

12 October 2010

MINUTES

MINUTES OF A TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN) MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 12 OCTOBER, 2010 COMMENCING AT 6.35PM.

T189. OPENING OF MEETING

T189.1 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

T190. WELCOME TO GALLERY

There were 5 members of the public in the gallery at the commencement of the meeting.

T191. APOLOGIES

Mayor Alan Ferris
Cr Rob Lilleyman
Cr Dean Nardi
Cr Maria Rico

T192. CONFIRMATION OF MINUTES

T192.1 Town Planning & Building Committee (Private Domain) – 14 September 2010

Cr Collinson – Cr de Jong

That the Town Planning & Building Committee (Private Domain) minutes dated 14 September 2010 as adopted at the Council meeting held on 21 September 2010 be CARRIED.

T193. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

T193.1 Irwin Street No. 32 – Alterations/Additions inc Carport

Submission received from adjoining neighbours at 34 Irwin Street confirming having cited revised plan regarding southern wall and advising that they do not have any issues with the proposal including the return verandah.

Cr de Jong – Cr Martin

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T195.5). CARRIED

T193.2 Oakover Street No. 41 – Alterations/Additions

Submission received from adjoining neighbours at 43 Oakover Street confirming no objection to the proposed alterations/additions.

Cr de Jong – Cr Martin

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref T195.15). CARRIED

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T194. REPORTS OF COMMITTEES

T194.1 Town Planning Advisory Panel – 28 September 2010

Cr Martin – Cr Collinson

That the minutes of the Town Planning Advisory Panel meeting held on 28 September 2010 be received and each item considered when the relevant development application is being discussed. CARRIED

T195. REPORTS OF OFFICERS

T195.1 Receipt of Reports

Cr de Jong – Cr Martin

That the Reports of Officers be received. CARRIED

T195.2 Order of Business

Cr de Jong – Cr Martin

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

**T195.3 Oakover Street No. 81 (Lot 1)
Applicant/Owner: Rachael Smith
Application No.P168/2010**

By Gemma Basley Acting Town Planner on 7 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the residence at 81 Oakover Street, East Fremantle is the subject of this report.

Description of Site

The subject site is:

- a 446m² block
- zoned Residential R12.5 subject to Clause 5.3.3 of TPS No. 3
- developed with a dwelling on-site
- located in the Woodside Precinct

Statutory Considerations

Town Planning Scheme No. 3 Clause 5.3.3
Local Planning Strategy - Woodside Precinct (LPS)
Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 066 : Roofing (LPP 066)
Local Planning Policy No. 142 : Residential Development (LPP 142)
Local Planning Policy No. 143 : Fencing (LPP 143)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Additions to the residence and new boundary fencing will alter the streetscape.

Documentation

Plans and relevant forms date stamp received on 21 September 2010

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Date Application Received

21 September 2010

No. of Days Elapsed between Lodgement & Meeting Date

21 days

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

Nil

Advertising

The subject application was advertised to adjoining neighbours by the applicant who provided each neighbour with a copy of plans for perusal. Each adjoining neighbour has advised in writing that they have no objections to the proposed additions.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 28 September 2010 and the following comment was made:

- Acceptable additions and alterations.

STATISTICS

File P/OAK81
Zoning R12.5
Lot Area 446m²
Heritage Listing No

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	0.85	Variation required
Open Space	55%	63.8%	Acceptable
Overshadowing	>25%	>25%	Acceptable

Height:	Required	Proposed	Status
Wall	3.0	2.914	Acceptable
Ridge	6.0	5.2	Acceptable
Roof type	Pitched and tiled		

Privacy/Overlooking	No overlooking will occur
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Setbacks:		Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Wall Orientation	Wall Type						
Front (East)	Ground House*	2.914	5.2	n/a	6.0	12	Acceptable
Rear (West)	Ground House Existing	n/a	n/a	n/a	n/a	n/a	n/a
Side (North)	Ground Existing House & part enclosure of porch to enlarge bedroom	2.914	3.5	No	1.0	Nil	Discretion
Side (South)	Ground Carport*	2.914	9.2	No	1.0	0.3	Discretion

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling located at No 81 Oakover Street, East Fremantle. The application proposes to construct a new open sided

carport on the southern boundary. This does not require a boundary wall and rather proposes 3 posts on the southern boundary to support a flat roof carport.

The application also proposes to enclose a portion of the front porch to enable the bedroom to be extended forward. This requires a boundary wall extension.

The application also proposes to undertake site works and landscaping in the front setback area including the construction of retaining walls.

Considerations

The application has been assessed against the requirements of the R-Codes and Local Planning Policy No. 142 above wherein it has been identified that several discretions are sought and will be assessed in the table below:

Requirement	Proposed	Planning Comments
<u>Site Works</u> Not to exceed 0.5 metres of fill within 1 metre of a common boundary and 3 metres from the street boundary.	Fill to exceed 0.5 metres in the front setback area and up to 0.85 metres.	Supported Based on the natural fall of the site away from the road the addition fill and retaining in the front setback area supported. The retaining will not be visible from the street and will not alter the height of the proposed residence.
<u>Buildings on Boundary</u> R12.5 walls not higher than 3 metres with an average of 2.7 metres up to 9 metres in length where it abuts a similar boundary wall.	Boundary wall extension not abutting an existing boundary wall.	Supported – There were no objections raised by the neighbour to the north regarding the proposed boundary walls. The proposed boundary wall extension is adjacent to the battleaxe access leg, which serves the rear lot and as such will not result in any overshadowing and will not restrict access to sun and ventilation for the adjoining lot.
<u>Boundary Setbacks</u> Southern boundary setback to garage to be 1.0 metres	0.3metres	Supported – the proposed carport on the southern boundary is considered acceptable however because of the current location of the residence it is necessary to construct this almost to the southern boundary. For a carport structure, which will be open sided this is considered to be a sufficient setback.

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 3 variations are being pursued they are considered to be minor in nature and meet the performance criteria of the R-Codes. The application is therefore recommended for approval.

RECOMMENDATION

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

- variation to the site works to allow site works up to 0.85 metres in lieu of the 0.5 metres requirement of the R-Codes 2008;
- variation to allow an extension of the boundary wall, when it does not adjoin an existing boundary wall in the R12.5 coded areas; and
- variation to allow a reduced setback of 0.3 metres to the southern boundary for the carport in lieu of the 1.0 metres required under the R-Codes 2008;

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for the construction of alterations and additions at No. 81 (Lot 1) Oakover Street, East Fremantle in accordance with the plans date stamp received on 21 September 2010 subject to the following conditions:

1. Materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*

Ms Rachel Smith (owner) addressed the meeting in support of the proposed alterations/additions.

RECOMMENDATION TO COUNCIL

Cr de Jong - Cr Martin

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

- **variation to the site works to allow site works up to 0.85 metres in lieu of the 0.5 metres requirement of the R-Codes 2008;**
- **variation to allow an extension of the boundary wall, when it does not adjoin an existing boundary wall in the R12.5 coded areas; and**
- **variation to allow a reduced setback of 0.3 metres to the southern boundary for the carport in lieu of the 1.0 metres required under the R-Codes 2008;**

for the construction of alterations and additions at No. 81 (Lot 1) Oakover Street, East Fremantle in accordance with the plans date stamp received on 21 September 2010 subject to the following conditions:

1. **Materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
2. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
3. **The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**

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4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*
- CARRIED**

T195.4

Preston Point Road No. 8 (Lot 2)

Applicant & Owner: Janet Williamson

Application No. P143/2010

By Gemma Basley Acting Town Planner on 5 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for a new single storey residence on a vacant survey strata lot including a double garage on Strata Lot 2, No. 8 Preston Point Road is the subject of this report.

Description of Site

The subject site is:

- a 300m² block
- zoned Residential R25
- a vacant survey strata lot located between two lots each with dwellings
- located in the Richmond 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 : No impact

Documentation

Plans and relevant forms date stamp received on 20 August and 2 September 2010

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Date Application Received

20 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

53 days

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

17 February 2009 Council initiates and Amendment to TPS No. 3 to rezone the site from R12.5 to R25.

12 May 2010 The Town is advised that the WAPC has granted survey strata approval.

Advertising

The subject application was advertised to adjoining and surrounding landowners for 2 weeks between the 1 September and 16 September 2010. During the advertising period no comments were received.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 August 2010 and the following comment was made:

- Query site coverage compliance.

STATISTICS

File	P/PPT8
Zoning	R30
Lot Area	303m ²
Heritage Listing	No

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	0.53	Variation required
Open Space	45%	43.7%	Variation required
Overshadowing	>25%	>25%	Acceptable

Height:	Required	Proposed	Status
Wall	3.0	2.4	Acceptable
Ridge	6.0	5.44	Acceptable
Roof type	Pitched at 26°		

Privacy/Overlooking	No overlooking will occur
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Setbacks:		Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (West)	Ground	*House	2.4	13.15	No	1.0	Nil	Discretion
Rear (East)	Ground	House*	2.4	11.43	No	1.0	1.0	Acceptable
Side (North)	Ground	Master Bed/Ensuite	3.16	4.0	No	1.0	1.0	Acceptable
		Dining/Kitchen*	2.44	4.0	Yes	1.5	4.76	Acceptable
Side (South)	Ground	Carport*	2.44	5.69	No	1.0	2.0	Acceptable
		House*	2.44	10.00	No	1.0	Nil	Discretion

NB: (* denotes habitable room)

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REPORT

Considerations

The application has been assessed against the requirements of the R-Codes and LPP and variations to the statutory requirements are sought by the applicant. The discretions will be assessed in the table below:

Requirement	Proposed	Planning Comments
<u>Western Boundary Setback</u> 13.15 metre long wall without major openings 1.5 metre setback	Nil setback	Supported – the use of a boundary wall makes efficient use of space on this small lot and will assist in providing privacy between the two residences. Being an east west orientated lot, the boundary wall will not cause overshadowing. The nil setback and proposed boundary wall meet the performance criteria of the R-Codes.
<u>South Boundary Setback</u> 10 metre long wall without major openings 1.5 metre setback	Nil setback	Not Supported – the nil setback proposes a boundary wall with hi-lite windows. The proposed boundary wall abuts a common driveway and the development of a parapet wall with windows is not appropriate or in accordance with the requirements of the BCA 2005. In recognition however, of the adjoining access way, a variation to allow a reduced setback of 1.0 metres in lieu of the 1.5 metres is considered acceptable and is included in the recommendation.
<u>Open Space</u> R30-45%	43.7%	Supported – the applicant has put forward substantial justifications for a reduction in the provision of open space including the availability of other recreation facilities in the locality and the small size of the lot. The lot is small and the open space provision is reflective of this providing only one outdoor living area. The report recommends the southern elevation be setback a minimum of 1.0 metres from the southern boundary and such a setback increase will partially address the open space requirements. However a minor variation of 0.2% will still be required. The applicant will be informed via a footnote to consider increasing this setback to 2.0 metres to create an additional useable outdoor area and which would make the open space fully compliant.

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 two variations are proposed only one variation is supported. The application is therefore recommended for approval with a requirement to modify the plans.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the open space requirements to allow 44.8% open space provision in lieu of the 45% required under the Residential design Codes 2008 for the construction of a single storey residence at No.8

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(Lot 2) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 20 August and 2 September 2010 subject to the following conditions:

1. Prior to an application for Building Licence being received amended plans to be submitted to include a minimum setback of 1.0 metres to the southern boundary to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. Materials and finishes are to be of a high standard and of a consistent style with surrounding residences to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
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 received planning approval, without those changes being specifically marked for Council's attention.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*
- (e) *The applicant is recommended to increase the setback to the southern boundary to create addition open space.*

The following memo from the Acting Town Planner, Gemma Basley, was tabled.

"Item 8.10 relates to a new single storey dwelling on a survey strata lot.

The Acting Town Planner has incorrectly assessed the southern lot boundary as the access leg boundary when in fact this should be the 'true lot boundary'.

This does not however address the open space and as such, the variation should read 43.7% rather than 44.8% and this is considered satisfactory to the acting Town Planner."

Ms Janet Williamson (applicant) and Mr Geoff Chambers addressed the meeting in support of their proposal for a single storey energy efficient residence.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Collinson

That Council exercise its discretion in granting approval for a variation to the open space requirements to allow 43.7% open space provision in lieu of the 45% required under the Residential design Codes 2008 for the construction of a single storey residence at No.8 (Lot 2) Preston Point Road, East Fremantle in accordance with the plans date stamp received on 20 August and 2 September 2010 subject to the following conditions:

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1. Materials and finishes are to be of a high standard and of a consistent style with surrounding residences to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*
- (e) *The applicant is recommended to increase the setback to the southern boundary to create additional open space.*

CARRIED

T195.5 *Irwin Street No. 32 (Lot 250)*

Applicant: Mark Farrell

Owner: Mark Farrell

Application No. P7/2010

By Gemma Basley, Acting Town Planner and Stuart Wearne, Chief Executive Officer on 7 October 2010

BACKGROUND

Description of Proposal

A request for reconsideration of a condition of approval is the subject of this report. Delegated approval was previously granted for extensions to the existing residence at 32 Irwin Street, including the removal of the garage from the front setback area. The application proposed to incorporate a new carport under the same roofline of the existing house and its proposed additions.

