitted

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Panel Comments	Applicant Response
	detailed the overshadowing portion on the neighbouring lot to be 66.92 metres which equates to be 6.6 per cent. Satisfying the over shadowing requirement of the Residential Design Codes 2008
Query upper-floor rear setback	Also noted within the applicants submission

**REPORT**

**Comment**

An Application for Planning Approval for the construction of a two-storey residence, located at No. 35A Fortescue Street, East Fremantle has been submitted to the Town. The application proposes a new dwelling to be situated on the currently vacant land located central to the lot.

The application proposes a ground floor which includes an open plan living/dining and kitchen as well as a theatre, master suite with ensuite, and study. An Alfresco area and garage has also been included within the design. The second storey is proposed to include three bedrooms, a bathroom and an activity room.

**Considerations**

The subject site is zoned 'Residential R12.5'. The site however has been the result of a subdivision that has created a lot with an area consistent with the 'R20' coding. In assessing this application, the R20 standards of the R-Codes will be applied.

LPP 142 requires that any upper floor development on a battleaxe access lot be setback 4m to each boundary. The application seeks a variation to these setback requirements of 0.9 metres.

LPP 142 further requires that the upper floor area of any battleaxe development have a floor area not exceeding 30% of the area of the ground floor. The proposed upper floor development equates to 43.8% of the ground floor area and the application seeks a variation to LPP 142. The application seeks a variation to this requirement of LPP No. 142.

The proposed development however only has a site cover of 47% providing for 53% open space, which is 3% more open space than the minimum requirements of the R-Codes. Effectively, if the site cover was 50% as is permitted, the ratio of upper floor to ground floor would reduce.

The application proposes excavation and fill of 1.17 metres in lieu of the 0.5 metres permitted under the R-Codes and requires a variation. The applicants have advised that the existing variations in topography of the street and surrounding area have influenced the proposed levels and the fall of the block from north to south has been difficult to design around on a block as small as 35A. The applicant's further advise that they have tried to retain the visual impression of the natural level of the site as seen from the street. The development still ensures that privacy of the adjoining properties is retained.

The proposal has been assessed against the quantitative provisions of TPS3, the R-Codes 2008 and the applicable Local Planning Policies, the proposal was found to meet the majority of the requirements with the exception of LPP 142 and the R-Codes. A description of these variations is summarized in the table below.

Requirements	Proposed	Planning Comments
<b>LPP142</b> <u>Part 2 – Streetscape</u> Garages and/or carports are to be located at or	Proposed garage is located in front of the	<b>Supported</b> – Due to the approved battleaxe subdivision configuration of the

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Requirements	Proposed	Planning Comments
behind the main building line of the house on the property.	main building line.	lot, and the location of the proposed residence behind the existing dwelling the proposed garage will have no undue impact on the Fortescue Street streetscape, therefore satisfying the requirements of LLP 142 relating to Streetscape.
<p><b>LPP142</b> <u>Part 1 – Maximum Building Heights</u> Category A provision of the R-Codes are acceptable development any variation to that requires maximum of 30% of the ground floor area being contained in all upper floor areas; and setbacks to the upper floor to be a minimum of 4 metres from all boundaries.</p>	The upper floor contains 41% of the area of the ground floor and proposes a 3.01 metre setback to the southern boundary.	<p><b>Not Supported</b> - The overshadowing diagram demonstrates that the upper floor will cause increased overshadowing over 37 Fortescue Street that adjoins to the south and which has a swimming pool and outdoor living area in this section of the yard. Whilst the overshadowing does not exceed the requirements of the R-Codes, it is considered that by increasing the setback of the upper floor to the southern boundary by only 0.9 metres, the overshadowing impact on the adjoining lot will be reduced and the floor area of the upper floor will be reduced. This will reduce the ratio of upper floor to ground floor development to 37%.</p> <p><b>Supported</b> - The variation to allow the upper floor area to contain 37% of the ground floor area in lieu of the 30% permitted by LPP No. 142 is supported on the grounds that the lot is considerably small and that all other setbacks have been complied with and in particular because it is recommended to require the southern setback of the upper floor to be made compliant.</p>
<p><u>R-Codes</u> Excavation and Fill not to exceed 0.5 metres</p>	Excavation and fill to a maximum of 1.177 metres	<p><b>Supported</b> - Consistent with the justifications put forward by the applicant and in recognition of the topography of the site, this variation is supported. The proposed fill and retaining is considered to preserve the sense of natural topography whilst enabling reasonable development to occur and without impact on adjoining properties.</p>

Based on the above discussions, the application is considered to be generally compliant and to be of a design that is in keeping with the area and particularly the streetscape. On this basis, the application can be supported, with the exception of 3 modifications which are considered to be minor.