Delegated approval was granted for the additions and carport however Condition 1 of the approval required that prior to the issue of a Building Licence revised plans were to be submitted showing the carport set back a further metre eastwards, which would mean it was not projecting beyond the main building line.

The applicant has requested the reconsideration of this condition in relation to the location of the carport.

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Description of Site

The subject site is:

- a 1012m² block
- zoned Residential R12.5
- developed with a single storey heritage dwelling on-site
- included in the Municipal Inventory (C+ Management Category)

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 : The streetscape will be altered by the proposed additions

Documentation

Plans and relevant forms date stamp received on 13th January and 9th September 2010

Date Application Received

9 September 2010

No. of Days Elapsed between Lodgement & Meeting Date

43 days

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

19 March 2010 Delegated Approval granted for additions including a carport.

Advertising

The subject request for reconsideration has not been advertised. The earlier application was advertised and 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 revised plans at its meeting of 28 September 2010. The Panel reiterated its view, as expressed when they considered the original application, that the garage should be set back:

- better to pull carport back
- both verandah and carport roofs to be hipped – separate from the house.

STATISTICS

File	P/IRW32
Zoning	R12.5
Lot Area	1012m ²
Heritage Listing	C+ Management Category

Site:	Required	Proposed	Status
Open Space	N/a	N/a	Acceptable

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STATISTICS

Overshadowing N/a Acceptable

Height:	Required	Proposed	Status
Wall	n/a	n/a	n/a
Ridge	n/a	n/a	n/a
Roof type	Pitched @25° as existing		

REPORT

Introduction

Reconsideration of Condition 1 of the Delegated Planning Approval dated 19 March 2010 is requested by the applicant. The applicant requests support for the proposed roofline to be consistent along the western face then wrap around the northern face of the building and as a continuous roofline structure. The applicant does not want separate roofs and wants the building to have what he refers to as “an entirety look”.

The applicant has referred to 25 properties in the Town which he claims has the same verandah/carport roofline as is proposed by himself and puts this forward as part of the justification to support the reconsideration. The Acting Town Planner has visited some of these sites and concurs that they do represent examples of the proposed roof form within the Town that have been granted approval by Council.

COMMENT

The applicant wishes to achieve “an entirety look, and a sense that the building was built like this intentionally, by design, in circa 1930”.

He further writes “I want the residence to stand out, as if it was originally built that way”.

Whilst this aspiration is understood, it signifies a lack of appreciation of the fundamental heritage principle that new additions should preferably be carried out in such a manner as to distinguish that work as new work, separate from the existing building.

It is assumed this is one reason the Town Planning Advisory Panel has, twice, supported pulling the carport back and distinguishing between the two roofs.

In addition two Town Planners, Pina Mastrodomenico and Gemma Basley in the original report and Gemma Basley again in this report, support that view, as did all elected members previously when the original application was circulated by way of Delegated Authority.

With regard to this issue the applicant has provided no external architectural or heritage advice with respect to his submission.

With respect to the setback issue LPP142 requires “garages and/or carports to be located at or behind the main building line of the house on the property”.

Council’s condition stipulating the carport was to be moved back 1m was imposed to achieve compliance with the policy.

CONCLUSION

It is concluded the condition in question should not be revoked, for the reasons given above.

RECOMMENDATION

That Council refuse the applicant’s request to delete the planning condition requiring a 1 metre front setback for the proposed carport at 32 Irwin Street.

Correspondence referred from MB Ref. T193.1 was tabled.

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Mr Mark Farrell (applicant) addressed the meeting in seeking the deletion of Condition (1) of Delegated Planning Approval dated 19 March which required the proposed carport at No. 32 Irwin Street be setback a further 1.0m eastwards.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That Condition (1) of the planning approval granted on 19 March 2010 for alterations/additions including a carport at No. 32 (Lot 250) Irwin Street be amended to read: "The proposed carport to be in compliance with Part 2 (ii) of Local Planning Policy No. 142 – Residential Development to the satisfaction of the Chief Executive Officer in consultation with relevant officers". CARRIED

T195.6

Alcester Street No. 3 (Lot 210)

Applicant & Owner: Mark & Tamara Zammit

Application No. P135/2010

By Gemma Basley, Acting Town Planner on 10 October 2010

BACKGROUND

Description of Proposal

An application for a 'change of use' from 'workshop/store' to 'study/activity room' at No. 3 Alcester Street, East Fremantle is the subject of this report.

Description of Site

The subject site is:

- a 981m² block
- zoned Residential R12.5
- developed with a single storey heritage dwelling on-site
- included in the Municipal Inventory (B^A Management Category)

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy – Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development (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 6 August 2010 and 23 September 2010

Date Application Received

24 September 2010

No. of Days Elapsed between Lodgement & Meeting Date

67 days

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

4 June 2003 Change of address approved from 12 Preston Point Road to 3 Alcester Street;
21 October 2003 Planning Consent granted under delegated authority for an isolated double carport to the southwest corner of the house;
21 October 2003 Council resolves to advise the WAPC that it does not support a 2-lot strata subdivision to create a 646m² lot and a 335m² lot;

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- 11 November 2003 Building Licence issued for carport;
 11 December 2003 WAPC conditionally approves the 2-lot strata subdivision;
 8 January 2004 Applicant for subdivision requests that the WAPC reconsider its decision and delete Condition 7 which states:
“A residential dwelling being constructed to plate height on the proposed vacant lot in accordance with a planning approval/building licence issued by the Town of East Fremantle prior to the lodgement of the survey document. (LG)”;
 18 February 2004 Council advises the WAPC that it does not support deletion of Condition 7;
 13 April 2004: WAPC advises that it resolved to retain Condition 7;
 12 November 2004 Council receives a WAPC referral for an application to survey strata subdivide 3 Alcester St into a 631m2 lot and a 350m2 lot;
 22 December 2004 Council advises the WAPC that it does not support the subdivision;
 7 February 2005 WAPC conditionally approves the 2-lot survey strata subdivision (see Attachment) with a reworded Condition 7:
“The subdivider making arrangements satisfactory to the WAPC to ensure that the prospective purchasers of the proposed lots will be advised to seek development approval from the Town of East Fremantle for the development of a new dwelling on the proposed 350m2 lot”.

Advertising

The subject application was advertised for public comment from 31 August 2010 to 15 September 2010. During the advertising period two submissions were received and are detailed and responded to below:

Neighbour Submission	Applicant Response
<p>Mrs Thelma Whitfield of Unit 2/16 Preston Point Road:</p> <ol style="list-style-type: none"> 1. No undue noise must emanate from the proposed area. 2. Any vehicles owned by the property's residents and visiting or work vehicles must not be parked opposite the car entrances and turning sections of U1,2,3 / 16 Preston Point Road corner Alcester street as this is the only way out for the residents (by backing out into a narrow road -Alcester Street) 3. No more barking dogs to protect property when no one is living there (as is most of the time) 4. A request that the huge garage can be painted in a muted colour not simply shades of white as the glare of the sun is reflected in all my facing windows affecting my eye problems. 	<ol style="list-style-type: none"> 1. Noise - Any residential noise that <i>may</i> emanate from the activity room and study will be nigh on impossible to hear from the objecting neighbours residence. As the below photo and aerial photo demonstrate, the subject rooms face south, away from the objecting neighbour. Any noise that may emanate from the subject rooms will be attenuated by distance, the dense masonry walls and floor of the garage, and the lower level of the rooms which is below road level. 2. Street parking – It is understood street parking is permitted on Alcester Street by the Town of East Fremantle. The objectors concern is noted however due to the street narrowness. The owners of the subject lot are aware of the challenges the narrow street creates, and provide relief to the street by parking perpendicular across their crossover. Please see photo below demonstrating the owner's consistent parking practice. 3. Barking dogs – The owners of the subject lot no longer have a dog on the premises, and have not had so since June 2010. 4. Colour of garage walls – This application is not for external modifications, including the colour of the existing garage. This addition was approved by the Town of East Fremantle and Building Licence issued accordingly. This application is for the change of use to the under-croft rooms beneath the

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Neighbour Submission	Applicant Response
<p>5. The area is not leased or sub leased as a residential space or for business use.</p>	<p>garage only.</p> <p>5. Use of the Activity / Study rooms – This application is not for a business use, or for ancillary accommodation. The activity room and study will be used by the current owners of the dwelling for family and private purposes only.</p>
<p>David Sheehan of 5 Alcester Street:</p> <p>1. Our understanding was and is that it was and has always been designed and constructed for a garage. It is also interesting that when the original plans were lodged for your approval, the courtesy for comment was never extended to us. It seems to us to be quite superfluous to seek our comment now.</p> <p>2. Be that as it may, if we are now invited to comment on a retrospective basis, we would like to make the following points:-</p> <p>a) It has been rather unfortunate that Council has allowed the scale of the building to dwarf what was once a beautiful original heritage house. The building is very much out of scale and place in relation to the existing streetscape;</p> <p>b) The damage to the road adjacent to the driveway works which was caused by the development is quite serious and we would ask that this be repaired.</p>	<p>1. The Town of East Fremantle advises that correspondence was forwarded to you on 4th May 2006 inviting comment on a 3 bay garage proposed for 3 Alcester Street.</p> <p>2a) This does not relate to the current proposal for a 'Change of Use'.</p> <p>2b) This does not relate to the current proposal for a 'Change of Use'.</p>

The Acting Town Planner has assessed the submissions above and is of the consideration that the issues that have been raised can be addressed as part of the subject application and/or are not related to the subject application. Certain conditions will be included in the Recommendation which address the submissions above.

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 subject application was not referred to the Town Planning Advisory Panel because of it relating to a 'Change of Use' to an existing building.

REPORT

Comment

A request has been made by the owners of 3 Alcester Street for a change of use from 'Garage/Cellar/Store/Workshop' to 'Garage/Activity/Study'.

A two-storey 3 bay garage, workshop, cellar and store has been approved at 3 Alcester Street and has subsequently been constructed. The Town of East Fremantle became aware that 3 Alcester Street was for sale in early August 2010 and was being marketed as having a separate 1 bedroom apartment/garage. The Town contacted the owners and advised that the structure was only approved for a garage/cellar/workshop/store and separate planning approval would be required to pursue any change to the uses permitted within this structure. In response to this, the applicants have submitted the subject request for a change of use.

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As detailed above an earlier application (P77/2006) approved the construction of the two storey building and approved the use for a garage/cellar/workshop/store. The applicants seek approval for a change in use to allow the building to be used for additional uses.

The location of the garage is such that the area the subject of the change of use (lower floor) opens into the rear yard of 3 Alcester and is accessible from the rear yard and also the garage above.

The applicants advise that that the proposed change of use to activity/study rooms is not for a business use and is not for ancillary accommodation. Rather the activity room and study will be utilised by the current owners of the dwelling for family and private purposes only.

Considerations

The subject structure has been approved primarily as a 3 bay garage (upper floor) with direct access to Alcester Street. Because of the way the site has been developed and the topography of the site it is imperative that the garage component of this structure be retained. The reason for this is that there is no alternative location to park cars. The subject application does not propose any change to the upper floor and retains this use as 'garage'.

The ground floor of the structure has previously been approved as a 'store' and 'workshop' and it is this area that the applicant's seek a change of use to. More specifically, the applicant's propose to change the use of the ground floor from 'workshop/store' to 'study/activity'.

The proposal is considered to have merit and to be suitable for consideration on the basis that the applicant's have advised that the structure will not be used for ancillary accommodation and that rather it will be retained for family and private use associated with the main dwelling.

Given the above, the requested change of use is considered to be appropriate and is recommended for approval. It is considered necessary however to impose conditions on the approval to ensure the change of use is implemented appropriately and that the structure is not used for habitation and/or ancillary accommodation.

RECOMMENDATION

That Council grant approval for a change of use from 'Garage/Cellar/Store/Workshop' to 'Garage/Activity/Study' at No. 3 (lot 210) Alcester Street, East Fremantle in accordance with the correspondence dated 23 September 2010 subject to the following conditions:

1. The proposed garage/study/activity room is not to be used for any form of habitable or residential purposes.
2. The proposed garage/study/activity room is to be used as an incidental component of the approved predominant use of the site being dwelling only and shall not be let or sold as a separate tenancy.
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.

That the applicant be advised of the following:

- (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) *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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The following memo from the Acting Town Planner, Gemma Basley, was tabled:

“Item 8.14 relates to a proposed change in use. The applicants have viewed the officer’s recommendation and are concerned with the wording of Condition No. 1 and requested the condition be amended to read:

The proposed garage/study/activity room is not to be used for any form of habitable or residential purposes other than the approved uses.

The wording of this condition as above, is satisfactory to the Acting Town Planner and the Chief Executive Officer.”

Mr Mark Zammit (applicant) addressed the meeting in support of the proposed change of use duly amended as per the Acting Town Planner’s memo.

RECOMMENDATION TO COUNCIL

Cr Martin – Cr Collinson

That Council grant approval for a change of use from ‘Garage/Cellar/Store/Workshop’ to ‘Garage/Activity/Study’ at No. 3 (lot 210) Alcester Street, East Fremantle in accordance with the correspondence dated 23 September 2010 subject to the following conditions:

- 1. The proposed garage/study/activity room is not to be used for any other form of habitable or residential purposes other than the approved uses.**
- 2. The proposed garage/study/activity room is to be used as an incidental component of the approved predominant use of the site being dwelling only and shall not be let or sold as a separate tenancy.**
- 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) 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) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (c) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***

CARRIED

T195.7 East Street No. 48 (Lot 96)
Applicant & Owner: Annique & Shane Buckland
Application No. P152/2010
By Gemma Basley, Acting Town Planner on 5 October 2010

BACKGROUND

Description of Proposal

An Application for Retrospective Planning Approval for an outward opening front gate at 48 East Street, East Fremantle is the subject of this report.

The application is being referred to Council for consideration of streetscape impact from the proposed gate.

Description of Site

The subject site is:

- a 508m² block

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- zoned Residential R20
- developed with a single storey residence
- located in the Plympton Precinct

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy No. 143 : Fencing

Impact on Public Domain

Tree in verge: No impact;
Light pole: No impact;
Crossover: No impact;
Footpath: No impact;
Streetscape: The streetscape amenity and safety will be compromised by the outward opening gates at the front boundary

Documentation

Photos and relevant forms date stamped received on 31 August 2010

Date Application Received

31 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

42 Days

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

20 February 2007 Council grants approval for an upper level addition and a balcony.

Advertising

The subject application was not advertised because it only relates to a front fence that is compliant with the exception of it opening outwards and over the verge and footpath.

CONSULTATION

Principal Building Surveyor's Comment

Preliminary assessment has identified that the gates swing out over the footpath causing a hazard to pedestrians. The gates are in contravention of both Section 400 of the Local Government (Miscellaneous Provisions) Act 1960 which prohibits encroachment in or over footpaths and the Town's Activities on Thoroughfares and Public Places Local Law.

Town Planning Advisory Panel Comments

The Panel viewed the proposal at the meeting held on the 28 September 2010. The Town Planning Advisory Panel advised that fencing should comply with the Regulations and gates to open inwards or to be sliding.

The Panels' comments have been reflected in the Recommendation and Condition No. 1 in particular.

REPORT

Comment

Retrospective Planning Approval is sought for a gate that opens outwards over the verge and footpath of East Street. This does not comply with Councils Fencing Local Laws or with s.400 of the Local Government (Miscellaneous Provisions) Act 1960.

The gate cannot be approved as it currently is, opening onto the street and there are only three ways in which this matter can be resolved being:

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- (a) grant retrospective planning approval for the northern gates subject to the swing being altered to ensure the gates swing inwards and do not swing over the footpath and verge area;
- (b) grant retrospective planning approval for the northern gates subject to the gates being replaced with a sliding gate that does not slide or swing over the footpath and verge area; and
- (c) refuse to grant retrospective approval and require the offending gates to be removed.

It is considered that options (a) and (b) above can be incorporated into one decision in order to give the applicants some options and that there is no need to consider refusing the planning application. This is because all other elements of the existing development comply with Policy on Local Laws relating to Fencing. With this in mind the application is considered to be suitable for retrospective approval.

RECOMMENDATION

That Council exercise its discretion in granting retrospective planning approval for a double gate on the northern boundary of No. 48 (Lot 96) East Street, East Fremantle as shown on photos received 31 August 2010 and subject to the following conditions:

1. The double gates are to be altered to open inward or be sliding gates which do not open outwards;
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. 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).*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That Council exercise its discretion in granting retrospective planning approval for a double gate on the northern boundary of No. 48 (Lot 96) East Street, East Fremantle as shown on photos received 31 August 2010 and subject to the following conditions:

1. The double gates are to be altered to open inward or be sliding gates which do not open outwards.
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 works to be completed within 90 days.

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).* CARRIED

T195.8 **Woodhouse Road No. 31 (Lot 301)**
Applicant: Brooking Design Practice
Owner: Selwyn & Wendy Castles
Application No. P132/2010

By Gemma Basley Acting Town Planner and Clare Roszak, Acting Planning Officer on 4 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations to the existing residence at No. 31 Woodhouse Road, East Fremantle is the subject of this report: The alterations are detailed below:

- Ground floor: upgrade garage facia and install a new sectional automatic door, remove an entry staircase on the east side at the front, and construct a centrally located stair entry, enlarge bedroom 5 at the front, replace all balustrading to the verandah at the front, and add new feature top panels to the ceiling front;
- Upper floor: enlarge the balcony on the east side, cover the enlarged balcony with a new roof structure, and replace all balustrading to the upper floor balcony.

The application is being referred to Council for consideration of the potential impact of the alterations on the Woodhouse Road streetscape and for consideration of discretions to the statutory requirements.

Description of Site

The subject site is:

- a 756m² 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 2008 (RDC)

Relevant Council Policies

Local Planning Policy No. 142 : Residential Development (LPP 142)
Local Planning Policy No. 66 : Roofing

Impact on Public Domain

Tree in verge: No impact;
Light pole: No impact;
Crossover: No impact;
Footpath: No impact;
Streetscape: The streetscape will be altered with the new stairs and balcony extension.

Documentation

Plans and relevant forms date stamped received on 4 August 2010

Date Application Received

4 August 2010

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Advertising

The subject application was advertised to adjoining landowners for a 2 week period between the 30 August and 15 September 2010. There were no comments received during the advertising period.

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

- 22 March 1988 Council grants special approval for second storey additions subject to overall wall height not exceeding 7.579 metres above the site datum level.
- 13 June 2008 Delegated Approval granted for alterations including the repositioning of the front steps and the extension and re roofing of the front verandah (this approval has not been carried out).

Town Planning Advisory Panel

The Panel viewed the proposal at the meeting held on the 24 August 2010. The Town Planning Advisory Panel recommended that a materials and finished condition be applied to the applicant's approval.

STATISTICS

File	P/WOO31
Zoning	R12.5
Lot Area	756m ²
Heritage Listing	Not listed

Site:	Required	Proposed	Status
Open Space	n/a	n/a	n/a
Overshadowing	n/a	n/a	n/a

Height:	Required	Proposed	Status
Wall	7.579m	6.9m	Acceptable
Ridge	n/a	n/a	n/a
Roof type	Pitched		

Setbacks:		Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Orientation	Wall Type						
Front (north)							
	Ground Stairs	n/a	4.0	No	7.5m	6.0	Discretion
	Upper Balcony	n/a	n/a	Yes	7.5m	7.5m	Acceptable
Side (east)							
	Ground Stairs	n/a	n/a	n/a	1.0	<1.0	Acceptable
	Upper Balcony	1.3	6.9	Yes	1.4	3.75	Acceptable

Privacy/Overlooking: The balcony extension on the floor is to be set back the same distance to the eastern boundary as the existing balcony. Overlooking will only occur over the rooftop of the adjoining dwelling and the front setback of the adjoining lot, which is already open to the road. This meets the performance criteria of the codes and is acceptable.

**REPORT
Comment**

Approval is sought to extend the existing balcony located on the first floor of the subject property, and to relocate the front entry stairwell at No. 31 Woodhouse Road, East Fremantle. The application seeks a variation to the privacy setback of the Residential

Design Codes 2008 to the eastern elevation; as well as the proposed stairwell which seeks a variation to the maximum permitted incursion into the front setback area.

The proposal meets all other requirements of the codes and the Town's policy. Neither of the adjoining property owners objected to the proposed structure or to the setback variation. Based on the above, the proposed variations are supported.

Below details the variation to the R-Codes that forms part of the proposal:

Requirement	Proposed	Planning Comments
<p>R-Codes: <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 front setback area</p>	550mm within the front setback area.	<p>Supported – the minor incursion into the front setback area of 550 millimetres is considered to be minor and pose no undue impact on the Woodhouse Road streetscape. The remainder of the residence is set back in accordance with the R-Code requirements and a garage has previously been approved forward of the dwelling in response to the topography of the site.</p> <p>It is therefore considered that the incursion of the stairs into the front setback area will not detract from the character of the road and therefore meets the performance criteria of the R-Codes.</p>
<p><u>Privacy Setback</u> Upper Floor East (Balcony) 7.5 metres</p>	3.75m to eastern boundary	<p>Supported – The proposed privacy setback is a minor extension of the existing balcony setback and overlooking will only occur over the adjoining residence roof top and front setback area. This setback meets the performance criteria of the R-Codes.</p>

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 they are considered to be minor in nature and meet the performance criteria of the R-Codes. The application is therefore recommended for approval.

RECOMMENDATION

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

- variation to the privacy setback requirements on the eastern elevation being 3.75 metres in lieu of the required 7.5 metres required under the R-Codes 2008; and
- variation to allow a minor incursion of 1.55 metres into the front setback area in lieu of the 1.0 metres permitted under the R-Codes 2008;

for the construction of alterations at 31 Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010 subject to the following conditions:

1. Materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.

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3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council;
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention;
5. 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.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

The following memo from the Acting Town Planner, Gemma Basley, was tabled:

"Item 8.2 relates to 31 Woodhouse Road and proposed additions/alterations. This application is similar to a previous Planning Approval issued under Delegated Authority in June 2008. The 2008 Approval has expired and has necessitated the applicant to submit a new application to obtain a current Planning Approval.

A site investigation undertaken on Friday has revealed that some of the proposed works have already occurred. More specifically, the centrally located front steps have been constructed and whilst in accordance with the earlier Planning Approval, this occurred without a Building Licence (refer to photos attached).

As such the subject application should be treated in part as a Retrospective Planning Approval. The recommendation should therefore read:

That Council:

- (a) *exercise its discretion in granting approval for a variation to the privacy setback requirements on the eastern elevation being 3.75 metres in lieu of the required 7.5 metres required under the R-Codes 2008 for the construction of upper floor balcony and balustrade additions and alterations to the garage fascia and the lower floor balustrades at No. 31 (Lot 301) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010; and*
- (b) *exercise its discretion in granting retrospective approval for a variation to the minor incursion to the front setback area to allow 550 millimeters in lieu of the maximum permitted 500 millimeters as per the R-Codes 2008 for the construction of front steps at No. 31 (Lot 301) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010 subject to the following conditions*

It is the advice of the Acting Town Planner that the elected members consider the above alternative recommendation as opposed to the recommendation included in the Agenda."

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RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Collinson

That Council:

- (a) exercise its discretion in granting approval for a variation to the privacy setback requirements on the eastern elevation being 3.75 metres in lieu of the required 7.5 metres required under the R-Codes 2008 for the construction of upper floor balcony and balustrade additions and alterations to the garage fascia and the lower floor balustrades at No. 31 (Lot 301) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010; and**
- (b) exercise its discretion in granting retrospective approval for a variation to the minor incursion to the front setback area to allow 550 millimeters in lieu of the maximum permitted 500 millimeters as per the R-Codes 2008**

for the construction of front steps at No. 31 (Lot 301) Woodhouse Road, East Fremantle in accordance with the plans date stamp received on 4 August 2010 subject to the following conditions:

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1. Materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council;
4. 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. 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.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

T195.9

Silas Street No. 9 (Lot 1)

Applicant/Owner: Chris & Kerry Eoannidis

Application No. P127/2010

By Gemma Basley, Acting Town Planner on October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for a 1.8 metre high solid front fence at No. 9 Silas Street, East Fremantle is the subject of this report.

The application was considered at the September round of Council meetings wherein Council resolved the following:

"That the application be deferred to allow the applicant to submit revised plans that soften the streetscape impact by utilising alternative infill material above 1.2 metres consistent with the timber detail of the existing residence."

The applicants have liaised with the Acting Town Planner regarding Council's deferral and have subsequently submitted revised plans which include the timber infill panels. More specifically, the applicants intend to use cedar boards for the top 0.4 metres of the fence, which will be overlapped and will have no visual permeability. The wall below the cedar timber panels will be a solid masonry wall to 1.4 metres in height consistent with the previous proposal.

Description of Site

The subject site is:

- a 285m² block

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- developed with a dwelling on-site
- located in the Town Centre

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy No. 143 : Fencing (LPP 143)
Local Planning Policy No. 145 : Neighbourhood Consultation (LPP 145)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : New fencing will alter the streetscape however the inclusion of cedar timber panels will soften the streetscape impact.

Documentation

Plans and relevant forms date stamp received on 30 July 2010 with revised plans being received 7 October 2010.

Date Application Received

30 July 2010

No. of Days Elapsed between Lodgement & Meeting Date

74 days

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

21 September 2010 Council deferred an application to construct a solid masonry wall to allow the applicant to submit revised plans that soften the streetscape impact by utilising alternative infill material above 1.2 metres consistent with the timber detail of the existing residence.

Advertising

The subject application was not advertised to adjoining property owners however, a letter of consent was submitted by the body corporate stating no objection to the proposed fence improvements.

CONSULTATION

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

The application requests approval for a solid front fence (without visual permeability) to a height of 1.8 metres to be constructed at No. 9 Silas Street, East Fremantle. The revised plans however reflect the decision of Council to request the use of timber infill panels to soften the streetscape and to match the timber detailing of the residence.

The application is being referred to Council because it seeks a variation to the requirements specified within the Town's Local Planning Policy 143 Policy on Local Laws Relating to Fencing.