**RECOMMENDATION**

Council exercise its discretion in granting approval for:

- variation to the setback requirements of carports and garages as per part two of the Town's Local Planning Policy 142 relating to residential development;
- variation to the upper floor area to allow it to exceed 30% of the ground floor area as

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- required under Local Planning Policy 142;
- variation to the R-Codes to allow excavation and fill to 1.17 metres in lieu of the 0.5 metres permitted under the Codes;
- for a two-storey residence at No. 35A (Lot 2) Fortescue Street, East Fremantle as shown on plans received 22 June & 9 July 2010 and subject to the following conditions:
1. Prior to the issue of a Building Licence amended plans are required to be submitted to the satisfaction of the Chief Executive Officer demonstrating the setback of the upper floor to the eastern boundary being 4 metres.
  2. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
  3. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
  4. Exposed boundary walls are to be finished to the same standard as the rest of the development, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
  5. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
  6. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
  7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
  8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
  9. All storm water 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.
  10. Any introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
  11. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
  12. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
  13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*

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- (b) *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.*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

**RECOMMENDATION TO COUNCIL**

**Cr Wilson – Cr de Jong**

**That the application for a two storey residence at No. 35A (Lot 2) Fortescue Street, East Fremantle be deferred for consideration at the August meeting of Council.**

CARRIED

**T178.12 Dalgety Street No. 70 (Lot 97)**

**Applicant: Richard Selwood**

**Owner: Christine Driver**

**Application No. P116/2010**

By Gemma Basley, Acting Town Planner on 10 August 2010

**BACKGROUND**

**Description of Proposal**

An Application for Planning Approval for alterations and additions to the existing single storey house located at No. 70 Dalgety Street is the subject of this report. The application proposes to add a family room, bedroom and ensuite to the rear of the dwelling and to replace the carport roof with a pitched tiled roof to match the existing roofing of the dwelling.

The property is included in the Town's Municipal Inventory as a 'B' Category.

**Description of site**

The subject site is:

- a 1011m<sup>2</sup> block
- zoned Residential R12.5
- Registered on the Town's MI with a rating of B
- developed with a dwelling and outbuilding
- located in the Woodside Precinct

**Statutory Considerations**

Town Planning Scheme No. 3

Local Planning Strategy - Woodside Precinct (LPS)

Residential Design Codes (RDC)

**Relevant Council Policies**

Local Planning Policy 066 : Roofing (LPP 066)

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

**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 29 June and 14 July 2010

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**Date Application Received**

29 June 2010

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

41 days

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

Nil

**Advertising**

The subject application was advertised to adjoining landowners for the standard 2 week period from the 7 July 2010 – 22 July 2010. During the advertising period no comments or objections were received.

**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 27 July 2010 and advised that it supports the additions as being sensitive to the existing residence.

**REPORT**

**Comment**

Approval is sought for alterations and additions to the existing dwelling, located at No 70 Dalgety Street, East Fremantle. The additions are minor and occur at the rear of the dwelling therefore posing no impact on the streetscape and no changes to the heritage quality of the building as viewed from the street. The extensions are single storey which will also assist in maintaining the existing streetscape.

The application also proposes to replace the existing double carport flat metal roof and replace this with a pitched tile roof to match the existing dwelling.

The design of the proposal has been supported by the Town Planning Advisory Panel, and furthermore is considered to have had due regard to the Town's requirements relating to residential development, as well as the requirements outlined within the Residential Design Codes 2008 and the significance of the property being included in the Town's MI.

The application has been assessed against the quantitative provisions of TPS No. 3, the R-Codes and applicable Local Planning Policies and the proposal meets all of the quantitative provisions and does not require any variations or discretions. The application is therefore recommended for Planning Approval.

**RECOMMENDATION**

That Council grant approval for the construction of additions to the rear of the existing dwelling and the replacement of the garage roof at No. 70 (Lot 97) Dalgety Street, East Fremantle in accordance with the plans date stamp received on 29 June & 14 July 2010 subject to the following conditions:

1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where



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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 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 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.
7. All storm water 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. Any 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.

Footnote:

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

- (a) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) *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.*
- (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**

**Cr de Jong – Cr Martin**

**That Council grant approval for the construction of additions to the rear of the existing dwelling and the replacement of the garage roof at No. 70 (Lot 97) Dalgety Street, East Fremantle in accordance with the plans date stamp received on 29 June & 14 July 2010 subject to the following conditions:**

- 1. Any air conditioning plant is to be positioned so as to minimise impacts on the streetscape and neighbours' amenity, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
- 2. Materials and finishes are to be of a high standard, details of which are to be provided to and endorsed by the Chief Executive Officer prior to the issue of a building licence.**
- 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 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**

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received planning approval, without those changes being specifically marked for Council's attention.

6. The proposed additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All storm water 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. Any 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.

**Footnote:**

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

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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).* CARRIED

**T179. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING**

Nil.

**T180. CLOSURE OF MEETING**

There being no further business the meeting closed at 8.30pm.

*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 **10 August 2010**, Minute Book reference **T172. to T180.** were confirmed at the meeting of the Committee on*

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*Presiding Member*