Considerations

Council's LPP 143 provides for variations to the policy requirements. Part 4 of the Policy states that under special circumstances Council may approve a fence to be less visually, including the following:

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- 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 4.1, 4.2 and 4.4 are applicable to the subject site and are therefore appropriate grounds to vary Council's LPP 143.

It is considered that the proposed fence is appropriate for the locality. As noted within the applicant's submission the increase in height of the solid fence (above 1.2m) on the Silas Street frontage is in response to traffic glare caused by traffic headlights. It is further noted within the applicant's submission concerns have been raised relating to the ageing brushwood fence and the possibility of it being a fire hazard. Safety concerns were also addressed within the submission, given the high amount of pedestrian traffic flow and the lack of security the current material provides. Whilst finally it was also noted that the front setback is the only area suitable for entertaining purposes; as such increasing the wall height and permeability will aid in noise reduction from cars and enhance the dwellings privacy.

The applicant has taken on Council's request to utilise timber infill panels in the fence to soften the streetscape impact and in light of this, the application seeking planning approval for the proposed 1.8 metre solid front fence without visual permeability can be supported and is recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the following for a solid fence to 1.8metres in height on the Silas Street frontage of No. 9 (Lot 1) Silas Street, East Fremantle as shown on documentation received 7 October 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. 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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RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

That Council exercise its discretion in granting approval for a solid fence to 1.2m in height with impermeable vertical infill timber panels to 1.8m in height on both the St Peter's Road and the Silas Street frontage of No. 9 (Lot 1) Silas Street, East Fremantle as shown on documentation received 7 October 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. 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

T195.10 Philip Street No. 19 (Lot 80)

Applicant: Patrick Healey

Owner: Robert & Karen Walker

Application No. P129/2010

By Gemma Basley Acting Town Planner and Clare Roszak, Acting Planning Officer on 4 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the existing single house located at No. 19 Philip Street is the subject of this report.

The application includes the addition of a new alfresco area towards the rear of the property a feature projection of the dining room eastwards to create a boundary wall as well as the addition of a new kitchen and internal renovations to the existing bedrooms to accommodate for bathroom additions. The application is being referred to Council as the application seeks minor variations to the R-code requirements, and has some impact on the Clayton Street streetscape.

Description of Site

The subject site is:

- a 725m² block
- zoned Residential R12.5
- developed with a dwelling on-site
- Registered on the Town's MI with a rating of A-
- located in the Richmond Hill Precinct

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Richmond Hill Precinct (LPS)

Residential Design Codes (RDC)

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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
 Streetscape : Alterations to the Clayton Street elevation with the repositioning of a wall and new window openings will alter the streetscape.

Documentation

Plans and relevant forms date stamp received on 3 August 2010 and additional plans received on 9 September 2010.

Date Application Received

3 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

70 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 30 August to 15 September 2010. There were no comments received during this time.

CONSULTATION

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 August 2010 and the following comment was made:

- Panel supports proposed additions.

STATISTICS

File P/PHI19
 Zoning R12.5
 Lot Area 725m²
 Heritage Listing Municipal Inventory (A- Management Category)

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	Nil	Acceptable
Open Space	55%	60%	Acceptable
Overshadowing	>25%	>25%	Acceptable

Height:	Required	Proposed	Status
Wall	3.0	3.2 – 3.5	Variation required
Ridge	6.0	5.8	Acceptable
Roof type	n/a		

Privacy/Overlooking No overlooking will occur

Setbacks:								Status
Wall Orientation	Wall Type	Wall Height	Wall Length	Major Opening	Required Setback	Actual Setback		
Front (North)	Ground	House*	n/a	n/a	Yes	7.5	<7.5	Acceptable

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Setbacks:								
Wall Orientation	Wall Type	Wall Height	Wall Length	Major Opening	Required Setback	Actual Setback	Status	
Rear (South)	Ground	Alfresco*	3.2	10.4	Yes	6.0	7.44	Acceptable
Side (West)	Ground	Alfresco*	3.16	5.95	No	1.0	1.0	Acceptable
		Dining	3.16	1.8	No	1.0	Nil	**
	<i>** as per boundary wall requirements</i>							
Side (East)	Ground	House Existing*	3.16	5.7	No	1.0	1.1	Acceptable
		Bed/Ensuite	3.16	7.8m	Yes	1.5	2.37	Acceptable

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling, located at No 19 Philip Street, East Fremantle.

There are three major components to this application, firstly the additions to the rear of the dwelling comprising an alfresco area. The alfresco addition is proposed at existing ground level and will be enclosed on the western elevation, eliminating privacy impacts on the neighbouring property. The proposed alfresco is compliant with the exception of the proposed wall height, which exceeds the 3.0 metres permitted under the R-Codes.

The second component of the development proposes internal renovations to two existing bedrooms to accommodate bathrooms and the creation of additional openings in these walls. These additions are considered minor and meet the setback requirements of the R-Codes and Local Planning Policy No. 142.

The final component of the application is the proposed feature projection in the western elevation of the dining room to create a small boundary wall.

Considerations

The proposed alterations and additions meet have been assessed against the requirements of TPS3, the R-Codes and Local Planning Policy No. 142 and the following discretions to the statutory requirements are requested and will be assessed below:

Requirement	Proposed	Planning Officer Comments
R-Codes: <u>Building Setbacks</u> West 1.0 metres	Nil	Supported – No objections were received during the community consultation period. The proposed boundary wall is small in length and will not result in loss of access to sunlight or ventilation to the adjoining property and therefore is considered to meet the performance criteria of the R-Codes
<u>Building on Boundaries</u> R12.5 – Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions	Western Boundary Wall Max Height: 3.4m Ave Height: 3.3m Length: 1.95m	Supported – although the proposed boundary wall does not abut a structure similar in nature, it is not considered to adversely affect the adjoining property because of the short length of the wall. In addition to this the lot is orientated north south so no overshadowing will occur on the adjoining property.

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Requirement	Proposed	Planning Officer Comments
		The variation meets the performance criteria of the R-Codes.
<u>Building Height</u> Category A (Single storey development): Top of external wall: 3m Top of pitched roof: 6m	(External Wall): 3.2 to 3.5m Western Elevation (External Wall): 3.5m	<p>Supported – The proposed wall heights are based on the continuation of the existing wall heights of the original residence. No increase to the existing wall heights is proposed.</p> <p>The retention of the existing wall height and utilisation of this in the proposed additions is not considered to be significant and is further considered to be offset by the lower height of the pitched roof. The wall heights are not considered to have an undue impact on the adjoining property or on the streetscape because the building is well setback and wall lengths are not excessive. Further the proposed wall heights meet the performance criteria of the R-Codes and will not restrict access of the subject or adjoining dwellings to sufficient daylight and ventilation.</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 western boundary setback being nil in lieu of the 1.0 metre required under the R-Codes 2008;
- variation to the proposed boundary wall height being an average of 3.3m in lieu of the 2.7m average required under the Residential R-Codes 2008; and
- variation to the external wall heights being 3.5 metres in lieu of the required 3.0 metre requirement of the R-Codes 2008;

for the construction of alterations and additions at No. 19 (Lot 80) Philip Street, East Fremantle in accordance with the plans date stamp received on 3 August 2010 and 9 September 2010 subject to the following conditions:

1. The materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. 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. 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. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent

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property face by way of agreement between the property owners and at the applicant's expense.

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

Footnote:

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

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

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

- **Variation to the western boundary setback being nil in lieu of the 1.0 metre required under the R-Codes 2008;**
- **variation to the proposed boundary wall height being an average of 3.3m in lieu of the 2.7m average required under the Residential R-Codes 2008; and**
- **variation to the external wall heights being 3.5 metres in lieu of the required 3.0 metre requirement of the R-Codes 2008;**

for the construction of alterations and additions at No. 19 (Lot 80) Philip Street, East Fremantle in accordance with the plans date stamp received on 3 August 2010 and 9 September 2010 subject to the following conditions:

- 1. The materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. 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. 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. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**
- 7. This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

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

- (a) This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) A copy of the approved plans as stamped by Council are attached and the*

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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

T195.11 **Oakover Street No. 52 (Lot 991)**
Applicant & Owner: Carolyn Morrish
Application No. P133/10

By Gemma Basley Acting Town Planner and Clare Roszak, Acting Planning Officer on 4 October 2010.

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the existing single storey house located at No. 52 Oakover Street is the subject of this report. The application includes partial demolition of the rear of the existing dwelling, and the addition of two bedrooms, a bathroom, laundry and wash cubicle.

The application also proposes a new carport located on the southern boundary as well as a new boundary fence. The boundary fence has however already been approved under a separate Building Licence and as such will be excluded from this application.

Description of Site

The subject site is:

- a 502m² block
- zoned Residential R12.5
- developed with a dwelling on-site
- located in the Woodside Precinct
- Not listed in Municipal Inventory

Statutory Considerations

Town Planning Scheme No. 3 Clause 5.3.3
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)
Local Planning Policy No. 143 : Fencing (LPP 143)

Impact on Public Domain

Tree in verge : No impact
Light pole : No impact
Crossover : No impact
Footpath : No impact
Streetscape : Additions to the residence and new boundary fencing will alter the streetscape.

Documentation

Plans and relevant forms date stamp received on 5 August 2010

Date Application Received

5 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

68 days

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

6 September 2010 Building Licence granted for a limestone boundary fence.

Advertising

The subject application was advertised to adjoining and surrounding landowners for 2 weeks between the 31 August and 15 September 2010. During the advertising period one comment was received from the adjoining owner and this related to the proposed roofing material and concerns that reflection could occur. More specifically the submission requested consideration of a Colorbond roof as opposed to zincalume that may reflect.

The applicant has advised that they will not be utilising reflective roofing materials and to ensure this occurs, a condition has been included in the recommendation to require non reflective roofing materials.

CONSULTATION

Town Planning Advisory Panel Comments

The Panel viewed the proposal on 28 September 2010. The Panel's advice is set out and responded to below (see attachment 4 for full submission)

Advisory Panel Comments	Applicant Response
Roof to match existing materials	The applicant noted due to the fact the tiles are the original's of a 72 year old home and are of a brittle nature and aged appearance, it would be difficult to match them. As such a colorbond roof is proposed and will be non-reflective.
Front fence material inappropriate, suggests considering rendered brick to match existing materials of house with painted timber infill panels.	As stated by the applicant "I have chosen natural limestone for the front and side fence as the house is on a corner this will help with noise tolerance and privacy. The fence will improve the streetscape, replacing the asbestos fencing and shrubs. It fits into the heritage theme which is typical of the Fremantle area, natural and maintenance free. I am happy to have painted timber infill panels as recommended".

To reinforce the Panel's comments, a condition has been included in the recommendation to require non-reflective roofing materials.

With regard to the fence and as detailed earlier in this report, a Building Licence has already been granted for the boundary fence. The Building Licence was issued prior to the subject application being granted Planning Approval because the fence was a compliant fence and therefore did not require Planning Approval. Regardless of this, the applicant has demonstrated a willingness to utilise painted timber infill panels as recommended by the Panel.

STATISTICS

File	P/OAK52
Zoning	R12.5
Lot Area	502m ²
Heritage Listing	No

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	Nil	Acceptable
Site:	Required	Proposed	Status
Open Space	55%	66.1%	Acceptable
Overshadowing	>25%	>25%	Acceptable
Height:	Required	Proposed	Status
Wall	3.0	2.74 to 3.25	Discretion

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Height: Ridge	Required 6.0	Proposed 5.6	Status Acceptable
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Privacy/Overlooking No overlooking will occur

Setbacks:

Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (West)	Ground House*	3.16	7.0	Yes	6.0	7.2	Acceptable
Rear (East)	Ground House*	3.16	13.2	No	1.0	1.02-1.52	Acceptable
Side (North)	Ground House*	3.16	4.0	No	1.0	5.2	Acceptable
Side (South)	Ground House/Carport*	3.16	12.2	No	1.0	1.5	Acceptable

NB: (* denotes habitable room)

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling located at No 52 Oakover Street, East Fremantle. The application proposes to demolish the rear portion of the existing dwelling adjacent to the eastern boundary in order to extend the dwelling and incorporate two bedrooms, a bathroom, wash cubicle and laundry. The application also proposes to construct a carport adjacent to the southern boundary. The application also included boundary fencing but as has been discussed above, this does not require Planning Approval and from hereon will be excluded from the application.

Considerations

The application has been assessed against the requirements of the R-Codes and LPP 142 above wherein it has been identified that the existing and proposed building heights do not comply with Category A (single Storey) building height requirements of the R-Codes whereby a maximum wall height of 3.0 metres is permitted. This will be assessed in the table below:

Requirement	Proposed	Planning Comments
<u>Building Height</u> Category A (Single storey development): Top of external wall: 3m Top of pitched roof: 6m	(External Walls) up to 3.25m Southern Elevation (External Wall): 3.3m	<p>Supported – The proposed wall heights are based on the continuation of the existing wall heights of the original residence. No increase to the existing wall heights is proposed.</p> <p>The retention of the existing wall height and utilisation of this in the proposed additions is not considered to be significant and is further considered to be offset by the lower height of the pitched roof. The wall heights are not considered to have an undue impact on the adjoining property or on the streetscape because the building is well setback and wall lengths are not excessive. Further the proposed wall heights meet the performance criteria of the R-Codes and will not restrict access of the subject or adjoining dwellings to sufficient daylight and ventilation.</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 one variation is being pursued it is considered to be minor in nature and meets the performance criteria of the R-Codes. The application is therefore recommended for approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for a variation to the building height to allow 3.25 metres in lieu of the required 3.0 metres as per the building height requirements for Category A development under the Residential Design Codes 2008 for the construction of alterations and additions at No. 52 (Lot 991) Oakover Street, East Fremantle in accordance with the plans date stamp received on 5 August 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 received planning approval, without those changes being specifically marked for Council's attention.
6. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All 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.
9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
10. That the roofing be selected/treated to Council's satisfaction to reduce reflectivity.
11. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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*

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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 a variation to the building height to allow 3.25 metres in lieu of the required 3.0 metres as per the building height requirements for Category A development under the Residential Design Codes 2008 for the construction of alterations and additions at No. 52 (Lot 991) Oakover Street, East Fremantle in accordance with the plans date stamp received on 5 August 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 received planning approval, without those changes being specifically marked for Council's attention.
6. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All 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.
9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
10. That the roofing be selected/treated to Council's satisfaction to reduce reflectivity.

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

Footnote:

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

- (a) *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.*

CARRIED

Cr Martin made the following impartiality declaration in the matter of 50 Staton Road: "As a consequence of the owner, Mr Mark David, being known to me due to having previously worked with him, 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".

T195.12 Staton Road No. 50 (Lot 305)

Applicant: Nulook Homes

Owner: Mark & Tracy David

Application No. P136/2010

By Gemma Basley, Acting Town Planner on 6 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval alterations and addition to the single storey house at 50 Staton Road, East Fremantle is the subject of this report. The application includes the extension of the residence southwards to create an ensuite bathroom. The application also proposes the reinstatement of the existing northern verandah by removing existing stud work and windows and at the eastern end of the verandah extending the residence to create a new kitchen and dining room.

The subject site is a corner lot fronting both Staton Road and Parry Avenue. The house currently addresses Staton Road and this will remain as part of this application. Parry Road ends before it intersects with Staton Road and there is a very small Public Open Space Reserve that adjoins the southern boundary of the subject site.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R12.5

Local Planning Strategy - Richmond Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

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

Impact on Public Domain

Tree in verge : No impact

Light pole : No impact

Crossover : No impact

Footpath : No impact

Streetscape : Alterations to the Clayton Street elevation with the repositioning of a wall and new window openings will alter the streetscape.

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Documentation

Plans and relevant forms date stamp received on 10 & 31 August 2010

Date Application Received

10 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

63 days

ADVERTISING

The application was advertised to adjoining neighbours for a two week period between the 31 August and 15 September 2010. No submissions were received during the advertising period.

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

20 November 1989 Council decides to refuse an application for two additional 2-storey units at the rear of 50 Staton Road facing Parry Avenue;

18 July 1990 Minister for Planning upholds an appeal to permit the development of two additional 2-storey units at the rear of 50 Staton Road facing Parry Avenue;

2 May 1991 Council grants conditional special approval for the erection of an additional dwelling unit at the rear of 50 Staton Road facing Parry Avenue;

30 December 1991 Building Licence 175/1892 issued for a carport;

12 November 1996 Council decides to advise the WAPC that it does not support the subdivision of 50 Staton Road into 2 lots (1 x 611.6m², 1 x 400.4m²);

21 January 1997 WAPC refuses the subdivision application;

18 June 1997 Minister for Planning upholds an appeal to permit the subdivision;

9 February 1999 WAPC endorses Diagram 97204 for the subdivision for final approval;

10 October 2007 Approval under Delegated Authority for the construction of a 5.19m long x 5m wide x 3.7m high gable roofed double carport next to the east side of the single-storey house.

Town Planning Advisory Panel Comments

The Panel viewed the proposal on the 24 August 2010 and supported the proposed additions but queried the accuracy of the drawings with regard to the roof pitch.

The applicants have acknowledged this and have submitted revised plans date stamped 31 October 2010, which accurately reflects the roofline.

STATISTICS

File P/STA50
Zoning R12.5
Lot Area 636m²
Heritage Listing Not Listed

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	0.3m	Acceptable
Open Space	55%	65.62%	Acceptable
Overshadowing	>25%	Nil	Acceptable

Height:	Required	Proposed	Status
Wall	3.0	3.6	Variation required
Ridge	6.0	6.6	Variation required
Roof type	Pitched and tiled		

Privacy/Overlooking	No overlooking will occur
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Setbacks:								
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status	
Rear (East)	Ground	Family*	3.6	5.87	Yes	6.0	6.962	Acceptable
Side (North)	Ground	Dining/Family*	3.6	8.03	No	1.0	1.551	Acceptable
Side (South)	Ground	Ensuite	2.4	4.5	No	1.0	1.0	Acceptable

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling located at No 50 Staton Road, East Fremantle.

The application includes the extension of the residence southwards to create an ensuite bathroom, the reinstatement of the existing northern verandah by removing existing stud work and windows and at the eastern end of the verandah extending the residence to create a new kitchen and dining room.

Considerations

The proposed alterations and additions meet have been assessed against the requirements of TPS3, the R-Codes and Council's Local Planning Policies and the following discretions to the statutory requirements are requested and will be assessed below:

Requirement	Proposed	Planning Officer Comments
<u>Building Height</u> Category A (Single storey development): Top of external wall: 3m Top of pitched roof: 6m	(External Wall): 3.6m Top of pitched roof 6.7m	<p>Supported – The proposed wall heights are based on the continuation of the existing wall heights of the original residence. No increase to the existing wall heights is proposed. This also applies to the height of the pitched roof.</p> <p>The retention of the existing wall height and utilisation of this in the proposed additions is not considered to be significant. The wall heights are not considered to have an undue impact on the adjoining property or on the streetscape because of the existing heights and because of the additions being at the rear and at the side of the dwelling. In addition the building and proposed additions are well setback and wall lengths are not excessive.</p> <p>Further the proposed wall heights meet the performance criteria of the R-Codes and will not restrict access of the subject or adjoining dwellings to sufficient daylight and ventilation because of the east west orientation of the lot.</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 a height variation is being pursued it is considered to be minor in nature.

RECOMMENDATION

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

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- variation to the external wall heights being 3.6 metres in lieu of the required 3.0 metre requirement of the R-Codes 2008; and
- variation to the pitched roof height being 6.6 metres in lieu of the 6.0 metres required under the R-Codes 2008;

for the construction of alterations and additions at No. 50 (Lot 305) Staton Road, East Fremantle in accordance with the plans date stamp received on 31 August 2010 subject to the following conditions:

1. The materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
2. the works 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. all stormwater 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. 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.
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. 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).*

RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

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

- **variation to the external wall heights being 3.6 metres in lieu of the required 3.0 metre requirement of the R-Codes 2008; and**
- **variation to the pitched roof height being 6.6 metres in lieu of the 6.0 metres required under the R-Codes 2008;**

for the construction of alterations and additions at No. 50 (Lot 305) Staton Road, East Fremantle in accordance with the plans date stamp received on 31 August 2010 subject to the following conditions:

1. **The materials and finishes are to be of a high standard and to match the existing residence to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
2. **the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**

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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. all stormwater 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. 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.
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. 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

T195.13 Hubble Street No. 10 (Lot 211)

Applicant: John Chisholm Design

Owner: Deborah House

Application No. P153/2010

By Gemma Basley, Acting Town Planner on 7 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval additions and alterations to the existing residence at 10 Hubble Street, East Fremantle is the subject of this report.

The existing house at 10 Hubble Street is included in Council's Municipal Inventory and included in the 'C-^' Management Category. The application proposes to retain the existing dwelling with the exception of timber pergola at the rear of the house, the timber and iron sheds on the southern boundary of the site and the carport on the northern side of the residence. The application specifically proposes to add a living room, kitchen, laundry and deck area to the rear of the dwelling. Despite these rooms being added the overall footprint of the dwelling is proposed to be reduced by 2.54m².

10 Hubble Street is a narrow lot with an east west orientation and consideration must be given to the potential for overshadowing of the adjoining lot.

The application does not propose any alterations to the front façade or the side facades of the original dwelling. The only change to the streetscape will arise from the demolition of the carport on the northern side of the residence which is considered to be an improvement to the amenity of the residence.

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Description of Site

The subject site is:

- a 506m² block
- zoned Residential R20
- developed with a single storey heritage dwelling on-site
- located in the Plympton Precinct
- included in the Municipal Inventory (C-^ Management Category)

Statutory Considerations

Town Planning Scheme No. 3
Local Planning Strategy - Plympton 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 streetscape will be altered only by the demolition of the existing carport structure

Documentation

Plans and relevant forms date stamp received on 1 September 2010

Date Application Received

1 September 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

18 November 2005 Council under delegated authority granted approval to a belowground swimming pool.

Advertising

The subject application was advertised to adjoining landowners for a 2 week period between the 13 and 28 September 2010. No comments were received during this advertising period.

CONSULTATION

Town Planning Advisory Panel Comments

The Panel viewed the revised plans at its meeting of 28 September 2010 The Panel advised that the proposal was considered to be modest and was supported by the Panel.

STATISTICS

File	P/HUB10
Zoning	R20
Lot Area	506m ²
Heritage Listing	C-^ Management Category

Site:	Required	Proposed	Status
Open Space	50%	63.5%	Acceptable
Overshadowing	>25%	>25%	Acceptable

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Height:	Required	Proposed	Status
Wall	3.0m	2.63m	Acceptable
Ridge	6.0m	4.7m	Acceptable
Roof type	Pitched @ 25° as existing		

Setbacks:		Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Wall Orientation	Wall Type						
Front (west)							
	Ground Existing house*	2.63	8.4	n/a	6.0	2.6	Discretion
Rear (east)							
	Ground Laundry	2.6	3.8	No	1.0	16.5	Acceptable
Side (north)							
	Ground Living/Deck*	2.6	9.8	Yes	1.5	3.8	Acceptable
Side (south)							
	Ground Laundry	2.6	3.23	No	1.0	Nil	Discretion
	Kitchen	2.63	5.3	Yes	1.5	1.0	Discretion

NB: (* denotes habitable room)

Privacy/Overlooking: No overlooking from subject property will occur

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling located at 10 Hubble Street, East Fremantle. The application proposes to remove the carport, timber pergola and timber and tin sheds surrounding the original residence. The applicant further proposes to extend the residence by adding a new living room, kitchen, laundry and timber decking area.

Requirements	Proposed	Planning Comment
<u>Front Setback</u> R20 – 4 metres	2.2 metres	Supported – No change is proposed to the setback. Hubble Street is characterised by smaller street setbacks and the retention of the current setback is considered appropriate.
<u>Southern Boundary Setbacks</u> 1.5 metres	1.0 metres	Supported – The kitchen window is required to be setback 1.5 metres because it has a major window opening. The window however is a mid wall window and lower than usual. This means that the window is lower than the boundary fence and as such no overlooking will occur and this reduced setback is acceptable and meets the performance criteria of the R-Codes.
<u>Buildings on Boundary</u> R20 walls not higher than 3 metres with an average of 2.7 metres up to 9 metres in length.	Existing boundary wall to be retained and an additional boundary wall be created with a length of 3.23 metres and a height of 2.65 metres.	Supported – There were no objections raised by the neighbour to the south regarding the proposed additional boundary walls. The proposed boundary wall is considerably short and low thereby minimising any impact on the neighbouring property.

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The design of the proposal has been supported by the Town Planning Advisory Panel.

The application is considered to have had due regard for the Town's requirements relating to the retention of heritage buildings and residential developments, as well as the requirements outlined within the Residential Design Codes 2008. The application does seek minor variations to the R-Codes all of which are considered to be justified and acceptable.

The application is considered to be suitable for determination and is recommended by the Acting Town Planner for approval.

RECOMMENDATION

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

- (a) variation to the front setback requirements to allow the retention of a 2.2 metre front setback in lieu of the 4 metres requirement of the R-Codes 2008;
- (b) variation to allow an additional boundary wall;
- (c) variation to the boundary setback requirements to allow a reduced setback of 1.0 metre for the kitchen in lieu of the 1.5 metres required under the R-Codes 2008;

for alterations and additions at No. 10 (Lot 211) Hubble Street, East Fremantle in accordance with the plans date stamp received on 1 September 2010 and 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 and to match the existing dwelling.
- 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 received planning approval, without those changes being specifically marked for Council's attention.
- 6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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:

- (a) variation to the front setback requirements to allow the retention of a 2.2 metre front setback in lieu of the 4 metres requirement of the R-Codes 2008;
- (b) variation to allow an additional boundary wall;

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- (c) variation to the boundary setback requirements to allow a reduced setback of 1.0 metre for the kitchen in lieu of the 1.5 metres required under the R-Codes 2008;
- for alterations and additions at No. 10 (Lot 211) Hubble Street, East Fremantle in accordance with the plans date stamp received on 1 September 2010 and 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 and to match the existing dwelling.
 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 received planning approval, without those changes being specifically marked for Council's attention.
 6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*

CARRIED

T195.14 Glyde Street No. 13 (Lot 24)
Applicant & Owner: Chris Samson & Gillian Denny
Application No. P137/2010
Clare Roszak, Acting Planning Officer on 5 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the existing single storey house located at No. 13 Glyde Street is the subject of this report. The application includes the construction of a studio, swimming pool and boundary/retaining walls.

Description of Site

The subject site is:

- a 508m² block
- zoned Residential R20
- developed with a dwelling on-site

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- located in the Plympton Precinct

Statutory Considerations

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

Relevant Council Policies

Local Planning Policy 066 : Roofing (LPP 066)
Local Planning Policy No. 142 : Residential Development (LPP 142)
Local Planning Policy No. 143 : Fencing (LPP 143)

Impact on Public Domain

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

Documentation

Plans and relevant forms date stamp received on 10 August 2010

Date Application Received

10 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

63 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 31 August and 15 September 2010. No comments were received during the consultation period.

STATISTICS

File P/GLY13
Zoning R20
Lot Area 508m²
Heritage Listing No

Site:	Required	Proposed	Status
Site Works	Maximum 0.5m	0.45m – 1.0m	Variation required
Open Space	50%	>50%	Acceptable
Overshadowing	>25%	>25%	Acceptable

Height:	Required	Proposed	Status
Wall	2.4	2.8m to 3.5m	Variation required
Ridge	4.2	2.8m – 3.5m	Acceptable
Roof type	Pitch		

Privacy/Overlooking	No overlooking will occur. The proposed boundary fence provides adequate screening.
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Setbacks:								
Wall Orientation	Wall Type	Wall height (m)	Wall length (m)	Major opening	Required Setback (m)	Proposed Setback	Compliance	
Rear (West)	Ground	Outbuilding (Studio)*	2.8m	4.0m	N/a	1.0m	Nil	Discretion
Side (North)	Ground	Pool	N/a	8.0m	N/a	1.0	5.2	Acceptable
Side (South)	Ground	Outbuilding (Studio)*	3.35 Av	6.0m	N/a	1.0	Nil	Discretion

NB: (* denotes habitable room)

**REPORT
Comment**

Approval is sought for alterations and additions to the existing dwelling, located at No 13 Glyde Street, East Fremantle. The application proposes a new below-ground pool located in the north-west corner of the subject site. The proposed pool is approximately 8.0 metres in length and 4.2 metres in width, with a nil setback to the rear and northern side boundary. The Town's building surveyor conducted a preliminary assessment of the proposed pool and noted there would be no building implications as a result of the setback variation, providing the retaining wall is capable of carrying the surcharge load of the pool. A footnote specifying the details for this requirement has been attached.

In addition to the above a studio located in the adjacent south-west corner of the site is also proposed within the application, the proposed studio has a nil setback to the southern and western boundary. Despite seeking a variation to the building setback requirements and the building on boundary requirements of the Residential Design Codes 2008, neither neighbour objected to the variations during the community consultation process.

Retaining walls to a maximum height of 1.0 metres have also been proposed along the southern and western boundaries, with a solid dividing boundary wall to the height of 1.8 metres proposed on top of the retaining walls. The proposed boundary wall height is not considered to have an adverse effect on the adjoining neighbour taking the slope of the land into consideration. A site visit revealed that the adjoining property at No. 15 Glyde Street lies higher than subject property as such, the majority of the impact of the proposed walls falls within the applicants area.

Considerations

The application has been assessed against the requirements of the R-Codes and LPP 142 above wherein it has been identified that the proposed building setbacks of the new studio do not comply with the Table 2A, the Building on boundary requirements relating to a R20 zoned dwelling, the maximum permitted fill requirements and the maximum wall height requirement relating to outbuildings of the R-Codes 2008. This will be assessed in the table below:

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

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Requirement	Proposed	Planning Officer Comments
West (Studio) 1.0 metres	Nil	the community consultation period relating to the setback of the proposal. The height and length of the wall is small and meets the performance criteria of the R-Codes. Supported – As above.
<u>Retaining Walls:</u> Not to exceed 0.5 metres in height.	Maximum retaining walls as 1.0 metre in height	Supported – There is only a small portion of the retaining wall that seeks a variation. It is considered as more appropriate to have this higher retaining 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 Walter streetscape, as such satisfying the performance criteria for requirement 6.6.1 of the R-Codes 2008.
<u>Buildings on Boundary:</u> R20 - walls not higher than 3 m with an average height of 2.7 m up to 9 m in length up to one side of the boundary only.	Two boundary walls proposed West (Rear boundary) Max height: 3.5 m Ave height: 3.2 m Length: 4.0 m South (Side boundary) Max height: 3.5 m Ave height: 3.2 m Length: 6.0 m	Supported – Taking the narrow nature of the lot into consideration, the proposed parapet walls are considered to make effective use of space and enhance the amenity of the development. The proposed location of the two structures further enables the provision of an adequate outdoor living area. The proposed parapets are not considered to have any significant adverse effects on the amenity and privacy of the adjoining properties as the location of the walls will not block sunlight, ventilation or cause adverse overshadowing. Supported – As above.
<u>Outbuildings</u> Do not exceed a wall height of 2.4 metres	Wall height: 2.8m – 3.5m	Supported – The proposed wall height variation is minor and is not considered to have an undue impact on the adjoining property owners, or on the Glyde Street streetscape given the proposed studio is located to the rear corner of the lot and concealed from the street by the existing residence. As such the proposal satisfies the performance criteria of the R-Codes by not detracting from the streetscape or the visual amenity of the neighbouring residents.

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.

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RECOMMENDATION

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

- variation to the building setback on the southern and western elevations 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 retained levels on the southern and western elevations being a maximum of 1.0 metre in lieu of the required 0.5 metre;
- variation the maximum permitted height, the average height requirement and the permitted number of boundary walls of the building on boundary requirement relating to properties zoned R20 as per the Residential Design Codes 2008;
- variation to the building height being 2.8 metres in lieu of the required 2.4 metres as per the building height requirements for an outbuilding (studio) of the Residential Design Codes 2008;

for the construction of alterations and additions at No. 13 (Lot 24) Glyde Street, East Fremantle in accordance with the plans date stamp received on 10 August 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 received planning approval, without those changes being specifically marked for Council's attention.
6. The proposed studio is to be used as an incidental component of the approved predominant activity only and shall not be let or sold as a separate tenancy.
7. The proposed studio shall not be used for any form of habitable or residential purposes.
8. 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.
9. 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.
10. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
11. This planning approval to remain valid for a period of 24 months from date of this approval.
12. Protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
13. Pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
14. Swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and

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- approved by Council's Building Surveyor.
15. Prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 16. Pool contractor/builder is required to notify Council's Building Surveyor *immediately upon completion of all works* including fencing.

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 Collinson – Cr de Jong

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

- **variation to the building setback on the southern and western elevations 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 retained levels on the southern and western elevations being a maximum of 1.0 metre in lieu of the required 0.5 metre;**
- **variation the maximum permitted height, the average height requirement and the permitted number of boundary walls of the building on boundary requirement relating to properties zoned R20 as per the Residential Design Codes 2008;**
- **variation to the building height being 2.8 metres in lieu of the required 2.4 metres as per the building height requirements for an outbuilding (studio) of the Residential Design Codes 2008;**

for the construction of alterations and additions at No. 13 (Lot 24) Glyde Street, East Fremantle in accordance with the plans date stamp received on 10 August 2010 subject to the following conditions:

1. **The proposed studio is to be used as an incidental component of the approved predominant activity only and shall not be let or sold as a separate tenancy.**
2. **The proposed studio shall not be used for any form of habitable or residential purposes.**
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. **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**

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- 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. 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.
 9. 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.
 10. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
 11. This planning approval to remain valid for a period of 24 months from date of this approval.
 12. Protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 13. Pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 14. Swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 15. Prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 16. Pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.

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.*

CARRIED

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T195.15 Oakover No. 41 (Lot 286)
Applicant: John Chisholm Design
Owner: Edwin Fletcher & Narelle Guest
Application No. P162/2008

By Gemma Basley Acting Town Planner Acting Town Planner on 7 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for additions and alterations to the existing residence at 41 Oakover Street, East Fremantle is the subject of this report.

The site has been the subject of an earlier planning approval for more extensive renovations and a second storey addition. The applicant advises that the owners circumstances have changed since receiving the earlier approval and as a result revised plans have been submitted which propose the following changes to the previously approved plans:

- removal of the proposed first floor family room and balcony;
- removal of the proposed dormer windows to the roof;
- reduction in the height of the garage southern parapet wall;
- a slightly larger proposed kitchen; and
- inclusion of an ensuite to a front bedroom to facilitate in-house caring for a relative.

The existing house at 41 Oakover Street is included in Council's Municipal Inventory and included in the 'B-' Management Category. The application proposes to retain the existing dwelling with the exception of some internal and external walls. The application specifically proposes to extend the residence to the southern boundary and create a parapet wall on this boundary for a double garage and in doing so also enlarge the kitchen.

The application has been substantially down sized since Council originally granted Planning Approval.

The application does not propose any alterations to the front façade with the exception of additions to the side of the residence and these are not considered to be significant.

Description of Site

The subject site is:

- a 1012m² block
- zoned Residential R12.5
- developed with a single storey heritage dwelling on-site
- included in the Municipal Inventory (B- Management Category)

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy – Woodside Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy No. 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 streetscape will be altered by the proposed additions

Documentation

Plans and relevant forms date stamp received on 13 January and 9 September 2010

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Date Application Received

17 September 2010

No. of Days Elapsed between Lodgement & Meeting Date

25 days

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

21 October 2008 Council granted approval for additions and alterations to the existing residence including a cellar and a two storey addition.

Advertising

The subject application was not formally advertised to neighbours but the neighbours have been made aware of the application and invited to view the plans at the Town offices. A letter of no objection has been received from the owners of 41 Oakover Street, which adjoins to the north.

CONSULTATION

Town Planning Advisory Panel Comments

The application was considered by the Town Planning Advisory Panel at its meeting held on 28 September 2010 and the following comments were made:

- Selection of the garage door critical to design of house and schedule of materials and finishes to be submitted.
- Appropriate additions.

STATISTICS

File P/OAK41
Zoning R12.5
Lot Area 1012m²
Heritage Listing B- Management Category

Site:	Required	Proposed	Status
Open Space	50%	66%	Acceptable
Overshadowing	>25%	>25%	Acceptable

Height:	Required	Proposed	Status
Wall	3.0m	3.3m	Discretion
Ridge	6.0m	6.5m	Discretion
Roof type	Pitched @25° as existing		

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Front (east)							
Ground	Existing house*	3.3	14	n/a	6.0	6+	Acceptable
Rear (west)							
Ground	Verandah	n/a	8	Yes	6.0	21	Acceptable

Setbacks:							
Wall Orientation	Wall Type	Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Side (north)							
Ground	Living Room Extension*	3.3	9.9	Yes	1.5	2.9	Acceptable
Side (south)							
Ground	Garage	2.7	8.9	No	1.0	Nil	Discretion

NB: (*denotes habitable room)

Privacy/Overlooking: No overlooking from subject property will occur.

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling located at 41 Oakover Street, East Fremantle. The application proposes to extend the house northwards and southwards and to construct a cellar underground. As has been demonstrated above the application is predominantly compliant with the exception of several items which require a variation and will be presented below:

Requirement	Proposed	Planning Comments
<u>Wall height</u> R-Codes 3 metres	3.3 metres	Supported – The proposed wall heights are based on the continuation of the existing wall heights of the original residence. No increase to the existing wall heights is proposed.
<u>Roof height</u> R-Codes 6 metres	6.6 metres	Supported – The additions have no overall impact on building height. The roof height already exists and the application does not propose to exceed this.
<u>Buildings on Boundary</u> R12.5 walls not higher than 3 metres with an average of 2.7 metres up to 9 metres in length where it adjoins another boundary wall.	Boundary wall 2.7 metres high 8.8 metres long and not abutting a similar boundary wall.	Supported – There were no objections raised by the neighbour regarding the proposed boundary walls and this is lower than the previous approval. The proposed boundary wall is considerably short and low thereby minimising any impact on the neighbouring property.

The design of the proposal has been supported by the Town Planning Advisory Panel.

The application is considered to have had due regard for the Town's requirements relating to the retention of heritage buildings and residential developments, as well as the requirements outlined within the Residential Design Codes 2008. The application does seek minor variations to the R-Codes all of which are considered to be justified and acceptable.

The application is considered to be suitable for determination and is recommended by the Acting Town Planner for approval.

RECOMMENDATION

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

- variation to allow a wall height of 3.3 metres in lieu of the 3.0 metres required under the R-Codes 2008;
- variation to allow the top of the pitched roof to a height of 6.6 metres in lieu of the 6.0 metres required under the R-Codes 2008; and
- variation to allow a boundary wall where it does not adjoin an existing boundary wall; for alterations and additions at No. 41 (Lot 286) Oakover Street, East Fremantle in accordance with the plans date stamp received on 17 September 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 the building licence.
 2. Materials (including those of the garage door) and finishes are to be of a high standard and to match the existing dwelling and a schedule of these to be submitted to the Chief Executive Officer for endorsement prior to the issue of the building

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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 received planning approval, without those changes being specifically marked for Council's attention;
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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 the affected property;*
- (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) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Correspondence referred from MB Ref. T193.2 was tabled.

RECOMMENDATION TO COUNCIL

Cr de Jong – Cr Martin

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

- **variation to allow a wall height of 3.3 metres in lieu of the 3.0 metres required under the R-Codes 2008;**
- **variation to allow the top of the pitched roof to a height of 6.6 metres in lieu of the 6.0 metres required under the R-Codes 2008; and**
- **variation to allow a boundary wall where it does not adjoin an existing boundary wall;**

for alterations and additions at No. 41 (Lot 286) Oakover Street, East Fremantle in accordance with the plans date stamp received on 17 September 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 the building licence.**
2. **Materials (including those of the garage door) and finishes are to be of a high standard and to match the existing dwelling and a schedule of these to be submitted to the Chief Executive Officer for endorsement prior to the issue of the 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**

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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. 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 the affected property;*
- (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) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- CARRIED**

Cr Collinson made the following impartiality declaration in the matter of 16 East Street: "As a consequence of the applicant, Mr Robert Fittock, being known to me due to us serving together on the South Metropolitan Zone Committee, 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".

T195.16 East Street No. 16 (Lot 42)

Applicant: Robert Fittock

Owner: PW Covich

Application No. P126/2010

By Gemma Basley, Acting Town Planner on 5 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for substantial renovations and second storey additions to the existing single storey house located at 16 East Street is the subject of this report. The existing house at 16 East Street is included in Council's Municipal Inventory and included in the 'B-' Management Category. The application proposes to retain the existing dwelling with the exception of the rear sections of the dwelling and the northern wall.

The application proposes both alterations and restoration works with respect to the existing heritage cottage, to demolish the rear skillion section of the building and extend the house toward the rear boundary. The application also proposes two basement stores underneath the dining room and the studio/outbuilding, respectively. The application proposes to create a second storey with a balcony over the back yard of the lot. The application also proposes to remove the north facing wall of the house and reconstruct this 500mm to the south. This is in order to provide for vehicle access down the side of the house and the development of a garage on the northern boundary.

The application also proposes to undertake significant internal and external renovations to the cottage.

Description of Site

The subject site is:

- a 509m² block
- zoned Residential R20

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- developed with a single storey heritage dwelling on-site
- located in the Plympton Precinct
- included in the Municipal Inventory (B- Management Category)

Statutory Considerations

Town Planning Scheme No. 3
Local Planning Strategy - Plympton 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 streetscape will be altered as a result of the proposed upper floor addition

Documentation

Revised plans and relevant forms date stamp received on 2 September 2010

Date Application Received

28 July 2010

No. of Days Elapsed between Lodgement & Meeting Date

40 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 a 2 week period from the 10 August to the 26 August 2010.

One submission was lodged by a neighbouring owner and raised concerns regarding potential overlooking and loss of privacy. A summary of the submission is tabled below with a comment from the Acting Town Planner.

Neighbour Submission	Acting Town Planner's Response
<p>Gabriel Brunetti of 14 East Street, East Fremantle has raised concerns relating to the ground level of 16 East Street being almost 1 metre above the ground level of 14 East Street, which will give rise to overlooking issues into the rear garden of 14 East Street.</p> <p>Another concern is the proposed new limestone retaining and boundary wall/dividing fence proposed to be built at 1800 high, which would equate to a 2.8 metre wall for the southern boundary of 14 East Street.</p> <p>The rear yard of 14 East Street is already overlooked by surrounding properties.</p>	<p>16 East Street is higher than 14 East Street however the maximum difference between the levels of each lot is 0.5 metres and this is approximately half way along the dividing boundary. The site levels generally only vary between 0.28 metres and 0.4 metres.</p> <p>The driveway is being retained along the northern boundary, which will set back the upper floor level by a minimum of 3 metres from the boundary.</p> <p>With regard to the boundary fence and retaining walls, these will be a maximum height of 550mm and 1800mm, respectively totalling a maximum height of 2.35 metres. It is acknowledged that this will be higher at 14 East Street but this is unavoidable. To lower the height of the fence would result in overlooking. The height of the fence will not result in any overshadowing to 14 East Street.</p>

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The applicant informed Council in a submission received on 30 September 2010 that discussions had taken place with the owners of 14 East Street to discuss the concerns.

The Acting Town Planner is satisfied that the concerns raised in these submissions have been responded to above and that the overlooking issues will be dealt with through the provision of screening.

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 revised plans at its meeting of 24 August 2010 and made the following comments, which are also responded to below:

TPAP Comment	Acting Town Planner's Response
Bulk and scale appears overbearing in relation to the existing residence.	<p>The applicant advises that the 2-storey extension to the rear has been designed to maintain a clear definition from the original heritage cottage. The applicant states he wishes to respect the heritage place by not building over the existing structure.</p> <p>The drawing shows a figure on the footpath in front of and in the centre of the front boundary of 16 East Street indicating a sightline of 1.6 metres to the ridge of the existing heritage place. From this point the extension will not be visible. Parts of the extension will be unavoidably visible from various locations at street level i.e. from the side or across the road.</p>
Query overshadowing of property to the south.	<p>Overshadowing of the lot to the south will increase as a result of the development and will result in a total of 40.15% of the adjoining lot being overshadowed. This is an increase in overshadowing by some 19%.</p> <p>This is considered to be unavoidable on a narrow lot (12.27 metre wide) that is directly south of a development site.</p> <p>The increase in overshadowing will not further impact upon any habitable rooms as they are already overshadowed by the existing residence. Some of the additional overshadowing will impact the existing roof of the store that extends along the northern boundary of the adjoining lot. The increased overshadowing will also occur over the existing roof of the residence. The overshadowing will impact a further area of the outdoor living area however, there is still an area of 100m² plus of outdoor living area that will not be impacted upon by this overshadowing.</p> <p>Although not ideal, the increase is considered to be acceptable in light of the adjoining block being narrow and already subject to overshadowing from the dividing fence. In addition, the existing house is being retained, which already results in some overshadowing.</p>
Impact on neighbours could be ameliorated with redesign of roof form.	<p>The roof has been simplified to ameliorate the impact on the neighbours with the lowering of the overall height of the ridges and the introduction of a small gable end on the western elevation. The western elevation now reflects the shape of the existing roof with a hip, gable and ridge. The applicant wishes to maintain a sympathetic approach to the original house with a gable and hipped roof form.</p>
Roof forms to rear addition too convoluted, a simplified or skillion roof form would be less visible from the street and distinguish between the heritage and proposed two-storey additions.	Refer above

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The applicant has submitted revised plans, which have made an effort to address the Panel's comments with the result being a reduced building height and a less complicated roof form, which is considered to detract from the bulkiness of the building.

Further to the Panel's consideration, the CEO suggested it would be appropriate for a heritage assessment to be obtained, which the applicant agreed to (together with the consequent deferral). This is attached and supports the application.

REPORT
Comment

Approval is sought for alterations to the existing dwelling located at 16 East Street, East Fremantle. The application proposes to undertake internal renovations as well as removing the northern wall of the existing house and moving reconstructing this inwards/southwards by 500mm to enable the driveway width to be extended. The application also proposes upper floor additions and basement additions as well as the construction of a studio in the rear yard.

The R-Codes (Explanatory Guidelines) acknowledge that site conditions can have a significant impact on climate sensitive design. The R-Codes gives an obvious example being "a narrow east-west oriented lot on the south side of a development site...is highly vulnerable to being overshadowed, even by a relatively low building setback from the common boundary." 18 East Street, which adjoins the application area to the south is exactly this, a narrow east-west lot on the south side of a development site and as such overshadowing is considered to be caused primarily as a result of the lot orientation. The additional overshadowing over and above that which already occurs, is considered to be minor and there are still useable areas of the back yard that will not be subject to overshadowing.

Requirements	Proposed	Planning Comment
<u>Front Setback</u> R20 – 4 metres	1.8 metres	Supported – No change is proposed to the setback. East Street is characterised by smaller street setbacks and the retention of the current setback is considered appropriate.
<u>Buildings on Boundary</u> R20 walls not higher than 3 metres with an average of 2.7 metres up to 9 metres in length.	Existing boundary wall to be reduced in length from 12 metres to 6.0 metres and replaced by: New boundary wall for kitchen 6.5 metres long. New boundary wall for studio 6.5 metres long. All walls have average height of 2.7 metres.	Supported – There were no objections raised by the neighbour to the south regarding the proposed boundary walls. The proposed boundary walls are softened by keeping the length of wall as short as possible. The existing boundary wall and that proposed for the kitchen do not exceed the length of the existing boundary wall and the retention of this length, in two separate sections is supported. The new boundary wall for the studio is proposed to abut a boundary wall on the adjoining lot and in accordance with the performance criteria of the R-Codes, this is acceptable.
<u>Open Space</u> R20 – 50% open space	46.26% open space	Not Supported It is considered that a 6%+ relaxation to the open space requirements is excessive and that a reduction to the overall building envelope or to the size of the studio would reduce the site cover, whilst also reducing some possible

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Requirements	Proposed	Planning Comment
		overshadowing to the south. In this regard a condition to require the site cover to comply with the R-Codes will be recommended.
<p><u>Solar Access for Adjoining Sites</u> On adjoining properties coded R25 and lower – 25% of the site area can be subject to overshadowing from the adjoining development.</p>	<p>The existing residence at 16 East Street already overshadows in the order of 110m² of No. 18 East Street, which equates to approximately 21% overshadowing.</p> <p>The proposed additions will increase the extent of overshadowing over 18 East Street to 40% or 204 m².</p>	<p>Supported The current overshadowing of 18 East Street is largely attributed to the narrowness of the site and it being an east west orientated lot on the south side of a residential lot.</p> <p>The additional overshadowing that will occur will predominantly affect the top of the roof of 18 East Street as well as a section of back yard that has an area of some 45 m². This will leave still leave a significant area of back yard that will not be affected by overshadowing.</p> <p>The increase in overshadowing will not further impact upon any habitable rooms as they are already overshadowed by the existing residence on 16 East Street.</p>
<p><u>Site Works</u> Not to exceed 0.5 metres of fill within 1 metre of a common boundary and 3 metres from the street boundary.</p>	<p>Fill to exceed 0.5 metres on the northern boundary to a maximum fill height of 0.6 metres</p>	<p>Supported Based on the half a metre difference between the levels of 14 and 16 East Street, this retaining is necessary and supported.</p> <p>In addition, the development will retain the visual impression of the natural level of the site as seen from the street thereby satisfying the performance criteria of the R-Codes.</p>

The design of the proposal has been predominantly supported by the Town Planning Advisory Panel with design modifications being suggested. The elements of the design recommended to be altered by the Panel have been responded to by the applicant with the submission of revised plans. The revised plans appear simpler with the amended roof form. It is also considered that the applicant's demonstration of the actual pedestrian view from the street to the proposed development, assists in demonstrating that the perceived bulk and scale will be less than the elevations indicate.

The submissions that were received have been assessed and it is determined that the difference in site levels is unavoidable because of the existing site levels and any reduction in the height of fencing would cause privacy concerns. All proposed openings from the upper floor have either been screened or have been designed with high light windows to meet the privacy requirements of the R-Codes and to address the neighbours overlooking concerns.

The application 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. The application does seek minor variations to the R-Codes some of which are considered acceptable. The variation relating to site cover/open space however is not supported because of the potential reduction in overshadowing that could result from reducing the building footprint and increasing the site cover.

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The application is considered to be suitable for determination and is recommended by the Acting Town Planner for approval.

RECOMMENDATION

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

- (a) variation to the overshadowing requirements of the R-Codes to allow more than 25% of the adjoining as a result of the proposed additions;
- (b) variation to allow 2 additional boundary walls than permitted under the R-Code;
- (c) variation to allow site works to exceed 0.5 metre and to a total of 0.6 metres as per the requirements of the R-Codes; and
- (d) variation to the front setback requirements to allow the retention of the 1.8 metre setback in lieu of the 4 metre setback required under the R-Codes.

for renovations and additions, including basements, a second storey, garage and studio at No. 16 (Lot 42) East Street, East Fremantle in accordance with the site survey plans date stamp received 28 July 2010 and floor plans and elevations date stamp received on 2 September 2010 subject to the following conditions:

1. Prior to the lodgement of a Building Licence revised plans are to be submitted that reduce the site cover in order that the open space requirements of the R-Codes can be met.
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. The proposed studio is to be used as an incidental component of the approved predominant activity only and shall not be let or sold as a separate tenancy.
5. The proposed studio shall not be used for any form of habitable or residential purposes.
6. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
7. 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.
8. 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.
9. 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.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *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.*

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RECOMMENDATION TO COUNCIL

Cr Martin – Cr de Jong

That the application for alterations/additions to the residence at No. 16 (Lot 42) East Street, East Fremantle be deferred pending the submission of revised plans showing a significant reduction in overshadowing and compliance with the open space requirements of the R-Codes. CARRIED

Cr Wilson made the following impartiality declaration in the matter of 17 Bedford Street: "As a consequence of the applicant, Ms Linda Horko, being known to me due to our children having attended the same primary school, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

T195.17 Bedford Street No. 17 (Lot 631)

Applicant & Owner: Michael & Linda Horko

Application No. P145/2010

By Gemma Basley, Acting Town Planner on 8 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for alterations and additions to the existing single house located at No. 17 Windsor Road to construct an ensuite bathroom within the existing return verandah is the subject of this report.

The application is being referred to Council for consideration of alterations to a heritage residence and for consideration of potential impact on the Bedford Street streetscape.

Description of Site

The subject site is:

- a 331m² block
- zoned Residential R20/40
- developed with a dwelling on-site
- with an MI 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 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 enclosure of the return verandah to create an Ensuite will have an impact on the streetscape

Documentation

Plans and relevant forms date stamp received on 25 August 2010

Date Application Received

25 August 2010

No. of Days Elapsed between Lodgement & Meeting Date

48 Days

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

18 April 2002 The Council granted the Owner(s) of No. 17 Windsor Street Planning Approval for rear additions to the existing residence as well as a carport addition.

25 June 2009 The Council under delegated authority granted Planning Approval for the proposed alterations and additions to the existing residence, comprising of a gable roofed carport, bathroom renovations, and the conversion of a cellar to a studio.

Advertising

The subject application was advertised to adjoining landowners for a 2 week period between the 1 and the 16 September 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 September 2010. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Applicant Response
Discrete Proposal	Noted.
Re-use of the doorway supported on the basis of it being retained	The applicants are willing to consider any alternatives suggested by Council
Heritage Assessment Recommended	The applicants have engaged the services of Annabelle Wills of Carrick and Wills and a copy of the report is attached

In response to the Panel's comments the applicants engaged the services of a heritage specialist who has prepared a heritage report, which contains certain recommendation, which the applicants are willing to implement and will be discussed later in this report.

STATISTICS

File P/BED17
Zoning R20/40
Lot Area 331m²
Heritage Listing MI 'B+' Management Category'

Site:	Required	Proposed	Status					
Open Space	n/a	n/a	n/a					
Overshadowing	n/a	n/a	n/a					
Height:	Required	Proposed	Status					
Wall	3.0m	3.7m	Discretion					
Roof type	Pitched							
Setbacks:	Wall	Wall	Wall	Major	Required	Actual	Status	
	Orientation	Type	height	length	opening	Setback	Setback	
Front (east)	Ground	Ensuite	N/a	1.85	No	6.0	8.5	Acceptable
Side (north)	Ground	Ensuite	3.7	4.1	No	1.0	5.0	Acceptable

REPORT

Comment

Approval is sought for alterations and additions to the existing dwelling, located at No 17 Bedford Street, East Fremantle. The application involves the enclosure of portion of the return verandah to create an ensuite.

It is noted within the applicant's submission that the proposal is conscious of the heritage character of the dwelling, and as such has tried to minimize the impact of the addition. The applicant's have also provided two alternative plans for the front elevation in order to lessen the visual impact and better integrate it with the heritage character of the home. One option comprised of a lattice panel and the other proposed to re-use an existing leadlight door. The Heritage Impact Assessment indicates that the proposed addition/verandah infill should be lightweight in construction and ideally clad weatherboard. This recommendation has been included as a condition.

The Heritage Impact Statement prepared by Carrick and Wills indicates that the proposed addition will be visible from Bedford Street; however it is considered that the impact on the overall streetscape will be minimal and not negatively affect the cultural heritage significance of the street.

In light of the above, the proposed addition is considered to be minor in nature and although located towards the front of a heritage listed dwelling, lengths have been taken in order to minimise the visual impact of the addition and has been supported by the Carrick and Wills Heritage Impact Assessment.

Considerations

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

Requirement	Proposed	Planning Officer Comments
<u>Building Height</u> Category A (Single storey development): Top of external wall: 3m Top of pitched roof: 6m	(External Walls) up to 3.7m	<p>Supported – The proposed wall heights are based on the continuation of the existing wall heights of the original residence. No increase to the existing wall heights is proposed.</p> <p>The additions are included under the existing roof and as such have no overall impact on building height.</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 a variation to the building height to allow wall heights to exceed the 3.0 metres required under the R-Codes for the construction of alterations and additions at 17 Bedford Street, East Fremantle in accordance with the plans date stamp received on 25 August 2010 subject to the following conditions:

1. materials and finishes to be lightweight and ideally clad weatherboard and a schedule of materials and finishes to be submitted prior to the issue of a Building Licence for the Chief Executive Officer's endorsement.
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.

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3. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. 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.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

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

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr de Jong

That Council exercise its discretion in granting approval for a variation to the building height to allow wall heights to exceed the 3.0 metres required under the R-Codes for the construction of alterations and additions at No. 17 (Lot 631) Bedford Street, East Fremantle in accordance with the plans date stamp received on 25 August 2010 subject to the following conditions:

1. **Materials and finishes to be lightweight and ideally clad weatherboard and a schedule of materials and finishes to be submitted prior to the issue of a Building Licence for the Chief Executive Officer's endorsement.**
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. **With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
4. **The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
5. **All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
6. **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).* CARRIED

T195.18 *Marmion Street No. 148 (Lot 3713)*

Applicant & Owner: Paul Bailey

Application No. P99/2010

By Gemma Basley, Acting town Planner on 8 October 2010

BACKGROUND

Description of Proposal

An Application for Planning Approval for the construction of a new two storey dwelling located at 148 Marmion Street. The application includes the demolition of the existing residence, which is listed as a 'C' management Category in the Town's Draft Municipal Inventory.

The new proposal comprises of four bedrooms, two bathrooms, a study, home theatre, kitchen, dining and family room, an alfresco area and double garage.

The site is a corner lot and the proposal is for a residence that addresses both Marmion Street and Irwin Street.

Description of Site

The subject site is:

- a 508m² block
- zoned Residential R20
- developed with a dwelling on-site
- located in the Plympton Precinct
- included in Council's Municipal Inventory as a 'C Management Category'

Statutory Considerations

Town Planning Scheme No. 3

Local Planning Strategy - Plympton Precinct (LPS)

Residential Design Codes (RDC)

Relevant Council Policies

Local Planning Policy 066	:	Roofing (LPP 066)
Local Planning Policy 123	:	Footpaths and Crossovers (LPP 123)
Local Planning Policy No. 142	:	Residential Development (LPP 142)
Local Planning Policy No. 145	:	Neighbourhood Consultation (LPP 145)

Impact on Public Domain

Tree in verge	:	No impact
Light pole	:	No impact
Crossover	:	No impact
Footpath	:	No impact
Streetscape	:	The proposed 2-storey dwelling will have an impact upon the existing streetscape

Documentation

Plans and relevant forms date stamp received on 10 June 2010

Date Application Received

10 June 2010

No. of Days Elapsed between Lodgement & Meeting Date

124 days - however, application has been deferred for the last month

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

Nil

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Advertising

The subject application was advertised to adjoining landowners for the standard 2 week period from 6 July 2010 to 21 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 27 July 2010. The Panel's advice is set out and responded to below:

Advisory Panel Comments	Planning Response
Existing residence should be retained.	<p>A Heritage Assessment has been undertaken by Mr Ronald Bodycoat (included in the Directory of Heritage Consultants of the Heritage Council of WA) which supports demolition. A copy of this Heritage Assessment is included in the Appendices of this report.</p> <p>An additional Heritage Assessment has also been prepared by Carrick and Wills, which is attached to this report and it too supports the demolition of the residence albeit subject to a recommendation that archival documentation with respect to the residence be required of the applicant's.</p> <p>The assessments detail that whilst the house is in sound condition it is stylistically different to the character of the area. .</p> <p>The assessment concludes that the house is low in heritage value and not an element of a consistent contemporary street development.</p>
Panel does not support demolition of existing residences listed on the Municipal Inventory.	<p>The existing residence is included in the C Management Category of the MI, which identifies that these properties have some heritage significance at the local level and that ideally they should be conserved and that full documented recording should be required for houses to be demolished under this category.</p> <p>Being an arterial road, Marmion Street has a mix of different styles and eras of housing. The elevation of the proposed residence is no less in keeping or detrimental than many of the existing and in some cases new homes among the street.</p> <p>As recommended in the Carrick and Wills report, the applicants will be required to make an archival recording of the existing residence before demolition. This requirement has been included as a condition in the recommendation at the end of this report.</p>
Proposed design has little merit in contributing to the Town's existing streetscape.	The proposed design is simple and addresses both Marmion Street and Irwin Street. Based on the array of housing styles and housing quality along Marmion Street and Irwin Street, the proposed residence is seen to have no more or no less merit than the existing cottage.

STATISTICS

File P/MAR/148
Zoning R12.5 subject to Clause 5.3.3
Lot Area 508m²
Heritage Listing C Management Category

Site:	Required	Proposed	Status
Open Space	50%	53%	Acceptable
Overshadowing	>25%	>25%	Acceptable

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Height:	Required	Proposed	Status
Wall	6.0m	5.0	Acceptable
Ridge	9.0m	7.2	Acceptable
Roof type	Pitched @28.22°s		

Setbacks:		Wall height	Wall length	Major opening	Required Setback	Actual Setback	Status
Orientation	Wall Type						
Front(south)							
	Ground Verandah/house*	2.65	15.62	n/a	6.0	5.04-6.2	Discretion
Rear (north)							
	Ground Garage	2.65	8.7	No	1.0	Nil	Discretion
Side (west)							
	Ground Verandah*	2.6	8.5	Yes	1.5	3.0	Acceptable
Side (east)							
	Ground House	2.6	3.23	No	1.0	1.5	Acceptable

NB: (* denotes habitable room)

Privacy/Overlooking: No overlooking from subject property will occur

REPORT

Approval is sought for the demolition and construction of a new double-storey residential dwelling at No. 148 Marmion Street, East Fremantle.

The proposed new dwelling is compliant with most of the quantitative provisions of the R-Codes, TPS No. 3 and Council Policies with the exception of the proposed boundary wall for the garage and the front setback to Marmion Street.

Under the R12.5 coding, boundary walls are not permitted unless they abut a similar boundary wall. The original lot has however been subdivided and 148 Marmion Street is now a R20 sized lot. In accordance with Clause 5.3.3 (Existing Non-Complying Development), the application is being assessed against the R20 code requirements and as such, the proposed boundary wall is compliant and discretion is not required.

The house is proposed to be setback by between 5.04 metres and 6.2 metres. The proposed front setback however can be averaged in accordance with Figure 1a of the R-Codes 2008 and as long as any area that intrudes into the front setback area is compensated for by an equal or larger area that is setback beyond the front setback line, then this is acceptable. The front setback of 148 Marmion meets the requirements of Figure 1a of the R-Codes and is acceptable development.

Whilst the application has been demonstrated to be compliant in terms of the R-Codes and Local Planning Policies there is still the issue of the removal of the original dwelling and the replacement with a new dwelling. This issue has been addressed through the preparation of two heritage reports by Ronald Bodycoat and Carrick and Wills respectively. The Heritage reports conclude overall, the proposal demolition of 148 Marmion Street is considered acceptable provided that appropriate archival recording is carried out prior to demolition. The following key aspects have been considered in evaluating the proposal:

- The place has limited cultural heritage significance being constructed c 1938 and being a late example of a simple bungalow style house.

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- The place potentially contains asbestos.
- The place is not part of an intact streetscape and is located on a busy main road.
- The historical research undertaken for this report could form the basis of archival recording for the place and this information should be provided to the Town of East Fremantle and the Local History Collection at the City of Fremantle Library.

A condition is included in the recommendation below to address this.

The application is considered to be appropriate for determination and approval.

RECOMMENDATION

That Council exercise its discretion in granting approval for the construction of a 2-storey house at No.148 (Lot 3713) Marmion Street, East Fremantle in accordance with the plans date stamp received on 10 June 2010 subject to the following conditions:

1. An archival record to the satisfaction of the Chief Executive Officer in consultation with relevant officers is to be prepared of the original residence including photos inside and outside of the residence and this information to be provided to the Town of East Fremantle and the Local History Collection at the City of Fremantle Library.
2. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
5. The proposed alterations and additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicants' expense.
9. A separate application is required for the demolition.
10. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing*

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condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.

- (d) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) The alfresco may not be enclosed without the prior written consent of Council.*

RECOMMENDATION TO COUNCIL

Cr Collinson – Cr Martin

That the application for the construction of a 2-storey house at No.148 (Lot 3713) Marmion Street, East Fremantle be refused to allow the submission of revised plans showing the retention of the existing residence. CARRIED

Reasons for Not Supporting Officer's Recommendation

The Committee were of the view that the officer's recommendation could not be supported as there is no justification for demolition of the residence based on the comments of the Town Planning Advisory Panel and the definition of a property with a 'C' Management Category and Policy Framework description as contained in the Municipal Inventory. Further, the Heritage Impact Statement as prepared by Ronald Bodycoat states in part: "The fabric appears to be in sound condition and close to the original presentation,..." and that of Carrick & Wills states in part: "the place is in a sound condition".

T196. URGENT BUSINESS WITHOUT NOTICE BY PERMISSION OF THE MEETING

Nil.

T197. CLOSURE OF MEETING

There being no further business the meeting closed at 9.30pm.

*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 **12 October 2010**, Minute Book reference **T189. to T197.** were confirmed at the meeting of the Committee on*

.....

Presiding Member